PARLIAMENTARY DEBATES

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HOUSE OF COMMONS

OFFICIAL REPORT

FOURTH SESSION OF THE FIFTY-FIRST PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FORTY-FIFTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 1995–96

COMPRISING PERIOD
22 April—2 May 1996

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22 April 1996

THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FOURTH SESSION OF THE FIFTY-FIRST PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 27 APRIL 1992]

FORTY-FIFTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 276**

TENTH VOLUME OF SESSION 1995–96

House of Commons

Monday 22 April 1996

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

TRANSPORT

Air Quality

1. **Mr. William O'Brien:** To ask the Secretary of State for Transport what plans he has to improve the reports on air quality when public inquiries are held on major roadway developments; and if he will make a statement. [24716]

The Secretary of State for Transport (Sir George Young): Environmental statements for trunk road schemes, including air quality assessments, are prepared in accordance with current best practice, as set out in the design manual for roads and bridges. The manual is updated in the light of new developments in assessment methodology.

Mr. O'Brien: Is the Secretary of State aware that, at a public inquiry held last year on the realignment of the A1 and the junction of the M62 at Ferrybridge, questions were asked about the environmental assessment relating to vehicle pollution, and the inquiry was told that no such assessment had been made? The interchange is within 200 m of a junior and infants' school where the majority of children suffer from asthma; more than 200 were admitted to hospital in Wakefield last year. Does the Secretary of State agree that the Department should be more involved in obtaining assessments of air pollution when motorways are so near to schools, and will he ensure that such assessments are available at public inquiries for public scrutiny?

Sir George Young: As the hon. Gentleman will appreciate, it is difficult for me to comment on the scheme, as a public inquiry has been held. The inspector has submitted a report, which my right hon. Friend the Secretary of State for the Environment and I are now considering. I shall study it carefully before reaching a decision. I know that the hon. Gentleman gave evidence at the inquiry.

Let me reaffirm that, when we are examining trunk road schemes, it is important for air quality assessments to be prepared in accordance with best practice. In arriving at decisions, we take account of the factors mentioned by the hon. Gentleman.

Dr. Spink: Does my right hon. Friend agree that natural gas-powered vehicles are one alternative that could improve the control of pollution from vehicles, especially public service vehicles? Will he congratulate my right hon. and learned Friend the Chancellor on reducing the tax on that source of fuel, and will he encourage him to do the same this year?

Sir George Young: I am sure that my right hon. and learned Friend will be grateful for the plaudits heaped on him by my hon. Friend, and I know that he will take my hon. Friend's recommendations into account when he crafts his next Budget.

The Government are giving keen consideration to the development of new fuels and new vehicle technologies in order to reduce vehicle emissions and drive up standards of air quality. My Department continues to conduct trials of alternative fuels with local authorities and with industry.

Mr. Chidgey: Will the Secretary of State confirm that he is aware that recent medical research carried out by

hospitals in England shows a direct relationship between the volume of traffic on trunk roads, and their closeness to urban areas, and the incidence of admission to hospital of patients with respiratory illnesses? What plans has he to include a calculation of health disbenefits in the overall calculation of benefits and costs for major highway schemes?

Sir George Young: I think that improving air quality should be an objective in its own right, regardless of the specific economic factors to which the hon. Gentleman has referred. It is worth restating that air quality is improving, and that transport emissions are forecast to halve over the next decade as a result of improvements in vehicle emission standards and the enforcement measures that are already in place. My Department is playing an active role in improving the quality of the atmosphere and health standards, and I hope that the hon. Gentleman will support us in that objective.

Westward Rail Link (Heathrow)

2. **Mr. Simon Coombs:** To ask the Secretary of State for Transport what plans he has to secure provision of a westward rail link from Heathrow to the London–Swindon line. [24717]

The Minister for Railways and Roads (Mr. John Watts): A possible westward rail link from Heathrow airport to the Great Western main line is one of number of schemes being examined in the Government's London airports surface access study.

Mr. Coombs: Is my hon. Friend aware that there is a great deal of enthusiastic support for the concept of a westward link from Heathrow to the Great Western railway line on environmental grounds? It would make access to the airport from the west—from Wales, and from my constituency in Swindon—a great deal easier, and would encourage people not to travel on the M4, which, as my hon. Friend well knows, is already congested at peak times. Will he use his best endeavours to ensure that, if the access study team comes up with a proposal for such a link, the private sector is given every encouragement to bid for the project at the earliest possible stage?

Mr. Watts: It is encouraging to hear such good, common sense from Swindon. Those who visit Swindon to make speeches do not always utter such sensible ideas. Proposals for improving rail access from Heathrow to the London-Swindon line are among the studies for schemes by BAA and Railtrack. Railtrack-BAA train operating companies and the London borough of Hillingdon are also looking at proposals for a new station north of Heathrow—the so-called Heathrow gateway north station. Either of those projects could be taken forward by the private sector in the new private sector railway.

Mr. Mackinlay: Is it not foolish that, in advance of receiving the surface access study relating to Heathrow, the Government are embarking on widening the M25? They should pause and reflect, and abandon that crackpot scheme until the whole question of surface access to Heathrow can be looked at and the issue of Terminal 5 determined. It is wrong to go ahead with the widening without a public inquiry into air quality and other matters at the same time as contemplating a rail link—

Madam Speaker: Order. I gave the hon. Gentleman a chance, but he has gone wide of the mark.

Mr. Watts: Over a year ago, my right hon. Friend the Member for Peterborough (Dr. Mawhinney) announced our proposed approach to the M25 and access to Heathrow and said that we would be presenting a balanced transport package that would involve modest widening, and an enhancement, of the M25's capacity, and studies into improving surface access by rail. Both elements of the policy are being taken forward expeditiously.

Newbury Bypass

3. **Mr. Rendel:** To ask the Secretary of State for Transport when he expects to announce which contractor has won the main contract to build the Newbury bypass. [24718]

Mr. Watts: Tenders are still being assessed for the works. The contract will be awarded as soon as possible.

Mr. Rendel: Following the appalling amount of misinformation that has been put about by some of the protesters about the Newbury bypass, and the suggestions that there may be alternative methods of improving Newbury's environment, will the Minister make sure that the contractor who is finally given the contract is aware of the importance of publicity and makes sure that everybody in the country recognises that the bypass is the best—indeed, the only—way to improve Newbury's environment?

Mr. Watts: I am not sure that I see that as part of the role of the selected contractor, but it is certainly important that the voice of the majority of people in and around Newbury is heard and that the views of unrepresentative minorities are not given undue weight. The environment is not just about furry animals and plants: it is about the conditions in which people in urban areas live. There is no doubt that the bypass would bring about a substantial improvement in the environment for the people of the town of Newbury.

Buses (London)

4. **Mr. Corbyn:** To ask the Secretary of State for Transport what estimate he has made of bus speeds and usage in London; and if he will make a statement. [24719]

Sir George Young: London Transport estimates that, in 1995-96, the average speed of buses in central London was about 8 mph in peak periods and 9 mph in the daytime off-peak. Almost 1.2 billion passenger journeys were made on London Transport bus services last year.

Mr. Corbyn: Is the Minister not ashamed to announce that bus speeds in London are hardly any more than they have been over the past 50 years? Indeed, they are getting slower. Is it not time to put some money into bus priority measures throughout London, including high-technology schemes that allow traffic lights to be changed in favour of

approaching buses? Above all, is it not nonsense for London's 32 boroughs to compete with each other in planning London's transport needs when, rather than the existing chaos, the city needs what it once had—an overall transport authority, accountable to the people of London, that puts money, resources and imagination into public transport?

Sir George Young: We have an elected transport authority for London and he is sitting beside me. As for resources, I agree and, this year, we are putting more financial support into the London bus priority network. Support and supplementary credit approvals total £9 million—a higher level than last year. I would like buses to run faster. London Transport predicts that, on completion of the London bus priority network, bus speeds should increase by 15 per cent.

Sir Sydney Chapman: Will my right hon. Friend confirm that, with the introduction of the red route system, bus speeds and timings have improved, and that accidents have been reduced? If all that is the case, will he push ahead with the undoubted success of the red route scheme?

Sir George Young: Like my hon. Friend, I am a London Member of Parliament. In my post this morning, I received, from the Association of London Government, a publication on red routes, and I was pleased to read in paragraph 3.4 that survey results showed that illegal parking was drastically reduced, that traffic delays were reduced, with journey times down by an average of 10 per cent., that variability of journeys fell by one third and that casualties—to pick up my hon. Friend's point—fell by 17 per cent. The results also showed that average traffic speed had increased, so the scheme is already yielding benefits, and we are determined to ensure that those benefits are further extended throughout London.

Mr. Allen: Will the Secretary of State pass on best wishes to his colleague the Minister for Transport in London for the work of the bus working group, which he has set up to consider this problem and others in relation to the bus industry's deregulation? Does the Secretary of State accept that there is a growing consensus, with the Select Committee on Transport and the Chartered Institute of Transport, that the Government should consider bus reregulation to take away the worst effects of bus deregulation? Will he therefore press on his hon. Friend the case for finding parliamentary time to introduce some sensible proposals that will be supported by Labour Members? If he does not do that, will he be assured that we shall find time to do so when we take over on the Government Benches?

Sir George Young: Those are idle promises. On the first part of the hon. Gentleman's suggestion, there is no move towards a reregulated system. The Select Committee did not suggest that the bus system be reregulated, but, within the context of a deregulated system, my hon. Friend the Minister is seeing what extra measures can be taken further to drive up the standards that bus passengers enjoy.

There is always pressure on the House for legislative time, but, if there are sensible proposals for building on the progress that we have already made in improving life for people who use buses, we shall certainly consider introducing legislation.

Mr. Harry Greenway: Does my right hon. Friend agree that, since deregulation, London buses get into all the corners and parts of London, which they never hitherto did, and give a much better service? What does he think an elected or nominated mayor of London could achieve that has not been achieved?

Sir George Young: My hon. Friend is right. There is no role for an elected authority in London between the London boroughs and the Department of Transport where, as I have already mentioned, we have a Minister for Transport in London who is making good progress in improving the quality of transport in London. My hon. Friend will know that the countdown system is being piloted along the Uxbridge road in Ealing and that we are in the process of evaluating that to find out whether there is a case for extending it throughout London.

Crossrail

5. **Mr. Gapes:** To ask the Secretary of State for Transport if he will make a statement on the future of crossrail. [24720]

The Minister for Transport in London (Mr. Steve Norris): As my right hon. Friend has told the House, crossrail has its place in the sequence of major London projects. The Government are committed to it going ahead as a joint venture with a substantial private sector contribution.

Mr. Gapes: Many people and many organisations in London, including London Pride Partnership, the Corporation of London and the Association of London Government, were bitterly disappointed by the Government's announcement a few weeks ago. As Londoners, we feel that crossrail has been delayed unnecessarily and we hope that the Minister will give an assurance that the Government remain firmly committed to crossrail's implementation at an early date, as it is necessary for our city's economic vitality and for journeys across the city, because it links our main railway stations. May we have that assurance?

Mr. Norris: If Londoners are disappointed, it is probably largely because they have relied on the disinformation about the status of crossrail which has been spread by the Opposition. The reality is that, in London, we are proceeding with the Jubilee line extension which is due to open on 28 March 1998—book your tickets now—and we have already announced that the £650 million Thameslink 2000 scheme will follow thereafter, to be followed by the channel tunnel rail link, which is a scheme of around £2.7 billion. We have made it clear that, from a financial and logistics standpoint, it is right that crossrail should follow those projects. That is prudent and sensible government, something that Londoners understand when they are exposed to it but something that I do not expect Opposition Members to begin to understand.

Mr. Brooke: While I accept the logic of the Government's position, does my hon. Friend agree that the Government have prolonged the already considerable blight along the line of rail? Have the Government ventured any consideration of the French method of compensation in such matters which seems, for a disproportionately low investment, greatly to accelerate the conduct of affairs?

Mr. Norris: My right hon. Friend is right in the sense that one regrets any blight on properties necessarily involved in a scheme of such magnitude continuing for one day longer than necessary, especially when the status of the proposals is as it is. I hope that he will accept that I must resist his blandishment to discuss the relative merits of French compensation systems. Certainly, we are keen to ensure that people whose properties are affected by crossrail understand that the Government remain committed to the scheme and will see it happen, but we shall see it happen according to an orderly and sensible timetable that takes account of affordability and of the impact on the streets of London itself.

Ms Short: Is the Minister aware that crossrail provides the equivalent of 28 lanes of road across London, that it is an enormously valuable project, and that recent reports show that perhaps half its funding could be provided by the private sector? Will he now admit what he has not told the House—that the scheme has been delayed deliberately because, if it went ahead and licences were sought, it might endanger the flotation of Railtrack? Does he agree that the enormous damage being done to London, yet again, is part of the destructive consequences of rail privatisation?

Mr. Norris: I suspect that the difference between us is that I do not work with that kind of conspiracy theory constantly in my mind. To any objective observer, it is the most absurd notion one can imagine in relation to the flotation of Railtrack. Crossrail is, of course, a large and important scheme, and we remain committed to it. When planning such investments in public transport infrastructure, the key criterion has to be affordability. As I said, I do not expect the Opposition to understand that, but it is how tough and real decisions are made. It is, and has always been, the case that Railtrack will look at crossrail as a private sector entity to take account of the risks and rewards attendant on it, and will respond accordingly. That is entirely right. In addition, it ensures that the financing of crossrail is properly transparent and offers the best possible deal to taxpayers.

Ms Short: Not true.

Mr. Norris: I shall ignore what the hon. Lady said from a sedentary position, as that might not be parliamentary, but what I said is patently the case.

Madam Speaker: It could not have been unparliamentary, or I would have stopped the hon. Lady.

Fatal Accidents (Roads)

6. **Mr. Jacques Arnold:** To ask the Secretary of State for Transport what are the latest figures for fatal accidents on roads in England and Wales. [24721]

The Minister for Transport in London (Mr. Steve Norris): The provisional figures for 1995 are among the lowest since records began. They show that 3,319 fatal accidents caused 3,665 deaths in Great Britain as a whole.

Mr. Arnold: Nevertheless, my hon. Friend will know that a number of those fatal accidents recently occurred on the stretch of the A2 opposite Gravesend. I thank him for commissioning, in response to my representations, a study of safety on that stretch of road to be carried out by Kent county council, our local highway authority. When can we expect a report?

Mr. Norris: As my hon. Friend says, he advised me of his particular interest in the A2 scheme in Kent. The Highways Agency is discussing the scope of that study with Kent county council, which is our agent. Although the scheme is dependent on funding, we still expect it to go ahead this financial year.

Mr. Miller: Will the Minister join me in congratulating the Law Commission on its recent report on involuntary manslaughter in so far as it affects death on the road? When can we expect some primary legislation to bring about the important changes that are needed to deal with that difficult area of law?

Mr. Norris: No, I will not join him in that because I do not think that it would be reasonable to do so before we have a chance to study the report. We acknowledge the hon. Gentleman's genuine interest in the matter. We also accept that penalties across the whole range of traffic offences have their place in discouraging inappropriate behaviour. As the hon. Gentleman will know, we have to bear in mind that if unduly severe penalties are related to specific traffic infringements, one of the dangers is that the courts will not press those charges for fear that there might be acquittal. We welcome the report, we shall certainly look at it and we shall come forward with our findings on it in due course.

Freight

7. **Mr. Hendry:** To ask the Secretary of State for Transport what assistance his Department has given to encourage freight off the roads and on to the railways. [24722]

Sir George Young: By giving rail freight operators the commercial freedom and incentive to win traffic from road, we are ensuring a bright future for that important industry. We have made good progress with the sale of British Rail's freight businesses. We continue to provide targeted support for the industry through track access grants and freight facilities grant.

Mr. Hendry: I am grateful to my right hon. Friend for that reply. Does he recall his recent visit to my constituency, when he opened the new Government-funded railhead at Buxton Lime Industries, which is the largest quarry in Europe? Does he agree that such a combination of privatisation with Government grants and incentives will make it possible for freight to be transferred off the roads and on to railways? Will he assure my constituents that, wherever possible, it will be

the Government's objective to achieve precisely that, and to stop huge lorries rumbling through small villages that were never intended for such traffic?

Sir George Young: I recall with affection my recent visit to my hon. Friend's constituency. He was good enough to arrange for me to be transported by a steam train and to be greeted by a brass band on my descent. I must say that that is not a reception that I receive in every constituency that I visit. The grant to which my hon. Friend referred is one of the largest ever awarded to a company. It ensures that the town of Buxton is spared 125 lorry movements a day for at least 10 years. Yes, it is indeed the Government's policy to continue to make grants available in suitable circumstances to win traffic off the road and to put it back on the railways.

Mrs. Dunwoody: If the Secretary of State would like to come to Crewe and Nantwich, I could arrange for at least two brass bands to give him a very suitable fanfare, making the right kind of noises. Perhaps he could then explain to my constituents why the Conservative party chairman, having told us all at great length how it was necessary to split the freight system to get competition into the rail system, apparently went to America and handed over vast numbers of assets to a particular American firm, which has insisted that it should have total control? Is that correct, and is it why the Secretary of State received a fanfare when he went to the constituency of the hon. Member for High Peak (Mr. Hendry)?

Sir George Young: I am interested in the auction that is developing to see who can provide the most brass bands with which to greet the Transport Secretary. On the suggestion concerning my right hon. Friend the Member for Peterborough (Dr. Mawhinney), the competition was open, it was comprehensive and I have absolute confidence in its propriety. On the gist of the hon. Lady's comments, Trainload Freight was indeed split into three. We then gave the market an opportunity to decide whether it wanted to bid for it in three parts or in its entirety. It was clear from that competition that the market would prefer to buy it in one go. If one takes the view that real competition comes from road rather than rail, there is much to be said for having one well-resourced, effective provider in the rail industry in order to compete effectively with the road industry.

Mr. Congdon: Although new investment in the railways is desirable to build additional freight lines, especially as that removes freight from the road on to the railway, does my right hon. Friend agree that it is important that any proposals do not do so at the expense of the destruction or blight of many houses, as is likely under the proposal by Central Railways?

Sir George Young: I know how strongly my hon. Friend and other hon. Members feel about the potential impact of the Central Railways Group proposals. He will have seen that I recently refused the application for waivers that was lodged with my Department. The ball is now in the court of the Central Railways Group, which will have to decide whether it will proceed with that proposal.

Ms Short: Does the Secretary of State agree that, given the projections of congestion, we must get more freight on to rail? We are down to just 6 per cent. now. Does he agree that the opening of the channel tunnel gives us a real opportunity to get more freight on to rail because it can travel much greater distances? Is it not, therefore, a tragedy that track access charges have been set so high, to give a high income stream to Railtrack, that we shall not get that expansion? Will the Secretary of State admit that the pathfinder prospectus makes it clear that the opportunities for an increase in freight on rail are limited and, therefore, that the Government have no expectations that we shall get the expansion that we need?

Sir George Young: I do not think that the hon. Lady does justice to the Government's progress in this matter. We have liberated access to the railways and as a result, two companies, National Power and Direct Rail Services, are now running their own rail freight services under the open access powers in the Railways Act 1993. Since 1979, we have awarded 146 grants with a total value of £100 million at today's prices, securing traffic to rail equivalent to more than 2.5 million lorry journeys per year. I am convinced that, with Wisconsin—an experienced operator, which will bring new ideas, new practices and new successes to rail freight—we shall make further progress in winning traffic back on to the railways and away from the roads.

Mr. John Marshall: Does my right hon. Friend agree that the fact that only 6 per cent. of freight goes by rail is a crushing indictment of British Rail? Does that not underline the case for privatisation rather than the status quo?

Sir George Young: My hon. Friend is absolutely right. Under the regime that we are introducing, there is, for the first time, a commercial incentive to win traffic back on to the railways. Wisconsin has that incentive, but that incentive did not, and could never, exist within the nationalised industry. That is why I am confident that the new regime will lead to a reversal of the decline to which my hon. Friend has drawn attention.

Railtrack

8. **Mr. Khabra:** To ask the Secretary of State for Transport if his Department will conduct an environmental assessment of Railtrack's recent decision to require staff to use cars rather than trains when travelling to certain business appointments; and if he will make a statement. [24723]

Mr. Watts: No.

Mr. Khabra: Railtrack's senior management are considering forcing their staff to switch from the railways to the roads, which will cause more pollution and more congestion on the roads. That is a savage indictment of the operation of Britain's railway system, which talks money while we choke. Britain's roads will become more congested and more polluted. How can Minister—or the Secretary of State, with his well-known commitment to the environment—justify that when rail privatisation is directly causing more pollution and will lead to an increase in traffic on the roads, which will be disastrous?

Mr. Watts: The hon. Gentleman should not believe his party's propaganda. There is no change in policy. Just as

with British Rail, Railtrack's predecessor, there are no specific instructions regarding any mode of travel in preference to another. Railtrack does not require travel by car, but, like any other sensible and well-managed business, it requires its staff to consider cost-effective methods of travel.

Speed Limits

9. **Mr. Robathan:** To ask the Secretary of State for Transport what assessment he has made of the advantages of a statutory 20 mph limit in urban residential areas. [24724]

The Minister for Transport in London (Mr. Steve Norris): Properly constructed 20 mph zones, with "self-enforcing" speed-reducing features such as road humps, have reduced casualties by 56 per cent., and child casualties by 74 per cent., on average.

Mr. Robathan: I welcome my hon. Friend's comments. He will already be aware that the introduction of a 20 mph speed limit is desirable in reducing danger, especially the danger to children playing in the streets. Is he also aware that a recent study has shown that both fuel consumption and vehicle emissions are also reduced by a lower speed limit? Will he therefore look towards replacing the 30 mph speed limit more generally in residential roads, with a standard 20 mph speed limit that might encourage us all to drive a little more slowly and safely?

Mr. Norris: I understand the logic behind my hon. Friend's point. There is all-party agreement that we have seen the value of 20 mph speed limit zones, about 250 of which are now in place, but, from experience, I am sure that the key to limiting speed is setting the limit at a sensible level that is appropriate to the surrounding conditions. For example, when it is patently obvious that a 20 mph speed limit could safely be exceeded, such a limit is likely to lead to more abuse of the system and less regard for the sensible levels at which speed limits are normally set. I hope that my hon. Friend will accept that I greatly welcome his support for the concept, but I believe that the way in which we are introducing a lower speed limit—in selected areas in which it will make a real difference—is right.

Mr. Flynn: Although the Government and all the others responsible deserve congratulation on the considerable reduction in the number of fatal accidents, especially those involving children, the Minister knows that a car, even if travelling at 20 mph, will fatally injure a child if it is fitted with a bull bar. After hearing representations from his own side, has he changed his mind about my Bull Bars (Prohibition) Bill? Will he now allow it to go through Parliament? Can he tell us when his favourite alternative to that Bill, the European ban, is likely to be enacted, and what percentage of bull bars it will remove?

Mr. Norris: I have seldom encountered an exercise more cynical than that mounted by the hon. Gentleman in support of his Bill, the contents of which, as I suspect he knew perfectly well, were already entirely covered by the Road Traffic Act 1988. I therefore welcome the opportunity to reiterate the fact that I entirely share his view on the principle that aggressive bull bars are not only unnecessary but should be banned. The hon. Gentleman will know that I reported to the House when I had received some proposed wording from the Commission for amending the external projections directive—and that I look forward to being able to agree a suitable form of words with the Commission in the near future, and to ensuring that that is implemented as soon as possible. As the hon. Gentleman knows, that is the right way to proceed, rather than trying to use spurious legislation that would add nothing whatever to the United Kingdom's ability to make the change that both he and I wish to bring about.

London, Tilbury and Southend Line

10. **Sir Teddy Taylor:** To ask the Secretary of State for Transport what progress has been made over the privatisation of the LTS line. [24725]

Mr. Watts: I am pleased to be able to tell my hon. Friend that bids for the LTS franchise were submitted on 17 April.

Sir Teddy Taylor: As the Minister is aware, Southend is one of the few areas in Britain in which, because of the wholly inadequate service that we have had in recent years, people are looking forward to privatisation. Can he give us some idea of when he expects the new operators to come forward and how they will communicate to the public the benefits that will accrue? Finally, does my hon. Friend see any merit in the idea of holding a public meeting in Southend to enable the new operators to explain their proposals?

Mr. Watts: The award will be made as quickly as possible; my hon. Friend will have noticed that such matters are processed with considerable speed. In considering proposals, the franchising director will have particular regard to contractual commitments to improve the level and/or quality of service beyond that which he specifies. An approach from my hon. Friend inviting the new franchise operator to attend a public meeting to explain the proposals will probably be welcomed by that operator—although of course I do not yet know his identity.

Roundabouts (Safety)

11. **Mr. French:** To ask the Secretary of State for Transport what proposals he has to improve safety at roundabouts. [24726]

Mr. Norris: In line with the Government's policy of reducing all road traffic accidents, safety at roundabouts is kept under constant review.

Mr. French: Is my hon. Friend aware that, in recent years, many roundabouts have been decreased in diameter? Is he conversant with research that shows that, while that may increase the flow of traffic, it also increases the chances of vehicular collision? Will he seriously consider reviewing that policy?

Mr. Norris: Our research suggests that the number of collisions at roundabouts is declining in line with the reduction in collisions generally. I shall, of course, consider the research to which my hon. Friend has drawn attention, but I am satisfied from the evidence that I have seen so far

that safety at roundabouts is being dealt with as part of an overall road traffic strategy and that no significant safety issues are involved.

Mr. Pike: Will the Minister consider the use of mini-roundabouts, which are over-used and often cause more safety problems than did the measures that previously existed at junctions?

Mr. Norris: The hon. Gentleman points to the importance of local authorities, which are responsible for such traffic schemes, bearing in mind the most appropriate way of dealing with traffic problems when they plan schemes. I suspect that, in many cases, he is right. The greatest enemy of common sense in such matters is the assumption that a particular method is a panacea, when it patently is not. An array of traffic calming and directing techniques is available. The hon. Gentleman is right—it is important that local authorities should seek the one that fits the circumstance, not a technique that replaces one problem with another.

Mr. Fabricant: Mini-roundabouts or major roundabouts, will my hon. Friend pay tribute to whoever invented the roundabout? Is he aware that many states in the United States are investing in roundabouts and have renamed them circulatories? Despite the odd name, does not that demonstrate that Britain still leads the way in many things?

Mr. Norris: No, I am not sure that it does. I can claim neither authorship of the roundabout nor the slightest insight into its lineage. I should not be surprised to find that Roman charioteers worked out how to circumnavigate Gates's corner, but in the absence of positive identification, I fear that I must resist my hon. Friend's blandishments.

River Thames

14. **Mr. Spearing:** To ask the Secretary of State for Transport what financial decisions he has made arising from the work of his Department's working party on the use of the River Thames. [24730]

Mr. Norris: The River Thames working group was set up to provide advice on ways of maximising the use of the river for transport purposes. I shall consider sympathetically any proposals that may be put to me for furthering that objective.

Mr. Spearing: Has the working group considered the support of provision and maintenance for piers? Does the Minister agree that that would be a major way of reviving the Thames, which we all want? They would cost less than some recent estimates have suggested and could help with seasonal traffic from Greenwich to Hampton court and the central London riverbus service proposed by Transport on Water. Would not such an investigation be superior to the possible sell-off of the piers proposed by the Port of London Authority?

Mr. Norris: I thought that the Labour party was in favour of abolishing peers. To revive passenger transport on the Thames, it is important to ensure that people can access the services sensibly and that services call at the places that people want to go to and from. That is one of the major inadequacies of the present arrangements. I suspect that the hon. Gentleman understands that the river's meandering route through the capital and its tidal rise and fall make passenger transport on it less viable than we would like. The work that his Transport on Water organisation has done on that is bearing fruit and is being paralleled by, for example, the recent KPMG-London First report that showed that a hopper service for passenger transport on the Thames was practical. I look forward to hearing more about ways in which that can be translated into reality. If that requires support, then, without giving any commitment at this stage, I would certainly be prepared to consider it.

Road Accidents (Children)

15. **Mr. Soley:** To ask the Secretary of State for Transport what was the average number of children (a) killed and (b) seriously injured in road accidents per day in the last three months. [24732]

Mr. Norris: Despite a 4 per cent. decrease in the last quarter of 1995, compared with the same quarter in 1994, 86 children were killed and some 1,500 seriously injured; nearly one death and 16 serious injuries a day.

Mr. Soley: Does the Minister agree that those figures need the widest possible publication? Is not it a fact that the greatest fear for parents when their children walk the streets is not crime, but road accidents, and that that prevents parents from letting their children walk or cycle to school? Is not it high time that we asked ourselves, as a society, whether that is a price worth paying?

Mr. Norris: I welcome the hon. Gentleman's remarks. I often reflect on the fact that 10 people are killed on our roads every day. While the fact that the figure is substantially less than the 14 or 15 who were killed seven or eight years ago is welcome, it still represents an appalling loss of life. We have become so used to glossing over it that, whereas one death in other unfortunate circumstances can give rise to reams of media interest, these deaths, which happen every day, particularly the harrowing deaths of children, are almost unremarked. The first lesson that we must draw from that is that 95 per cent. of accidents involve human error. They may be errors by drivers or by pedestrians, but where children are concerned, drivers need to understand that a child will not necessarily have the same understanding of road safety and road speeds as an adult and the need for particular care has to be indoctrinated into drivers in those circumstances. We do not have the best record on child casualties, despite our good record overall, and I am concerned that we should undertake research to find out how we can reduce that dreadful total.

HOUSE OF COMMONS

Services of the House (Survey)

27. **Mr. Ainger:** To ask the right hon. Member for Berwick-upon-Tweed, representing the House of Commons Commission, when he expects the Commission

to respond to the opinion survey carried out on behalf of the Serjeant at Arms into hon. Members' views on the services of the House. [24746]

Mr. A. J. Beith (on behalf of the House of Commons Commission): The Commission has not been directly involved in the Serjeant at Arms survey. Any response to the results of the survey will be a matter for the Serjeant in the first instance and for the Domestic Committees in respect of any matters that fall within their areas of responsibility. The Commission is likely to become involved only if Committees recommend significant new expenditure or services.

Mr. Ainger: I am grateful for the response, but I am sure that the Commission would like to comment on one suggestion that came to light during the survey—that members of the public visiting the two Houses should be charged £5 a head. Hon. Members who regularly conduct people around this place or organise guides would be horrified if they thought that schoolchildren were going to be charged £5 a head.

I understand that the survey also showed that it is felt that there are great shortcomings in catering for the general public. Will there be any possibility of the Commission dealing with that shortcoming in the near future? I understand that one suggestion is to use part of Westminster Hall to provide at least a cup of tea and a sandwich for members of the public visiting this place.

Mr. Beith: I understand that the £5 a head suggestion, which has never been considered by the Commission, was merely a report of one of the things said by respondents to the survey. I would not be willing to support such a proposal. As far as possible, the House should make itself available without cost, especially to young people. On catering for members of the public, it is the intention of the House authorities that provision should be made in the new Westminster Hall visitors centre, but the relevant committees have recommended to the Commission that that not be done until alternative provision can be made for staff who use the Westminster Hall cafeteria.

Sir Patrick Cormack: Does the right hon. Gentleman agree that the House is extremely well served by the Serjeant and his staff? The only real criticism that one can make is of conducting a survey of that sort, which merely tends to produce crackpot suggestions, create much dissatisfaction and solve no problems whatsoever.

Mr. Beith: As hon. Members will find if they look at the survey, it revealed a number of services that the Serjeant at Arms would be glad to try to improve, but the staff in the Department will be glad to have the hon. Gentleman's kind words.

Mrs. Dunwoody: Will the right hon. Gentleman also note that, although a lot of things still need to be put right in the House of Commons, the Serjeant at Arms has one great cross to bear—the fact that there are some fairly intolerable Members of Parliament and, from time to time, some pretty awful staff? The Department deals with that extremely well and quite kindly.

Mr. Beith: That is not a subject on which the Commission would be wise to comment.

Child Care Vouchers

28. **Mr. Harry Greenway:** To ask the right hon. Member for Berwick-upon-Tweed, representing the House of Commons Commission how many child care vouchers have been issued since their inauguration; at what cost; and if he will make a statement. [24747]

Mr. Beith: There have been 6,984 child care vouchers issued to 52 employees in the first year of the scheme's operation. The scheme was introduced by the Commission for its staff as part of its policy of equal opportunity employment. The policy was reviewed at the end of March this year, and the views of users and the trade union side were sought as a part of that review. The review's outcome showed that the vast majority of users were satisfied with the scheme, which is meeting their needs by making a wide choice of child care facilities at convenient locations accessible to them. Some suggestions for minor changes in the scheme will be considered by the management.

Mr. Greenway: I am most grateful to the right hon. Gentleman for that comprehensive reply. Can he tell us how the Commission views the scheme's future? Does it cover hon. Members, or only staff of the House? Are there sufficient qualified child carers available to meet the possible demand by House staff or those who qualify for the vouchers? It has been suggested that some staff have difficulty finding qualified child minders.

Mr. Beith: The survey showed that many of our staff are able to find suitable means of using the vouchers and that the vouchers are popular with them. Whether the scheme will be extended to hon. Members' staff will depend partly on hon. Members—who can, if they wish, use the office costs allowance for that purpose—and partly on the Leader of the House and whether there is any demand for an extension of the allowance for that purpose or for the extension of the scheme to the children of hon. Members.

Members' Dining Room (Staff Conditions)

29. **Mrs. Clwyd:** To ask the right hon. Member for Berwick-upon-Tweed, representing the House of Commons Commission, what proposals he has to improve the working conditions of staff in the Members' Dining Room. [24749]

Mr. Beith: The refurbishment of the Refreshment Department, which the House has approved, will lead to improvements of the working conditions of its staff. Work to improve the central kitchen and the dining rooms it serves, which include the Members' Dining Room, is scheduled to commence next year.

Mrs. Clwyd: That was not quite the answer that I had in mind. I am sure that the right hon. Gentleman will agree that hon. Members are concerned not only about their pay and conditions but about the pay and conditions of the people who make life more tolerable for us in this place. Will he look into the pay and conditions of the people who serve in the dining rooms—particularly those who work split shifts and do not have adequate rest room facilities? Their rest room facilities have, in fact, got worse.

I am sure that the new catering manager or manageress is a very efficient person, but the stools at the side of the dining room, which people could use to take the weight off their feet when they were not serving at the table, have been taken away. Many people have to stand for long hours in the dining room without resting their feet. Although the catering manager says that the stools look untidy, I do not think that many hon. Members share that point of view.

Mr. Beith: The pay and conditions of members of the Refreshment Department staff compare favourably with those of the rest of the catering industry. The conditions in the kitchens, however, have not been ideal, and that is one of the reasons for the substantial refurbishment I have described.

The other part of the hon. Lady's question relates to a decision taken in 1994 in the Refreshment Department as a matter of day-to-day management. Sitting down during working hours was possible only for staff in the Members' Dining Room. That practice has not been considered by the Commission because it does not raise issues about the general conditions of Refreshment Department staff.

Mr. John Marshall: Will the right hon. Gentleman confirm that some members of the Refreshment Department staff are paid more than Members of Parliament?

Sir Patrick Cormack: And the Prime Minister?

Mr. Beith: Yes, in respect of Members of Parliament.

TRANSPORT

Transport Links (London)

18. **Mr. Dykes:** To ask the Secretary of State for Transport if he will discuss alternative options for the Watford–Harrow–central London rail and tube routes with the management teams before Railtrack's privatisation in May 1996. [24735]

Mr. Norris: London Underground will be giving me a presentation on its proposed Croxley link on 20 May.

Mr. Dykes: I thank my hon. Friend for that answer. In view of the deplorable proposal that the Watford-Euston commuter service should operate every 40 minutes instead of every 20 minutes by the end of this year, which is outrageous and unacceptable to many of my constituents in Harrow, will he give full support to the alternative plans that would link up the tube and the BR lines before privatisation sets everything in concrete and makes it too difficult to go back to that idea? Will he receive, with me, an urgent deputation of the officers of the Harrow Public Transport Users Association to discuss these matters?

Mr. Norris: I shall certainly see my hon. Friend and a delegation, if he wishes to bring it to me. I am aware of the proposition that the Croxley link should be constructed to feed the Watford services into the Metropolitan line more expeditiously than is currently the case. There is a variety of provision in my hon. Friend's constituency. I accept that it has been suggested that some of them could be run more frequently. My hon. Friend should not take the view that the transition of the train operating companies to the private sector will mean that, thereafter, it will be more difficult to effect commonsense service changes which benefit customers. All the evidence that we have underscored, for example the midland main line announcements of substantial service enhancements by National Express, suggests that, under the new regime, it will be infinitely easier for my hon. Friend to obtain the improvements that he wants than it has been for half a century under nationalised British Rail.

HOUSE OF COMMONS

Parliamentary Procedures

30. **Mr. Flynn:** To ask the Lord President of the Council what new proposals he has to streamline parliamentary procedures. [24751]

The Lord President of the Council and Leader of the House of Commons (Mr. Tony Newton): Following the Jopling experiment last Session, the House agreed on 2 November last year to a wide range of Standing Order amendments. I have no further proposals to make at present. If the hon. Gentleman has anything specific in mind, he might like to draw it to the attention of my right hon. Friend the Chairman of the Procedure Committee.

Mr. Flynn: Was the Lord President present in the Chamber last Wednesday to witness a remarkable and possibly historic event—an hon. Member asking a genuine point of order? As most points of order are found not to be points of order and most business questions are not intended to seek a debate the following week, should not we reorganise our procedures along the lines of those in other Parliaments, which have a zero hour in which Members do not have to go through this rigmarole? While we should avoid the objections to the zero hour in the Indian Parliament to which you have referred, Madam Speaker, it is surely not beyond our wit to have a period of the day in which Members can raise matters of current importance without going through the nonsense of pretending that they are points of order or business questions.

Mr. Newton: I am sure that my right hon. Friend the Chairman of the Procedure Committee will read the hon. Gentleman's remarks with interest. After 22 years here, I rather doubt that, whatever new opportunities we create, we shall stop Members of Parliament using the opportunities that they have made for themselves by free enterprise over the years.

Mr. Biffen: Is my right hon. Friend aware that it is increasingly clear that it is a Herculean task to sustain British interest in the European Union? To that end, will he consider the procedures of this Parliament so that the House of Commons can increasingly add its voice and its votes to guide the Government on our policies in Europe so that, once again, it will be seen that this House speaks for Britain?

Mr. Newton: As I am sure my right hon. Friend is aware, the Scrutiny Committee is at this moment

conducting an inquiry into matters of scrutiny here. I am due to give evidence to it tomorrow and I believe that the hon. Member for Dewsbury (Mrs. Taylor) will do so some time early next month. I shall confine myself, in response to my right hon. Friend this afternoon, to saying simply that I shall study with interest, as is proper, any conclusions and proposals that it makes in due course.

Mrs. Ann Taylor: To return to the original question on streamlining our procedures, will the Lord President acknowledge that some measures which might not appear at first sight to do so would make our work in Parliament more efficient and effective? I am thinking of measures such as improved pre-legislative consultation and greater use of Special Standing Committees. As there has been so little discussion of such proposals, and as the Jopling reforms have been so much welcomed by hon. Members on both sides of the House, will the Leader of the House tell us what steps he is willing to take to advance our shared interest in making Parliament work more effectively?

Mr. Newton: The hon. Lady knows, from the many constructive discussions that she and I have had since she has occupied her present position, that I always try to respond constructively to thinking of that kind. As I have said on a number of occasions, in ways that are open to the Government and that are welcome to the Opposition, we have manifestly advanced the cause that she has referred to by increasing considerably the publication of Bills in draft form at an early stage—in many cases, even in the Session before we think it may be possible to present them to the House. I shall seek to build on those improvements.

Mr. Fabricant: Did my right hon. Friend have an opportunity to listen to the Second Reading debate on the Broadcasting Bill? Is he aware that, because of the constraints that you laid down, Madam Speaker, even privy councillors had to limit themselves to speaking for only 10 minutes? I believe that that limit meant that they were able to concentrate their minds better, and that they were able to make concise and precise speeches. Does my right hon. Friend think it worth considering a 10-minutes rule for all debates and, possibly, suspending the House if the debate finishes before the allotted hour? Hon. Members could then be present to vote when the Division was called.

Mr. Newton: I am not sure whether the idea suggested by my hon. Friend is good. The pressure to speak in debate varies quite significantly, so it is necessary to have some flexibility. I think that the way we do business on Thursdays often enables business to proceed for a shorter time, irrespective of whether many hon. Members want to speak. That is, perhaps, a sensible move in the direction that my hon. Friend is advocating.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 101(6) (Standing Committees on Delegated Legislation).

HUMAN FERTILISATION AND EMBRYOLOGY

That the Human Fertilisation and Embryology (Statutory Storage Period for Embryos) Regulations 1996 (S.I., 1996, No. 375) be referred to a Standing Committee on Delegated Legislation.—*[Mr. McLoughlin.]*

Question agreed to.

Points of Order

3.32 pm

Mr. John Marshall (Hendon, South): Having been challenged by the hon. Member for Newport, West (Mr. Flynn) to produce a genuine point of order, I should like to do so. Yesterday, I was surprised to read in *The Mail on Sunday* that the hon. Member for Redcar (Ms Mowlam) has a research assistant paid for by Mirror Group Newspapers. I was even more surprised when I looked in the Register of Members's Interests and discovered that that had not been reported. Should it not have been reported? I told the hon. Lady that I would be raising this issue at 3.30 this afternoon. Is it not surprising that a great national newspaper should be engaged in a course of action that might be conceived as buying influence in this place?

Madam Speaker: That is not my concern—my concern is that all hon. Members who receive outside finances report it correctly. I am sure that the hon. Member for Redcar will now do so, as the hon. Gentleman has reminded her of it.

Mr. Piers Merchant (Beckenham): Further to that point of order—

Madam Speaker: Order. There is no further point of order. Hon. Members have four weeks in which to report such information, and I am sure that the hon. Lady will take the necessary action. That matter has now been dealt with.

Orders of the Day

Northern Ireland (Entry to Negotiations, Etc) Bill

Considered in Committee

The Chairman of Ways and Means (Mr. Michael Morris): I ask all hon. Members who wish to take part in the debates to take note on the selection list of the sub-headings associated with all the amendments. These are for the guidance of hon. Members. I say again that Second Reading speeches are not acceptable when we are dealing with specific amendments.

Clause 1

THE ELECTIONS

3.33 pm

Mr. William Ross (East Londonderry): I beg to move amendment No. 99, in clause 1, page 1, line 6, leave out 'providing' and insert 'electing'.

The Chairman: With this, it will be convenient to discuss also the following amendments: No. 98, in clause 1, page 1, line 6, after 'delegates', insert 'to a forum'.

No. 97, in clause 1, page 1, line 6, leave out 'may' insert 'shall'.

No. 1, in clause 1, page 1, line 7, at end insert

'and to create a forum constituted by those delegates'.

No. 109, in clause 2, clause 2, page 1, line 15, after 'returned', insert 'to the forum'.

No. 129, in clause 8, clause 8, page 3, line 24, after 'Ireland' insert 'forum'.

No. 10, in clause 8, page 3, line 24, after 'Negotiations', insert 'and Creation of Forum'.

Mr. Ross: Mr. Morris, I compliment you on this new method of setting out the clauses and the groupings of amendments. It seems to make the purpose of the various groups of amendments clearer than has been the case in the past. We now have some idea of how the Chair views the groups of amendments that are put down. I think that you would agree with me that this will make the debate not only easier to follow but also much clearer to the participants and to people outside.

As will be evident to the Committee, the small amendments standing in my name amount to a simple, straightforward tidying-up operation, intended to make the clause rather clearer than has been the case after defective drafting in the first instance.

All we ask is that an election shall be held in Northern Ireland, not for the purpose of providing delegates, but for the purpose of electing delegates—because that is what will happen. We shall hold an election, we shall elect people to act on this body, and it seems reasonable that we should say that we are electing them and what we intend to elect them to. Amendment No. 99 deals with that point. It says that we are electing delegates to a forum, and asks that the participants in the negotiations shall be drawn from the participants in that forum.

It appears to me—I believe that it would appear to any reasonable person—that, if we intend to elect individuals to a forum, if we intend to ask people to negotiate on behalf of all the people of Northern Ireland, regardless of whether they are of the age of election, they should be the choice of the people, not of some individual.

All that we seek in this small group of amendments is to ensure that the elected delegates shall provide not only the members of the forum, but the negotiators. How on earth could a person who was not elected, had not put himself before the electorate and had not had votes cast for him and for his party, claim to speak for the population?

The Minister should agree that this is a simple, straightforward change; I would be hard put to it to understand how the Government could resist what we are asking for in this group of tidying-up amendments. I shall listen with great interest to the Minister saying on behalf of the Government that they are happy to accept them. They are so reasonable, fair and sensible that no reasonable man or woman could reject them.

Mr. Peter Robinson (Belfast, East): Amendments Nos. 97, 98 and 99, placed on the Order Paper by the hon. Member for East Londonderry (Mr. Ross), are very similar in content to amendment No. 1, which has been grouped with them. Therefore, I join the hon. Gentleman in making a plea to Government to accept that there is much to be tidied up in the Bill.

We accept that the Government were under the whip of the IRA in producing this legislation at the speed they did, because the IRA had told them that they had to specify a date for negotiations to start. They bound themselves to 10 June 1996, so they had to concertina everything to meet the IRA's deadline. That has resulted in some fairly loose and shabby wording in the Bill, which it is a task of this Committee to encourage the Government to tidy up.

The changes suggested by the amendments in the group will not have a major impact, but a basic principle underlies them—that of consent. In the view of my colleagues, the principle of consent is central to the negotiation process, and that consent can be tested by the electoral process, which is designated in the Bill and which permits the testing of the support that can be gained for any proposition.

Therefore, a central feature of the Bill is to provide for elections—not simply for negotiators—and a forum that will be the testing ground for any proposition. That feature is so central and fundamental to the principle of the Bill that it should not be excluded from the purpose as designated in clause 1(1). I am sure that the Secretary of State will accept that it is reasonable to include in the clause an amendment which creates a forum constituted by the delegates who are elected under the auspices of the Bill.

The Committee will note that the hon. Member for East Londonderry and I have not attempted to lengthen the proceedings on matters that are not critical to the Bill. We are simply stating our case, and, in so doing, trusting that the Government will recognise that they should not impose the guillotine: they should allow us to deal with substantial matters of amendment in greater detail. There should be no attempt to cut short a debate that is not only necessary, but, as I think that the Secretary of State will recognise, of value to the Government if they accept the arguments that will be advanced.

Mr. Robert McCartney (North Down): I add my support for the amendments standing in the names of the

hon. Members for East Londonderry (Mr. Ross) and for Belfast, East (Mr. Robinson). The function of the Bill is to provide an electoral process, which is an essential insignia or indicia of democracy. The legislation is not intended to provide the means of furnishing negotiators for the purposes of entering into discussions about the possible settlement of Northern Ireland's future problems.

It is worth emphasising that the process seeks to find out what the people of Northern Ireland want: both with regard to those who will represent them in any negotiations and as an indication of support for parties with particular views. That is part of the democratic process, and it is emphasised by the amendments.

Mr. David Trimble (Upper Bann): I support the amendments standing in the name of my hon. Friend the Member for East Londonderry (Mr. Ross). I believe that his amendments are eminently sensible, and simply state the purpose of the legislation more accurately than the existing clause 1. It is accurate so far as it goes, but it is not a complete statement of what is in the legislation. I think that it would be better to have a more accurate statement by pointing out that elections will take place for the purpose of electing a forum from which the delegates shall be drawn—that is the effect of my hon. Friend's amendment.

That characteristic of accuracy applies particularly to amendment No. 97. The Secretary of State will appreciate its accuracy if he refers to clause 2(2), which obliges the Secretary of State to invite delegates to participate in negotiations "from among those delegates"—that is, from among the delegates who are returned to the forum. Therefore, my hon. Friend's substitution of "shall" for "may" is absolutely accurate: the use of the word "may" is inaccurate, because it suggests that there is discretion, which clause 2(2) rules out.

In the interests of accuracy, the Government must accept amendment No. 97. They may not be in a position to do so today, as they may need time to think about it. However, upon reflection, I believe that the Government will realise that my hon. Friend is absolutely correct—and I suggest that he is equally correct about amendments Nos. 98 and 99.

3.45 pm

The Secretary of State for Northern Ireland (Sir Patrick Mayhew): I am grateful to the hon. Member for East Londonderry (Mr. Ross) and other hon. Members for the clarity with which the hon. Gentleman moved and the others supported the amendments. It is worth reminding ourselves that it is of central importance to the Bill that there shall be an election. The Bill is entitled "Entry to Negotiations", and, as I have said rather frequently, elections are a gateway to those negotiations. They are an important gateway—indeed, the only practicable one.

Amendments Nos. 99, 98 and 97 would change clause 1(1) to read:

"Elections shall be held in Northern Ireland for the purpose of"

electing

"delegates"

to a forum

"from among whom participants in negotiations"

shall

"be drawn."

The points that have been made about amendment No. 99, as I understand them, have claimed that to change the word "electing" to "providing" would be a matter of accuracy. The scheme of the Bill is that parties should be elected and not individuals, although the hon. and learned Member for North Down (Mr. McCartney) has just made the point that clause 2(2) refers to the Secretary of State inviting

"the nominating representative of each party for which delegates have been returned"

to the forum

"in accordance with Schedule 1 to nominate, from among those delegates, a team".

The hon. and learned Member made that point in relation to amendment No. 97, which seeks to substitute "shall" for "may".

Amendment No. 98 would effectively establish the forum as the parent body of the negotiations. The forum would be conceptually intermediate between the elections and the negotiations. The amendment ties in with later amendments that would increase the involvement of the forum in the negotiating process, and would—as no doubt hon. Members will later argue should be done—insert the name of the forum into the title of the Bill.

There is a problem with "shall" and "may", and I understand the reason behind the amendment. Although it is not the intention of the hon. Member for East Londonderry, the substitution of obligatory for permissive language might be taken to work in the opposite direction to clause 2(3), which provides for the exclusion of delegates—for example, from Sinn Fein—in certain circumstances. Amendment No. 97 might suggest that participants in negotiation should come only from the delegates constituting the forum. That may be designed to exclude the possibility of unsuccessful parties having a seat in negotiations as observers, but it would also exclude the Government delegation, on one interpretation.

Amendment No. 1, which was moved by the hon. Member for Belfast, East (Mr. Robinson), would add to clause 1, as a second purpose of the election—in addition to providing delegates from whom negotiating teams are drawn—

"and to create a forum constituted by those delegates".

The forum would then rank on a par with the negotiations.

One is here concerned with striking a presentational balance. All of us who have been involved with the subject for a long time know that we are dealing with a scene that is fraught with suspicion and fears, and, certainly, inspired by hopes. The hope is that we will come through to a process of negotiations that will lead ultimately to a comprehensive settlement, based upon consent. The fears are mutually opposed.

Unionists fear that it is a nationalist intention that, somehow or other, decommissioning of arms shall be postponed almost out of sight in the negotiations; nationalists fear that it is a Unionist intention that the forum shall in some way become a kind of proto-Stormont, to control the negotiations and lead by that route to a restoration of majoritarian rule. Each of those fears is strongly denied by the other side, but that is the conflict of suspicion and fear we face.

The Government therefore feel that it has been important to strike a balance whereby the true purpose of the legislation is set out, as it is in the long title of the Bill. It is a Bill to

[Sir Patrick Mayhew]

"Make provision for elections in Northern Ireland for the purpose of providing delegates from among whom participants in negotiations may be drawn; for a forum constituted by those delegates; for referendums in Northern Ireland; and for connected purposes."

Rev. Ian Paisley (North Antrim): In using the words "may be drawn", is the Secretary of State referring to delegates from the two Governments alone, or is he now suggesting that negotiators may come from parties that are not elected to the forum?

Sir Patrick Mayhew: No. The Bill provides for the forum to be composed of those who are returned as members of the parties that have been elected. As the hon. Gentleman will recall, under the Bill, members will be elected after the parties have provided lists of those who will represent them.

Rev. Ian Paisley: That was not my point. We know that the forum will be elected, but I was always under the impression in all our negotiations with the right hon. and learned Gentleman that the negotiators for the parties would be drawn from the forum alone. The right hon. and learned Gentleman now talks of the Government delegations not being elected. I understand that; I am asking whether the phrase "may be drawn" in the Bill refers only to negotiating delegates.

Sir Patrick Mayhew: Yes, it does. There is no obligation for a nominating representative to submit a list, so the phrase is not "shall be drawn", but the wording does mean that those who will comprise the forum will be those who have been returned in the way specified in the Bill.

Mr. William Ross: The right hon. and learned Gentleman will eventually have to decide how many persons will be in each negotiating team. He will be aware of press speculation—I put it no higher than that—that there is to be a team of three, with three back-up members. How will he secure those six people if the individual parties do not manage to get at least six elected to the forum? Like everyone in Northern Ireland, he is well aware that there are parties that may well be elected on the regional list—where there can be a maximum of two—but will not be able to get anyone elected under the system that has been designed for the parties in the constituencies.

Sir Patrick Mayhew: The provision is for up to three members, but it will be up to the parties to decide how many members they want. I hope that that deals with the hon. Gentleman's question.

For reasons that I have tried to explain, I am anxious for us not to elevate the scope and intention of the forum beyond that which, in my view and that of the Government, is appropriate to maintaining the balance that I have described.

Mr. Peter Robinson: The Secretary of State mentioned the introduction to the Bill, which, of course, shows its purpose. That is defined as providing for elections for the purpose of providing delegates for negotiations, and it is stated that the Bill also provides for a forum. However, the clause deals with the purpose of the election, not the Bill's purpose, and that purpose is clear.

First, it is clearly to provide negotiators for the process about which the Secretary of State has spoken. It is equally clear that the purpose of the election is to create a forum in which those delegates will be present. That is outlined later in the Bill. As the purpose of the election is clear, I do not understand why the Secretary of State should be shy about placing that within the clause.

Sir Patrick Mayhew: I understand the way in which the hon. Gentleman puts the matter. Clause 3(1) states:

"The delegates returned in accordance with Schedule 1 shall constitute a forum".

That will be the consequence of the election, which will be of parties.

I shall ask the Committee to resist the amendments, whose consequence could be to elevate the function of the forum and the purpose of the election beyond what I have sought to describe. I appreciate that it is a matter of judgment and I do not say that the amendments would affect the legal consequences of the provisions. However, as everyone who has studied these matters knows, I have to have regard to impression and presentation. I shall not extend my reply, because to do that would be to reiterate what I have said. For the reasons that I have given, I invite the Committee to resist the amendments.

Mr. Robert McCartney: Does the Secretary of State appreciate that, if the elections are seen as some sort of procedural fraud, having no merit in themselves except, as it were, like mayflies to fertilise negotiators and then sink back into the primaeval ooze, many people in Northern Ireland will say, "This whole business is just a procedural fraud, in which democratic procedures are being used to give a veneer of respectability to the effecting of a political purpose that has little or nothing to do with democracy"?

Sir Patrick Mayhew: The hon. and learned Gentleman and I have discussed this, and I have sought to reassure him that it will not be a single outing for a mayfly during which it can spread its gauzy wings. The forum will continue, with an important role, and the Bill sets out its purposes. It will continue for at least a year. I think that that is a sufficient answer to the hon. and learned Gentleman's fears.

Rev. Ian Paisley: I greatly regret that the Secretary of State is not prepared to discuss this matter in depth. I am sure that we all started the debate with a great deal of good will, but if, at the beginning of the debate, we repeat points that have been put to him and the Secretary of State says, "I ask the Committee to resist the amendments and I shall make no further comment," Northern Ireland Members may as well pack up and go home. I have been here for 26 years and I know that it is unusual at the early stage of a Bill for a Minister to say, "I ask the Committee to resist the amendments, and I am not prepared to answer the arguments."

Unionists as well as nationalists have fears. We have been bombarded by Dublin with vicious, unfair and scurrilous attacks on the idea of a forum and an election. There are people in Northern Ireland who will ask why, in the first stage of the Committee's consideration of the Bill, the Secretary of State cannot accept these amendments—which he accepts will not legally change

anything about the forum—to let Northern Ireland's people know that people are being elected to a forum that will represent the wish of the electorate in Northern Ireland, and that they will express the wish of the electorate. They will be widely drawn.

4 pm

I have been told by other hon. Members that this is a great thing, that it is an innovation, and that, for the first time, we will have people at a forum who never in all their days dreamed that they could get there. When they do so, the Secretary of State seems to be afraid that they might be elevated to some place of pre-eminence above the negotiators, but if the negotiators are drawn largely from the forum—we know today that they will not all be drawn from the forum, that the Government representatives will not be elected, and that other people, who will probably even be defeated candidates wiped out at the general poll, will be nominated with the two delegates from parties that come in the first 10—surely the Secretary of State has nothing to fear from the wide spectrum from which the negotiators are to come. He seems to be afraid of the Unionists, and perhaps he is right, because the Unionist vote might surprise him and the Committee.

Mr. Jim Dowd (Lewisham, West): I should like to make just a few points. We have much ground to cover in the next couple of days, so I shall not detain the Committee for too long.

This Bill is unprecedented. I do not think there are any precedents—there is certainly none in British history—that we can draw on to discover the substance of the arguments before us. There are no models to which we can readily draw to find out how this was done previously. We are breaking new ground, as much of the discussion and many of the points that have been raised so far on these amendments demonstrate.

The Secretary of State for Northern Ireland said that these things are matters of judgment. I make it plain that we, the official Opposition, fully support his judgment about the amendments. When the hon. Member for East Londonderry (Mr. Ross) introduced them, I was trying to see the look on his face to see whether he was not being somewhat tongue in cheek in describing them as a mere tidying-up exercise. To put it at its mildest, they are much more than that.

The hon. Member for Belfast, East (Mr. Robinson), speaking immediately after him, rightly said that matters of principle were involved in relation to what the amendments seek to achieve. There is no doubt that many principles are involved in all the proposals. Some are valid, and some are not. All are important, but some are more important than others.

The reason why we support the Government's view on this is that we think that the amendments give an unnecessary preference and priority to the work of the forum, which, after all, has a whole clause devoted to it later in the Bill. Clause 3 goes into some detail about the forum's work and purposes, but the amendments give the forum a precedence that, to paraphrase the Secretary of State, would be unhelpful, in that it would confer no advantage in trying to take this process forward.

The process is about electing parties. Hon. Members mention those who will be elected by Northern Ireland's people in the elections in the near future and who will speak as their elected representatives. That is a valid dimension, but it is not by any means the sole purpose.

The purpose of the Bill is essentially a functional one. There are no deeply entrenched principles about how it should work, other than that it should work. It is a mechanism to draw together parties that would not otherwise be together and to try to engage in dialogue and understanding that has not obviously been evident in the past.

I have to say to those hon. Members who represent Northern Ireland constituencies, and those who will represent the people of Northern Ireland in the body that is to be set up, that they will also carry with them the profound hopes of many millions of their fellow citizens in the United Kingdom and from much wider afield, who will have no vote in the election but who wish all its participants well. We are considering nothing less than an integral part of the earnest search for a just and durable settlement, for the benefit of the people not only of Northern Ireland but throughout the UK, Ireland and further afield. We hope that all those taking part will bear that in mind.

The forum is an adjunct to the main purpose of the Bill. It will, as the Secretary of State says, have much valuable work to do, but the Bill is about far more than elections to a forum. We have high hopes of it. The road ahead—the clichés stream effortlessly—

Mr. Robert McCartney: I entirely endorse the lofty sentiments that the hon. Gentleman expresses about the future for peace, but is he aware that, if the Government and the Opposition push ramstam and wholly ignore the views of the representatives of a significant number of people—I am perhaps talking about "a" majority, not "the" majority of the people in Northern Ireland—the lofty objectives—

The Chairman: Order. I made it clear at the beginning that hon. Members must stick to the amendments.

Mr. Dowd: I—

Rev. Ian Paisley: I am sure that the hon. Member for Lewisham, West (Mr. Dowd) wishes to carry the people of Northern Ireland with him, but saying that the forum is an adjunct to the negotiating body is like telling the people of Northern Ireland that they can elect a Parliament but that that Parliament does not matter—only the Government matter.

Mr. Dowd: I was somewhat depressed by the earlier remarks of the hon. Member for North Antrim (Rev. Ian Paisley) when he said that he might consider abandoning the procedures here today if he felt that he was not making sufficient progress. That would be a loss to our deliberations, although I suspect that it is not entirely unprecedented that he should consider such a course.

We are not debating a Parliament. We have to make it perfectly clear that we are not electing a Parliament. The Bill is about parties; it is about trying to bring together parties and the individuals who comprise them to describe a way ahead. The parallels with a Parliament or a wholly representative assembly, whether at the local or national level, are not accurate. This is very much a mechanism, or a means to an end.

Clearly we need to have due regard to democratic principles and practices. In response to the hon. and learned Member for North Down (Mr. McCartney),

[Mr. Dowd]

the Committee of course has to have due regard to the opinions and voices not only of Northern Ireland but of the communities that make up the United Kingdom. However, nobody has the right to demand that that take precedence over the judgment of every Member of this House. Every hon. Member has a duty to try to give due weight to what is said by others on behalf of their constituents; but, ultimately, the right to decide rests with every individual, according to the evidence and his best judgment.

As I said, we realise that there are many obstacles, and many things that need to happen. It only needs one or two of those things not to happen for the whole process to come juddering to a halt. However, we set out on this course, if not with optimism, with hope. We sincerely hope that all those taking part in the deliberations—in the forum, in the negotiations and in the plethora of other unofficial organisations that are the inevitable spin-offs of such processes—will genuinely set out to make that process work on behalf of the people not only of Northern Ireland but of a much wider constituency.

Mr. William Ross: I have listened to the two Front-Bench speeches with increasing depression. We were told that the Opposition Front-Bench team supported the Government's judgment. In heaven's name, I have been in this place for 22 years, and I can think of very few occasions on which I have heard the Labour Front-Bench team support the judgment of the Conservative Front-Bench team. So what has changed? What wonderful act have the Government made on this occasion so that Labour—

Mr. Trimble: New Labour.

Mr. Ross: New Labour has got to the point where it is swiping not only the Conservatives' social and economic clothing, but every other thing it can to make certain that, whenever the election comes, it is so much like the Conservative party that it will not be possible to distinguish between them.

Mr. Dowd: The hon. Gentleman asked what is different on this occasion. On this occasion, the Government have come forward with a credible explanation for their position, which has been lacking in so much of the rest of their policies.

Mr. Ross: In those remarks, the hon. Gentleman threw away the principal job of the Opposition: to probe, criticise and expose to the light of day exactly what the Government are trying to do. The Opposition Front-Bench team is very far wrong in its judgment, because it is following the Government's judgment of the matter, which is, of course, so far away from reality that it does not bear thinking about.

In addition, the hon. Gentleman said that there were principles in the amendments and the Bill. The principles in the amendments are founded on normal democratic practice, and the principles in the Bill run directly counter to normal democratic practice. No one can deny that.

The Secretary of State said that they had to guard against elevating the forum. In other words, he was saying that we must elect a body in Northern Ireland and then bypass it as far as possible. He said that there would be much valuable work for the forum to do, but he has not yet specified it. I hope that, before these debates are finished, he will be able to specify it. I have tabled a number of very sensible amendments, some of which I hope will appear on the selection list tomorrow, so that we may explore matters in the depth they deserve, because there is much that the people of Northern Ireland would like to know.

The Secretary of State also talked about the Government delegation. Surely he meant the two Government delegations. He carefully avoided mentioning the second one. He went further and talked about the forum as a "gateway." It is, of course, a gateway to which all the nationalist parties object. Why anyone in their right senses would want to object to a forum that is democratically elected, heaven only knows—unless they have something to fear or hide.

The nationalist parties, and even the most violent republican parties, just wanted negotiations. They have already managed to get a non-conditional date of 10 June. The timetable, the whole process, is therefore tied to that date. The date was apparently extracted from the Government—whether willingly or otherwise, we have not yet been told—by Mr. Bruton, or so he says in the newspaper articles that I have read. Since we on this Bench happen to believe that this Mr. Bruton is acting as a spokesman for the IRA—

The Chairman: Order. I have some difficulty relating a newspaper article to the very specific amendment that the hon. Gentleman moved with great lucidity. He seems to have drifted away from it a little. Could we return to the amendment?

Mr. Ross: With the greatest respect, Mr. Morris, both Governments are involved. I was referring to the specific date of 10 June, which is written into all the proposed legislation. Although I bow to your judgment, it seems that, if I was out of order, it was by such a teeny-weeny bit that it could have easily been passed by. I regret the fact that you judge that my comments are far from the matters under discussion. No doubt, however, it will be possible to return to those points.

We are setting out to elect people to a forum that will have purposes that have not yet been specified and have not been clearly spelt out on the face of the Bill or in any other documentation. We are told by opposition parties in Northern Ireland that the intention is to limit the forum as much as is humanly possible—in fact, to hamstring it, so that it has no influence, and so that the elections have no influence, on the negotiating positions of the parties. The people of Northern Ireland will be surprised to learn that, because most of them do not yet understand what is being said.

4.15 pm

The Secretary of State also complained about the suggestion of using the word "shall" in place of the word "may." However, if he looks at the end of line 13, he will see that the Bill uses the word "shall". I wonder why the Secretary of State should use the word in one place and object so strenuously to it in another. The word "shall" places responsibility on him. Surely he should make it his business to accept our reasonable amendments.

The Secretary of State said that he was trying to strike a balance. In striking that balance, he has produced legislation that is so woolly that it can mean all things to all men. Given the long record of Government publications that could mean all things to all men, he cannot be surprised if people treat his words and the legislation with the most extreme suspicion.

The Government have been in office for a long time. The Unionist population have not seen anything done by the Government over the years which has helped the Unionist position. They have every reason to view the Government's words and legislation with great suspicion, not least because of the article, which I am sure the Secretary of State has had drawn to his attention, that was published in *The Observer* yesterday.

I also refer the Secretary of State back to November 1993, when he made certain denials in the House. The hon. Member for North Antrim (Rev. Ian Paisley) found himself thrown out for accusations he made. Will the Secretary of State now stand by his statements on that occasion?

Sir Patrick Mayhew *indicated assent.*

Mr. Ross: I see the right hon. and learned Gentleman nodding. No doubt he will now rise to his feet. However, he will have the greatest difficulty in convincing anyone in Northern Ireland of the accuracy of any statement he may care to make on that subject, today or in future. Over the years, he and the Government have put themselves in a position whereby every single word and act of theirs is treated with the gravest suspicion. That suspicion, in the eyes of the people of Northern Ireland, has a solid foundation.

Rev. Ian Paisley: The hon. Gentleman mentioned my name. Does he agree that it is a rarity for Labour Front-Bench Members to talk about my leaving meetings when they voted me out of the House because I spoke the truth?

Mr. Ross: The hon. Gentleman's words will no doubt be heard by Labour Front-Bench Members, and I hope that they will be heard by a wider public. In all truth, people should go back and read the events of 29 November 1993. If the Secretary of State disagrees with some of the things that are being said in the book that is to be published on Wednesday, and if he disagrees with what was in *The Observer* yesterday, he will no doubt take the appropriate action.

I believe that this legislation has been produced as a smokescreen to provide a gloss of democracy on decisions that have already been taken. I believe that, regardless of what the forum says, regardless of what the greater number in Northern Ireland say, and regardless of the views of the people of Northern Ireland, we shall see the Government trying to impose on Northern Ireland the framework document mark II. That is the reality. *[Interruption.]* If it is not, it is certainly the reality of the situation as seen by Dublin. We read with considerable care the statements that emanate from there. The Dublin Government are now clearly the joint rulers of Northern Ireland.

In the light of that, despite my grave disappointment in what the Secretary of State has said hitherto, and despite the suspicion with which I view him, I shall continue to listen to what he says; but my judgment will be made not on his words but on the whole generality of the evidence available to the Unionist population of Northern Ireland in the coming days and weeks.

As the right hon. and learned Gentleman is so anxious to move forward, and unwilling to accept the reasonable changes suggested in our amendment, I am willing to withdraw it for now, but perhaps we may return to the subject on a future occasion. Whether the hon. Member for North Antrim shares my view, and what he intends to do about his party's amendment, is a matter for him.

Mr. Peter Robinson: We are off to a dismal and depressing start, as the Government crank up their bulldozer to push their measure through the House virtually, if not entirely, unchanged. There are two elements in the group of amendments before us, of which one set was tabled by the hon. Member for East Londonderry (Mr. Ross), and the other is in my name.

The Secretary of State raised some technical objections to the amendments tabled by the hon. Member for East Londonderry, but he raised no such technical objections to my amendment; he simply relied on his judgment—a judgment on which not only he relies, because it now appears that the Opposition too, rely on it. That may cause them some embarrassment in the future, and we shall then be able to remind them how wise their judgment was.

In reality, the Secretary of State's sole reason for not accepting our reasonable amendment is the fact that he wants to upgrade the negotiating part of the process and downgrade the forum. It is therefore clear that those elected to the forum will be second-class citizens to the right hon. and learned Gentleman. He is rendering much less meaningful the role of the forum in the whole process—a fact that will emerge from subsequent clauses, too.

It has to be said that clearly underlying the process is the fact that the IRA whipped the Government into line concerning the date by which the process had to be under way. Not only have the Government obviously obeyed that whip, by introducing the legislation with such haste, but now we see them again toeing the IRA's line: the IRA has openly demanded that the forum be downgraded, and the Government answer the IRA's call, under threat of IRA violence. That gives a very unpleasant picture of the retreat that the Government are enacting.

I am not prepared to refrain from pressing amendment No. 1. It is so reasonable that the Government should be ashamed of not accepting it, and I hope that no Member will shame himself or herself by voting against it.

Amendment negatived.

Amendment proposed: No. 1, in clause 1, page 1, line 7, at end insert

'and to create a forum constituted by those delegates'.—*[Mr. Peter Robinson.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 8, Noes 217.

Division No. 101] **[16.23 pm**

AYES

Field, Frank *(Birkenhead)*
Forsythe, Clifford *(S Antrim)*
Hoey, Kate
McCartney, Robert
Molyneaux, Rt Hon Sir James
Ross, William *(E Londonderry)*
Taylor, Rt Hon John D *(Strgfd)*
Trimble, David

Tellers for the Ayes:
Mr. Peter Robinson and
Rev. Ian Paisley.

NOES

Abbott, Ms Diane
Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alison, Rt Hon Michael *(Selby)*
Ancram, Rt Hon Michael
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkins, Rt Hon Robert
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Banks, Matthew *(Southport)*
Barnes, Harry
Benton, Joe
Betts, Clive
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & Cl'thorpes)*
Browning, Mrs Angela
Bruce, Malcolm *(Gordon)*
Budgen, Nicholas
Burns, Simon
Burt, Alistair
Butler, Peter
Callaghan, Jim
Canavan, Dennis
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Cash, William
Chapman, Sir Sydney
Chidgey, David
Clark, Dr Michael *(Rochford)*
Coe, Sebastian
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Corbyn, Jeremy
Couchman, James
Cran, James
Cunningham, Jim *(Covy SE)*
Currie, Mrs Edwina *(S D'by'ire)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Dover, Den
Dowd, Jim
Duncan, Alan
Duncan Smith, Iain
Dunn, Bob
Dykes, Hugh
Eagle, Ms Angela
Evans, Jonathan *(Brecon)*
Evans, Roger *(Monmouth)*
Faber, David
Fabricant, Michael
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Flynn, Paul
Forman, Nigel
Fowler, Rt Hon Sir Norman
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Gapes, Mike
Gardiner, Sir George
Garnier, Edward
Gill, Christopher
Gillan, Cheryl
Golding, Mrs Llin
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorst, Sir John
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Gummer, Rt Hon John Selwyn
Hague, Rt Hon William
Hain, Peter
Hannam, Sir John
Hargreaves, Andrew
Harris, David
Harvey, Nick
Hawkins, Nick
Hawksley, Warren
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Henderson, Doug
Hendron, Dr Joe
Hendry, Charles
Heseltine, Rt Hon Michael
Higgins, Rt Hon Sir Terence
Hogg, Norman *(Cumbernauld)*
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Hughes, Robert G *(Harrow W)*
Hume, John
Hunt, Rt Hon David *(Wirral W)*
Hunter, Andrew
Hutton, John
Ilisley, Eric
Jenkin, Bernard
Jessel, Toby
Jones, Barry *(Alyn and D'side)*
Jones, Robert B *(W Hertfdshr)*
Kaufman, Rt Hon Gerald
Kellett-Bowman, Dame Elaine
Khabra, Piara S
Kirkhope, Timothy
Kirkwood, Archy
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
Lynne, Ms Liz
McGrady, Eddie
MacKay, Andrew
Mackinlay, Andrew
McLoughlin, Patrick
McNair-Wilson, Sir Patrick
Madden, Max
Maddock, Diana
Major, Rt Hon John
Malone, Gerald
Marlow, Tony
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Mayhew, Rt Hon Sir Patrick
Merchant, Piers
Michael, Alun
Miller, Andrew
Mitchell, Andrew *(Gedling)*
Mitchell, Austin *(Gt Grimsby)*
Montgomery, Sir Fergus
Mowlam, Marjorie
Murphy, Paul
Newton, Rt Hon Tony
Nicholls, Patrick
Norris, Steve
O'Brien, Mike *(N W'kshire)*
Paice, James
Pawsey, James
Pickles, Eric
Pike, Peter L
Pope, Greg
Porter, David *(Waveney)*
Powell, William *(Corby)*
Prentice, Bridget *(Lew'm E)*
Redwood, Rt Hon John
Roberts, Rt Hon Sir Wyn
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Sheldon, Rt Hon Robert
Shephard, Rt Hon Gillian
Skinner, Dennis
Smith, Tim *(Beaconsfield)*
Spearing, Nigel
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stott, Roger
Streeter, Gary
Sutcliffe, Gerry
Sykes, John
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Timms, Stephen
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Twinn, Dr Ian
Vaughan, Sir Gerard
Waldegrave, Rt Hon William
Waller, Gary
Waterson, Nigel
Watts, John
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Wicks, Malcolm
Widdecombe, Ann
Wiggin, Sir Jerry
Willetts, David
Williams, Rt Hon Alan *(Sw'n W)*
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wood, Timothy
Worthington, Tony
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Richard Ottaway and
Mr. Roger Knapman.

Question accordingly negatived.

Clause 1 ordered to stand part of the Bill.

Clause 2

THE NEGOTIATIONS

Mr. David Wilshire (Spelthorne): I beg to move amendment No. 136, in page 1, line 11, leave out from 'in' to end of line 12 and insert

'Schedule (*Ground Rules for All Party Negotiations*), which shall have effect for the purposes of those negotiations.'.

The Chairman: With this, it will be convenient to discuss the following:

Amendment No. 137, in page 1, line 20, leave out 'Command Paper 3232' and insert

'Schedule (*Ground Rules for All Party Negotiations*)'.

New schedule 1—*Ground rules for substantive all-party negotiations: The basis, participation, structure, format and agenda of all-party negotiations—*

1. The purpose of the negotiations shall be to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands, and to agree new institutions and structures to take account of the totality of relationships.

2. The negotiations shall, in a full and comprehensive fashion, address and seek to reach agreement on relationships and arrangements within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; within the whole island of Ireland; and between the two Governments, including their relationship with any new institutions in Northern Ireland.

3. (1) Any participant in the strand in question shall be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant;

(2) No outcome shall either be predetermined or excluded in advance; and

(3) Participation in negotiations shall be without prejudice to any participant's commitment to the achievement by exclusively peaceful and democratic means of its own preferred options.

4. (1) The negotiations shall be structured so as to ensure that all issues will be addressed in a coherent and efficient manner in three interlocking strands, reflecting the three key relationships at issue, with appropriate distinctions as to participation and procedural arrangements.

(2) Strand One shall cover relationships within Northern Ireland; Strand Two shall cover relationships within the island of Ireland; and Strand Three shall cover relationships between the British and Irish Governments.

5. If appropriate, committees and sub–committees may be established.

6. (1) The conduct of the negotiations shall be exclusively a matter for those involved in the negotiations.

(2) Any reference to, or interaction with, the forum to be convened following the elective process held to determine which parties may participate in the negotiations may take place solely by agreement among the negotiating teams to this effect and only at their formal instigation.

7. Negotiations shall involve the participation, in the appropriate strands, of representatives of both Governments and all those political parties operating in Northern Ireland (hereafter referred to as "the political parties") which achieve representation through an elective process and which, establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process.

8. The participation in negotiations by any party shall require the unequivocal and permanent renunciation of violence.

9. (1) There shall be no limit on the overall size of the negotiating teams of the political parties and the two Governments (hereafter collectively referred to as "the participants").

(2) Notwithstanding subparagraph (1) or any one meeting, unless there is agreement otherwise, participants shall be limited to teams of three, plus three in support (five in support in the case of the two Governments).

10. The negotiating team of each political party shall be designated by the party chairman or leader from among the elected representatives and such teams may be supported in meetings by researchers and others who are not elected.

11. (1) Negotiations shall begin on Monday 10 June 1996 with an opening plenary session involving all the participants in the negotiations.

(2) Each delegation shall have the opportunity to make an opening statement setting out its approach to the negotiations and its position on key issues.

12. (1) The agenda shall have as its first item confidence building issues including permanently renouncing the use of violence, the decommissioning of all illegally held weapons and explosives and the total and absolute commitment to the six principles in paragraph 20 of the Report of the International Body dated 22 January 1996.

(2) Provided agreement is reached on the first item, the opening plenary session shall also adopt, and commit the participants to negotiate, a comprehensive agenda which provides reassurance, both in terms of agreeing to the report of the International Body and ensuring that a meaningful and inclusive process of negotiations is genuinely being offered.

(3) This agenda shall include all the significant items which the various negotiating teams consider relevant.

(4) The plenary session shall also decide how to deal with any procedural issues which may require resolution in the negotiations.

13. (1) The structure and process of the negotiations shall be used in the most constructive possible manner in the search for agreement.

(2) Both governments shall therefore use their influence in the appropriate strands to ensure that all items on the comprehensive agenda are fully addressed in the negotiating process and shall commit themselves, for their part, to doing so with a view to overcoming any obstacles which may arise.

14. (1) All participants in the negotiations shall take part in good faith, shall seriously address all aspects of the agreed agenda, and shall make every effort to reach agreement.

(2) They will maintain confidentiality on all aspects of the negotiations except where they may from time to time agree to publicity.

15. If, during the negotiations, any party demonstrably dishonours its commitment to the principles of democracy and non–violence set out in the report of the International Body by, for example, resorting to force or threatening the use of force to influence the course or the outcome of the negotiations, or failing to oppose the efforts of others to do so, it shall no longer be entitled to participate in the negotiations.

16. (1)Negotiations shall address all three interlocking sets of relationships as a totality.

(2) Negotiations in each of the three interlocking strands shall open on the same day and will proceed in parallel.

(3) Unless otherwise agreed by the Business Committee, negotiating sessions in different strands, or within strands, shall not be held simultaneously in order to allow participants, if they so wish, the option of fielding the same negotiating team throughout the negotiations.

17. (1) Negotiations on Strand One issues shall involve the British Government and the political parties.

(2) Negotiations shall take place on the basis of an agreed agenda and in appropriate formations as agreed by the participants.

(3) Formal meetings shall be chaired by Her Majesty's Government in the United Kingdom operating procedural rules, agreed by the participants.

(4) The Irish Government shall be kept informed of the progress achieved in Strand One through liaison arrangements agreed between the two Governments following consultation with the parties.

18. (1) Negotiations on Strand Two issues shall involve both the British and Irish Governments and the political parties.

(2) Negotiations shall take place on the basis of an agreed agenda and in appropriate formations as agreed by the participants.

(3) Formal meetings shall be chaired by an independent Chairperson operating procedural rules, agreed by the participants.

19. (1) Negotiations on Strand Three issues shall be between the two Governments.

(2) With a view to providing a meaningful role for the political parties, the two Governments shall, during the course of their negotiations:—

(i) ensure regular meetings at which the political parties shall be briefed and, as appropriate, consulted on progress in the negotiations, and at which they shall be able to put forward their views on Strand Three issues under discussion; and

(ii) meet the political parties at their request for further discussion of Strand Three issues.

(3) The outcome of Strand Three shall be considered by all the participants alongside the outcome of the other two strands.

20. (1) The management of each strand shall be for the participants.

(2) Notwithstanding subparagraph (1) above, a Business Committee composed of representatives of Her Majesty's Government in the UK and of the political parties, chaired by the independent Chairman of Strand Two or, otherwise, by any person agreed by the participants, shall be established to co–ordinate the progress and the procedures of the negotiations.

(3) The Business Committee shall not deal with the substance of the negotiations but shall address unresolved procedural issues.

(4) The Committee may also determine the modalities for dealing with any issue which does not fall exclusively within any of the three strands.

21. (1) The negotiations shall proceed on the principle that nothing may be finally agreed in any strand until everything is agreed in the negotiations as a whole.

(2) Subject to the above principle, it shall nevertheless be possible, solely on the basis of consensus among the participants, to proceed on the assumption of contingent agreement on any individual aspect of the negotiations.

22. (1) The negotiations shall operate on the basis of consensus.

(2) Notwithstanding subparagraph (1) above, if in Strand One or Two it proves impossible to achieve unanimity, the Chairman may, without prejudice to the provisions of the previous paragraph, operate on the basis of sufficient consensus among the political parties to allow negotiations to proceed.

(3) The rules for establishing sufficient consensus shall be agreed in advance of negotiations by the participants and such rules shall ensure that any departure from the rule of unanimity is within minimal limits and shall, in all cases, ensure that any decision taken will be supported by a clear majority in both the unionist and nationalist communities in Northern Ireland.

(4) Additionally, as regards Strands Two and Three, both Governments shall have to endorse a particular proposition for it to be deemed to have achieved sufficient consensus.

(5) The overall outcome across all three strands shall also need to attract a sufficient consensus from the participants.

23. (1) Strand One negotiations shall take place in Castle Buildings, Belfast.

(2) Strand Two negotiations shall take place in Belfast, Dublin and London, at times agreed by the Business Committee.

(3) The two Governments shall determine where Strand Three meetings shall take place.

(4) The Business Committee shall determine the venue of its meetings.

24. The outcome of negotiations shall be submitted for public approval by referendums in Northern Ireland and the Republic of Ireland, before being submitted to their respective Parliaments for ratification and the earliest possible implementation.

25. Only if a majority of those entitled to vote in Northern Ireland support the outcome of the negotiations in a referendum shall those proposals be put to the United Kingdom Parliament.'.

Mr. Wilshire: The length of new schedule 1 impresses even me, but I am happy to confirm that I did not write it. The Government wrote the schedule, which is a key to what these amendments and this new schedule are all about—they seek to turn Command Paper 3232 into legislation. I believe that that is important because doing so will give Parliament a chance to debate the terms of the Command Paper and—if necessary and felt desirable by the Committee a chance to change those details.

The amendments' second purpose is to ensure that the Government get parliamentary approval for the conduct of the negotiations.

I contend that those purposes are very democratic, and, at least in principle, neither of them is controversial. During the course of debate today and tomorrow, we must never forget that the Committee will be debating a fundamental constitutional issue—which is, of course, why it is being debated on the Floor of the House. If we are debating a basic constitutional issue, it is right that Parliament should be able to debate and decide every part of the issue rather than leaving some or all of it to the Government.

I suspect that the Government, in reply to what I have to say, will probably say that these amendments would tie their hands. Because of my well-known reservations about what has been happening in the past 18 months, my right hon. Friend the Secretary of State will not be surprised to learn that that thought has crossed my mind, and that I do not think it is a bad thing to seek to tie the Government's hands. The way in which matters have progressed over the past 18 months has been a series of concessions to Dublin, in a manner with which I am unhappy. In the past 18 months, time and again, there have been futile attempts to buy peace from the IRA-Sinn Fein. I shall be grateful if these amendments can put a stop to those concessions and attempts to buy peace.

We need new schedule 1 quite simply because the Bill's real purpose is to set up negotiating teams and to carry out negotiations in Northern Ireland. If one reads the Bill, however, it says something about absolutely everything—except about the negotiations. The Bill mentions the method of election in great detail and spells out arrangements for the forum, but it is almost silent when it comes to the exercise's primary purpose—the negotiations. As I understand the situation in the House, if the details of the negotiation are not in the Bill they cannot be debated. Those details—the very purpose of the exercise—do not require Parliament's approval, and that has to be wrong.

New schedule 1 seeks to put matters right. The schedule is essentially—word for word—Command Paper 3232, inserted it into the Bill so that the House can debate it. Of course there is also some legal tidying up in the schedule—of the type whereby "shall" has been put in and "will" has been taken out. The lawyers tell me that those are significant changes, but, as a layman, I am not so sure that they are.

In addition to inserting this "tidied up" Command Paper into the Bill, I have, in doing so, made four major changes of substance. I shall explain them to the House, which I hope will enable us to debate the matter fully.

The first difference between the Command Paper and my new schedule is paragraph 9 of the Command Paper, which becomes paragraph 8 of my new schedule. Paragraph 9 of the command paper says that Sinn Fein-IRA cannot join in the negotiations until the ceasefire of August 1994 has been reinstated. That is the language of the Command Paper. Paragraph 8 of my new schedule says:

"The participation in negotiations by any party shall require the unequivocal and permanent renunciation of violence."

The change from requiring simple restoration of the 1994 ceasefire to requiring a permanent and clear statement that this time it is for real is absolutely fundamental to the exercise in which we are engaged.

On Second Reading I asked both my right hon. and learned Friend the Secretary of State and the Opposition spokesman, the hon. Member for Redcar (Ms Mowlam), to confirm that the next ceasefire had to be declared in words of total clarity which made it clear that this time it was permanent and for ever. Neither my right hon. and learned Friend nor the hon. Lady was prepared to say that. I said at the time, and I repeat now, that I am not prepared to accept that. My new schedule gives Parliament as a whole the chance to say whether it believes that next time any ceasefire must be declared to be permanent.

Let us not forget that the last ceasefire was a temporary truce. It was a ploy. If anyone doubts that, one has only to consider the evidence given last week about the bomber who blew himself up. It was confirmed that the planning and preparation for the bombing earlier this year was carried out during the so-called ceasefire last year. So the first change that the new schedule seeks to make is to spell out that next time any ceasefire will be declared to be permanent.

The second change that I propose is in paragraph 14 of the Command Paper, which becomes in my new schedule paragraph 12(1). The Command Paper says that the opening session of the negotiations will give priority to confidence building. My new schedule changes that to:

"The agenda shall have as its first item confidence building issues including permanently renouncing the use of violence, the decommissioning of all illegally held weapons and explosives and the total and absolute commitment to the six principles".

The Command Paper merely gives priority to confidence building, but new schedule 1 specifies doing certain things. I believe that those things need to be restated in the context of the negotiations because it was originally announced that the first ceasefire had to be called permanent before talks could start. If the House can remember back that far, it will recall that that requirement was abandoned.

My new schedule also says that decommissioning must be dealt with. If hon. Members think back, they will recall that decommissioning was said to be a requirement which must be fulfilled before talks could start. That has been abandoned. Now we are told that the Mitchell six principles must be signed up to. I keep hearing that. My new schedule will make sure that this time we do not have something explained to us which is then abandoned. It will be within the legislation. I consider that that has to be right. We must make it clear that item 1 on the first day will not only give priority to general confidence building, but will do specific things. We spell them out and make it clear that they will not be abandoned. Putting them into the legislation is one way of achieving that. My right hon. and learned Friend may well tell me that there are other ways of achieving that. If there are, I should be delighted to hear them and I should be happy, as I am sure other people would be, to consider alternative ways, but the point that I am getting at is of great importance.

4.45 pm

The third change that I seek to make to the Command Paper is in paragraph 14, which becomes paragraph 12(2) of the new schedule. Paragraph 14 says that, once priority has been given to confidence building, other things will happen at the first meeting. My new schedule says that, provided that agreement is reached on those confidence-building measures, other things will then happen. This is not merely a debating point. It will not merely make for better legislation. It will not merely tie the Government's hands a bit, which, as I explained, I believe is necessary. We must put it into the legislation because if no agreement is reached on the measures there will be no other talks. If that is the reality, let us reflect reality rather than going for a bit of pious hoping about what might happen. Until the issues of permanence, decommissioning and the Mitchell principles are met clearly, without doubt or fudge, nothing will happen, whether we want it to or not. The third change reflects that statement of reality.

The fourth change that new schedule 1 seeks to make is in paragraph 26 of the Command Paper and paragraph 24 of the new schedule. A new point is introduced in paragraph 25. Paragraph 26 of the Command Paper refers to

"referendums in Ireland—North and South".

I do not need to labour the point because one has only to read the Second Reading debate to get the sense of what concerns me. Suffice it to say that in every document that I have ever seen relating to the Northern Ireland peace negotiations, a loose word or a phrase has never been thrown in because no one has got round to thinking it through carefully.

The Command Paper refers to Ireland north and south for a reason. We were not given that reason on Second Reading, although the matter was raised. Unless anyone wants to contradict me, I remain convinced that the phrase was put there to fudge the reality of the sovereign state called the United Kingdom, having Northern Ireland in it. That was put there to fudge the matter because the Dublin Government demanded it and the British Government gave in to that demand to try to keep the peace.

My new schedule corrects the balance and reflects the real world when it says that there will be a referendum in Northern Ireland—which is what it is called—and in the Republic of Ireland—which is what it is called.

Mr. Robert McCartney: Does the hon. Gentleman agree that the fudge of which he speaks has a precedent? The London form of the Anglo-Irish agreement in 1985 referred to an agreement between the Republic of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland while the Dublin form was between the Government of the Republic of Ireland and the Government of the United Kingdom. That fudge was presumably required by articles 2 and 3 of the Irish constitution.

Mr. Wilshire: That is correct and I am sure that the hon. and learned Gentleman shares my view that that was not done by accident either. None of these things is done by accident. That is why new schedule 1 is necessary to put this particular mistake right.

The other part of the fourth change that I seek to make introduces paragraph 25 of the new schedule. I wrote the paragraph in at the end of the Government's Command Paper because I was given an assurance on Second Reading when I specifically asked to be told that there would have to be a referendum in Northern Ireland and that a majority of those voting in Northern Ireland would have to be in favour of the outcome of the negotiations for any progress to be made. I was given that assurance by the Government—I believe it, I am delighted and it is exactly what I feel is correct.

[Mr. Wilshire]

Because of that assurance, I assume that the Government will now have no objection to writing it into the Bill. New paragraph 25 says exactly what I heard said during the Second Reading debate—that only if a majority of those entitled to vote in Northern Ireland support the outcome of the negotiations in a referendum shall those proposals be put to the United Kingdom Parliament. That is what I believe I heard from the Government and that is what I believe the legislation should say.

I accept that the amendments and the new schedule join together two separate issues: putting the details of the negotiation into the Bill and changing the terms of the Command Paper. It may be that the principle of putting in the negotiations is acceptable and that the details of my changes are not. We will have the Report stage and the consideration before the other place to put the details right, if necessary. It may be that putting the whole of the Command Paper into law will make for rigidity—I can predict some of the things that will be said—and that rigidity is clearly not an ideal way in which to conduct negotiations.

However, if my chosen way of achieving these things is held to be not the best way, my four concerns that are spelt out in the changes in the new schedule will remain. If the four changes are to be addressed—and there are other ways—I hope that we hear them. We can then decide whether an alternative way of dealing with the four matters can be found over the next two days. If we do not find alternative ways, the next two days could get seriously bogged down because these are fundamental issues and we could face lots more Divisions, such as the one that we have just had.

In conclusion, I believe that the best way for harmony to break out in the next two days is for there to be a helpful start. If the Government could agree with these concerns and deal with them in whichever way they feel to be best, I am sure that that will make for shorter speeches, fewer divisions and a more agreeable two days.

The Minister of State, Northern Ireland Office (Mr. Michael Ancram): My hon. Friend the Member for Spelthorne (Mr. Wilshire) moved his amendment with characteristic robustness and I listened carefully to what he said. He was right in saying that I might suggest that what he is proposing is somewhat inflexible—indeed, I would go further than that and suggest that there could be serious disadvantages if we were to proceed in the way that he suggests.

I do not recognise in what I see before me in terms of the groundwork paper, the Command Paper, the concessions to Dublin to which he referred. This paper is the judgment of the two Governments as to the basis on which negotiations can be taken forward, but it is important to realise—I shall come back to this point—that the conduct of the negotiations is for those involved in them. I believe that that is an important point, and I am glad to see that the hon. Member for Upper Bann (Mr. Trimble) and the hon. and learned Member for North Down (Mr. McCartney) appear to agree with that suggestion.

Mr. Trimble: As the Minister says, the paper represents the present judgment of the two Governments. I am sure that he will acknowledge that if and when the process moves forward and comes into the purview of the parties of Northern Ireland, whatever might have been the judgment of the two Governments up until then will to some extent be replaced by the contribution of the parties from Northern Ireland. As we found in 1992, in many cases the contribution of the Northern Ireland parties will be more positive and a better way of doing things than that prescribed by the two Governments.

Mr. Ancram: I hear what the hon. Member for Upper Bann has to say—indeed, he outlined his views during the Second Reading debate and it was on that basis that I was confident that he, at least, would not wish to see the rules by which negotiations would be conducted written into statute. At the same time, it is right to say that the negotiations are not part of this legislation—I accept that. The legislation is there to provide for entry into the negotiations, but once the negotiations take place they will be for the participants to conduct.

Experience suggests—particularly experience of the 1991-92 talks—that if they are to serve their purpose, the negotiations that we are setting in train need to be flexible and capable of responding to the wishes of the negotiators. The hon. Member for Upper Bann has said that he has wishes that he wants to make known. In addition, the negotiations should not be confined or constrained by statute.

All participants will want to start the negotiations on the basis of a clear understanding of the way in which they are to be conducted. That is why—after consultation with the political parties—we have published the Command Paper that is our best judgment as to the most suitable and broadly acceptable ground rules. They do not have statutory force because the negotiations, rightly, are not established by statute. I hope that the paper represents a basis on which the parties can agree to participate in the negotiations.

The key message, however—I mentioned this on Second Reading and I repeat it today—is to be found in paragraph 7 of the Command Paper, which states:

> "The conduct of the negotiations will be exclusively a matter for those involved in the negotiations."

I was interested to note that my hon. Friend the Member for Spelthorne left that passage in the ground rules that he has sought to bring into statute. There is a contradiction in trying to make statutory something which, in its own terms, allows for the conduct to be a matter for those involved in the negotiations.

It is important to understand that we are trying to seek a new consensus on how Northern Ireland is to be governed and how it fits into the other relationships within these islands. We are seeking an agreed outcome to which the parties representing all parts of the community can give their assent and which is then put to the people of Northern Ireland in a referendum for their approval. Consensus and consent are essential if this process is to succeed.

Mr. William Ross: The Minister has used rather peculiar language: he said that Northern Ireland fits into other relationships within these islands. Will he and the Front Bench get it through their heads once and for all that the Unionist parties are interested only in Northern Ireland's place in this kingdom?

Mr. Ancram: One of the relationships that has been referred to at times when we have spoken about these

negotiations is the relationship that would exist between institutions in Northern Ireland and institutions in this Parliament. That is an example of relationships within these islands. It has been accepted for a long time that if we are to find a comprehensive answer, the relationships between Northern Ireland and the Republic of Ireland—and, indeed, the relationships between the Republic of Ireland and the United Kingdom—are also relevant. A number of relationships have to be taken into account.

I was making the point that if the negotiations are to succeed they must be based on consensus and agreement. If that is to be achieved, the greatest degree of flexibility to allow that to occur is necessary.

Mr. Robert McCartney: I am sure that the Minister appreciates, as do all hon. Members, that there are certain of these proposed ground rules—such as the renunciation of violence and the acceptance of the democratic principle—to which there must be an absolute commitment in order to participate. Does the Minister agree that it would not be necessary for every participant in the negotiations to agree to every ground rule in order to enter into negotiations and to participate?

Mr. Ancram: I believe we mentioned that on Second Reading. According to the ground rules, the participants must agree among themselves before the negotiating process begins what agreement will mean in the negotiating process. It is important that, before negotiations take place, we are able to agree on the way in which consensus—or sufficient consensus, as the Command Paper suggests—can be ascertained. Again I quote paragraph 7:

"The conduct of the negotiations will be exclusively a matter for those involved in the negotiations."

I believe that my right hon. Friend the Prime Minister at one stage described the negotiators as masters of their own procedures; I believe that that is correct, and that is the way in which progress can be made with such negotiations.

I will discuss some specific points in a moment, but first I shall say that this process, by its nature, is unsuitable for tight statutory definitions and procedures. All those likely to be involved in it would agree that there must be flexibility.

Mr. McCartney *indicated assent.*

Mr. Ancram: I see the hon. and learned Member for North Down nodding again.

5 pm

Mr. Tony Marlow (Northampton, North): My right hon. Friend spoke about referendums. A lot of my colleagues and hon. Friends have been stunned by the reference in one of the documents to holding referendums in "Ireland—North and South". My understanding is that there is the United Kingdom and the Republic of Ireland, and the United Kingdom is one entity and the Republic of Ireland is another entity. If one is talking about "Ireland—North and South", the implication is that Ireland is about to become that entity. My right hon. Friend will understand that that is very disconcerting for a large number of colleagues in the House. Will he explain?

Mr. Ancram: If I may, I will explain later, because my hon. Friend the Member for Spelthorne raised this as a specific point and I wish to discuss his points in the sequence in which he raised them. I can say at this stage that if the interpretation by hon. Friend the Member for Northampton, North (Mr. Marlow) were correct it would indeed be stunning, and I hope to satisfy him that it is not correct.

I am saying, in essence, that I believe that amendments Nos. 136 and 137 would constrain the process of negotiation. The negotiations must proceed at a pace and in a manner that the negotiators are happy with. We have set out our best judgment in the Command Paper, but if the negotiators themselves, by agreement and consensus, find it better to proceed differently, there is nothing to prevent them from doing so.

I therefore urge the Committee not to make what will already be a difficult enough task more difficult by accepting the amendments, and I hope that my hon. Friend the Member for Spelthorne will understand the value of the remarks that I have made in this context and will be prepared to seek leave to withdraw his amendment.

My hon. Friend the Member for Spelthorne firmly drew our attention to areas of the ground rules that he wished to amend. I hope to answer his points. The first related to his new paragraph 8, which would provide that participation in negotiations by any party would require

"the unequivocal and permanent renunciation of violence."

That would move away from the need for the unequivocal restoration of the ceasefire of 1994. In replacing paragraph 9 of the ground rules with what appears to be the rather simpler approach of paragraph 8 of the new schedule, there is a risk that some key elements have—unintentionally, I am sure—been abandoned. I cite, for example, the lack of a clear link to events on the ground.

We know from experience—I believe that it was mentioned on Second Reading—that Sinn Fein as a party is adept at claiming to be committed exclusively to peaceful means. For reasons that we well know, it is vital, in our view, and in the view of the Irish Government, that Sinn Fein's participation in negotiations be accompanied by an unequivocal restoration of the IRA ceasefire. On further commitment to peaceful means, I hope that I can reassure my hon. Friend the Member for Spelthorne by saying that the fact that at the start of the negotiating process all participants will have to commit themselves totally and absolutely to the six Mitchell principles will more than cover the areas that he mentioned.

Mr. William Ross: The right hon. Gentleman is well aware that Sinn Fein constantly attempts, when it suits it, to put clear blue water between itself and the IRA. The Government have always taken the view that the two are inextricably linked. Given the comments that he has just made, do the Government adhere to the view that they are so inextricably linked as to be one and the same organisation?

Mr. Ancram: That question has been asked several times. I believe that it was my right hon. Friend the Prime Minister who said that members of one are members of the other. The key is to consider what members of Sinn Fein, if they were to be invited to the negotiations, would have to commit themselves totally and absolutely to. I shall not go through all six principles because they are available to hon. Members, but I remind them that members of Sinn Fein would have to commit themselves to

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"democratic and exclusively peaceful means of resolving political issues".

Another of the principles is:

"To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the outcome of all-party negotiations".

I believe that the fears that my hon. Friend the Member for Spelthorne is expressing are covered in those principles, enunciated by Senator Mitchell in his report of 24 January.

Rev. Ian Paisley: I am sure that the hon. Gentleman knows what Gerry Adams said a few hours ago—that he would present himself, with his delegates, at the negotiating table on 10 June, that he would not tolerate any conditions whatsoever, and that he would have a mandate. He said that he would also demand that the negotiations should deal with the republican consensus—that would be its business—and with getting British rule out of Ireland.

If those are the remarks that Mr. Adams made—they were widely reported everywhere—how, in the name of goodness, will the Secretary of State decide on 10 June if some other statement is made by the same gentleman, if one can call him a gentleman, that things are different and that those people have forsworn their violent ways and violent manners?

Mr. Ancram: I do not want to pre-empt discussions later in the debate on the clauses about the qualifications on my right hon. and learned Friend the Secretary of State inviting parties to participate in or send negotiators to the negotiations. I would say, however, that the two Governments have said—it is part of the Command Paper and part of the communiqué—that Sinn Fein could not be involved in a resumption of ministerial dialogue, or participate in negotiations, without an unequivocal restoration of the ceasefire of August 1994. So the gentlemen to whom the hon. Member for North Antrim (Rev. Ian Paisley) refers may talk about coming to the negotiations, but both Governments have made it clear that being invited to participate in the negotiations requires a total and absolute commitment to the Mitchell principles and, as we shall see later, that must be reiterated at the opening of negotiations. I ask the hon. Gentleman to read the Command Paper rather than necessarily listening to some of the rhetoric that may be being spouted on the radio and elsewhere outside the House.

Mr. Wilshire: I want to take my right hon. Friend back to a point that he has made again in reply to the hon. Member for North Antrim (Rev. Ian Paisley). Did I hear him correctly when he said that everyone who takes part in the negotiations will have to sign up to every last one of the Mitchell principles, without exception or qualification? If that is so, can he confirm that each and every person taking part will have to do that before anything else happens?

Mr. Ancram: I refer my hon. Friend to paragraph 12 of the communiqué between the two Governments, which makes it clear that all participants would need to make clear at the beginning of the discussions their total and absolute commitment to the principles of democracy and non-violence set out in the report of the international body. On Second Reading, my right hon. and learned Friend the Secretary of State read those six principles into the record again, to make it completely clear that those are the six principles to which total and absolute commitment by the participants would be required.

Mr. Wilshire: Will my right hon. Friend confirm that, before Sinn Fein-IRA can participate in any discussions following the elections, they must sign up to every one of the Mitchell principles without qualification? Is that the position—yes or no?

Mr. Ancram: My hon. Friend should look closely at the communiqué, which makes the position clear. I shall develop that point later as he has asked a proper question. The communiqué makes it clear that there must be total and absolute commitment to the Mitchell principles at the beginning of the process if those making that commitment are to continue to participate in the process. That point has been clear for a long time—certainly since 28 February—and it is reiterated in the Command Paper in order to make it clear beyond peradventure that it is not simply the statement of the two Governments, but is part of the ground rules that we hope will provide the basis for beginning the negotiations.

The Chairman: Order. Before the Minister goes any further, I remind him that we shall be dealing later with amendment No. 2, which appears to refer to some of the detail and covers some of the issues being addressed by hon. Members.

Mr. Ancram: I seek your guidance on that point, Mr. Morris. As the new schedule introduces all of the provisions, I am uncertain as to whether I am duty bound to respond to comments about them.

The Chairman: The Minister is quite right: the new schedule is far reaching. However, if a Member takes an intervention and realises that the points will be covered by subsequent amendments, he or she should decide whether to resist responding to that intervention.

Mr. Ancram: I am grateful to you, Mr. Morris, for offering that gentle advice. I shall try not to cover areas to which we shall return when considering later amendments.

Mr. Marlow: In the interests of clarity—we do not need to read out the text again—will my right hon. Friend confirm whether the answer to the question posed by my hon. Friend the Member for Spelthorne (Mr. Wilshire) is yes?

Mr. Ancram: Yes. I have said that the participants—the parties to the negotiations—will be required to make clear their total and absolute commitment. I do not think that I can say more than that: it is clear not only on my part, but on the part of the two Governments and in the Command Paper. I hope that that is sufficient reassurance.

I hope that my hon. Friend the Member for Spelthorne will recognise that the first change to the Command Paper would not necessarily help—in many ways it would be more restrictive than the existing provisions.

Mr. William Ross: I seek the Minister's assistance with one or two matters about which I am not clear.

He referred to participants having to sign up to many wonderful things. Do "participants" mean a party or parties, individuals, or both? In either case, will the commitment that is given be in much stronger and clearer terms than the existing declaration for those who serve on councils?

Mr. Ancram: It means the parties to the negotiations—which is not just the political parties, but the two Governments.

Mr. Ross: And the individuals?

Mr. Ancram: The delegates to the negotiations attend on behalf of their parties.

In the light of your comments, Mr. Morris, I shall not detain the Committee unnecessarily. My hon. Friend the Member for Spelthorne referred to two sets of changes, but I shall deal with them as one. They deal with the ways in which the process will move forward after the beginning to which I have referred. The communiqué and the ground rules make it clear that at that stage the Mitchell proposals on decommissioning and the other confidence-building measures must be addressed.

When we discussed the matter recently on Second Reading, the general view of the parties and certainly that of the hon. Member for Upper Bann—he is not in his place at present, but I am sure that he will not mind my referring to his remarks on that occasion—was that we must be clear before 10 June about the procedures that will be adopted. In replying to the debate, I said that there must be further discussion and consultation with the parties in order to determine how the procedures will operate.

5.15 pm

I do not think that it serves any great purpose to lay down hard and fast rules in this place before those consultations take place arid different views are expressed. I think it is correct to proceed on the understanding that we must be clear about the matter before negotiations begin. On that basis, I hope that my hon. Friend will accept the strength of that argument—it was employed with effect by the hon. Member for Upper Bann in his speech last Thursday. My hon. Friend should recognise that his suggestions are perhaps not the best way to proceed.

I turn now to the point that my hon. Friend and my hon. Friend the Member for Northampton, North—who has now left the Chamber—raised about the referendums, which are referred to at the end of the Command Paper. Paragraph 26 of that paper reaffirms the intention already made clear by each Government respectively—I emphasise the word "respectively". In October 1994, my right hon. Friend the Prime Minister gave an undertaking that any outcome agreed by the parties would be submitted to the people of Northern Ireland in a referendum for their approval before being put to Parliament. That makes it clear that there will be a referendum on the outcome of the talks held in Northern Ireland for the people of Northern Ireland to agree or disagree to the propositions being put forward before the matters may come before Parliament. That was the position set out by my right hon. Friend some time ago and it remains the position today.

Equally, it is common ground that a successful outcome would require, among other things, constitutional change in the Irish Republic. That, in itself, would require a referendum. Therefore, the two Governments have stated that the outcome of the negotiations will be submitted for public approval by referendums in the north and in the south which will come under the jurisdiction of each Government respectively.

Mr. Wilshire: As to my right hon. Friend's point about a referendum in the south, I did not refer to that for the simple reason that I consider it impertinent to mention the internal affairs of a foreign country—and I wish that Dublin would have regard to that principle when it comes to Northern Ireland affairs. As well as restating that there will be a referendum in Northern Ireland, will my right hon. Friend put me out of my misery by confirming that, if the referendum does not produce a majority, the matter will not be brought before Parliament?

Mr. Ancram: My right hon. Friend the Prime Minister referred to the triple locks: the requirement for the agreement, first, of the parties; secondly, of the people of Northern Ireland by way of a referendum; and thirdly—and in that order—of Parliament. My hon. Friend is correct: if the people of Northern Ireland were to vote against the propositions, they would not be brought before Parliament.

Although my hon. Friend says that he does not wish to intervene in the affairs of another country, it is important that he should appreciate that the negotiations and the balance of the package might require changes to the Irish constitution, which in turn would require a referendum in the south. It is therefore not possible to look at these matters in isolation, even though we might like to.

Mr. Robert McCartney: I am sure that the Minister appreciates that words are very important when it comes to the confidence-building measures. Reference was made earlier to referendums in "both parts of Ireland—North and South", or words to that effect, rather than in the Republic of Ireland and in Northern Ireland. The Minister must appreciate that the terms of the Downing street declaration gave great offence to an overwhelming majority of people in Northern Ireland as that document never once referred to the British citizens of Northern Ireland. That confidence-building measure appears to be absent from the terms of this document also.

Mr. Ancram: The word "respectively" is there for a good purpose, but I can tell the hon. and learned Gentleman from the Dispatch Box that a referendum will be held in Northern Ireland, which will require the assent of a majority of the people of Northern Ireland, if any proposition is to proceed to Parliament as a result of the negotiations.

Mr. Marlow: I am sorry, but I had to nip out for a second. I do not think that my right hon. Friend answered the point that I made. Would it not have been more straightforward, traditional, and clearer and easier for his colleagues on this side of the House if instead of reading "Ireland—North and South" the document had read "Northern Ireland and the Irish Republic". Why did it not say that?

Mr. Ancram: It might, in some circumstances, have been easier, but it does not say that. From the Dispatch

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Box, I am trying to explain to and, I hope, reassure my hon. Friend that his concern is ill founded and that the unease that he feels as a result of the misinterpretation is therefore not merited.

Mr. William Ross: As the Minister has proceeded, some of us have felt more and more disquiet. It seems that in this instance the Government are leaning over backwards to adopt the language of the most violent of republicans. It is the sort of language that we hear from Sinn Fein, the IRA and occasionally from those close to the hon. Member for Foyle (Mr. Hume). We all know that the Government do not use that sort of language without thinking about it. There must have been some reason for using that language and we simply have not been given a reason. Why will the Minister not tell us why those words have been used rather than the correct appellations? All that the Minister is doing is increasing our suspicions.

Mr. Ancram: The language is not new. If my memory serves me right, the hon. Gentleman will find similar language in paragraph 4 of the Downing street declaration of 15 December 1993.

Mr. John D. Taylor: Will the Minister give way?

Mr. Ancram: Let me complete this point, because it is important. The Government are responsible for this jurisdiction and I say from the Dispatch Box, as my right hon. Friend the Prime Minister has said before, that any proposition or agreement that comes from the negotiations will be put to the people of Northern Ireland in a referendum, and only if it passes that referendum will it proceed to this Parliament. It is my understanding that to make constitutional changes—which might be, especially in the eyes of the right hon. Member for Strangford (Mr. Taylor), an important part of a settlement—will require a referendum in the south. That is a matter for the Irish Government, but I understand that that might be necessary. Therefore, they have said in their turn that they would also hold a referendum.

Mr. Taylor: The term "Ireland—North and South" has created much unease in Northern Ireland. It is not a confidence-building term, and it is causing increasing unease on both sides of the Committee this afternoon. Under the Ireland Act 1949, the term "Republic of Ireland" is defined in the legislation of this nation. In what legislation is the term "Ireland—South" defined?

Mr. Ancram: At the moment, I cannot say more than I have said. We are not considering legislation.

Mr. Taylor: We are.

Mr. Ancram: No. I have advised the Committee that the term should not be brought into the legislation. My hon. Friend the Member for Spelthorne is trying to make it part of the legislation and I have said that I do not think that it should be part of the legislation. I have been asked a direct question about what the reference to referendums "respectively" in the north and south means and I have given a complete and categorical answer. I cannot give greater reassurance than that because there is no greater reassurance available.

Mr. Taylor: Will the Minister give way?

Mr. Ancram: I must draw my remarks to a conclusion, but if the right hon. Member wishes to speak, I will give way.

Mr. Taylor: I simply wish to pursue the matter. The Minister has dodged my question by saying that we are not considering legislation. But we are considering a Bill that makes specific reference to Command Paper 3232, which uses the term "Ireland—North and South". I ask the Minister to tell the House under what legislation the term "Ireland—South" is defined and in which counties will a referendum be used?

Mr. Ancram: So far as I know, the term has not been used. I repeat to the right hon. Gentleman that Command Paper 3232 is not part of the legislation. The legislation refers to identifying negotiations in terms of the Command Paper, but the Command Paper is not part of the legislation. Indeed, a later amendment will further specify the connection between the legislation and the Command Paper. I hope that we can deal with the subject when we come to the later amendment.

Mr. Peter Robinson: Will the Minister give way?

Mr. Ancram: I am sure that the hon. Gentleman, as ever, intends to be completely and totally helpful. I will give way, but we should try to bring this part of the debate to a conclusion.

Mr. Robinson: Will the Minister confirm that if he had wished to introduce such terms in the legislation, they would not have been acceptable, and that it would therefore not be acceptable for Ministers to use them in the House in general debate?

Mr. Ancram: I would take advice from the draftsmen, but the hon. Gentleman is probably right that there are terms that are used in legislation, but the Command Paper is not part of the legislation and I am resisting the attempt by my hon. Friend the Member for Spelthorne to make it part of the legislation.

Mr. William Ross: Will the Minister give way?

Mr. Ancram: Yes, as we are in Committee.

Mr. Ross: If the Minister has now admitted that the terms could not be used in legislation, he has also admitted the sensitivity of the language used in the Command Paper. Would not it be wiser, for the sake of everyone, for the Minister to be precise and accurate in his language at all times, instead of using the woolly terms that are designed by republicans to cause maximum offence to the Unionist population, and indeed do?

Mr. Ancram: In the light of this debate, I will try in future to use language that is accurate in the terms that the hon. Member has suggested. The whole process will have to operate by consensus and on the basis of careful balance.

Rev. Ian Paisley: I appreciate the difficulty that the Minister is in, but he must also appreciate that those

words have a real significance in Northern Ireland. If the Minister is keen to instil some confidence in the Unionist population, all Ministers in all documents should stick to the legal terms, "Northern Ireland" and "Irish Republic". If they did that, especially in documents in which the Irish Government have a say, we would see a real difference in perception by the people of Northern Ireland.

Mr. Ancram: I hear what the hon. Gentleman says. I hope that the clear indications that I have given from the Dispatch Box have left him in no doubt about what the language is intended to mean and that he will help me to ensure that people in Northern Ireland are fully aware of that position.

We are involved in a balancing exercise and there must be a degree of flexibility. I hope that I have satisfied my hon. Friend the Member for Spelthorne that in my view his amendments would not make the process of reaching a result easier—as he and I would wish. On that basis, I hope that my hon. Friend will seek leave to withdraw his amendments.

Mr. Eric Illsley (Barnsley, Central): The Opposition cannot support the amendments; if they were pressed to a Division we would not support them. We believe that the ground rule document is clear. It is described as

"the best judgment of the two Governments on the most suitable and broadly acceptable ground rules"

that can be produced for the elections. The Government have tried to reach a consensus. They have consulted all the political parties to try to achieve agreement. It would be unfortunate if we were now to be delayed by the incorporation of the new schedule. It would be debated at length as part of the legislation and, perhaps, lead to further delays.

As the Minister pointed out, paragraph 7 of the Command Paper states that the rules for the negotiations will be left to the parties themselves to organise and negotiate. If I heard him correctly, he also said that there would be further consultations between now and 10 June, when those negotiations will take place. So, after the Bill has been passed, there will be further opportunities for the political parties to put forward their points of view on the ground rules.

The hon. Member for Spelthorne (Mr. Wilshire) said that parliamentary approval should be required for the ground rules. In our opinion, the Minister made the status of those rules clear today, as did the Secretary of State on Second Reading, and we feel that they are the best that could be achieved. If parliamentary approval were sought for the new schedule, it is unlikely that any further consensus would be achieved: it is obvious that it is simply not there.

5.30 pm

The hon. Gentleman cited four respects in which his new schedule differed from the existing ground rules. He made great play of the question of the ceasefire and the report of the international body. On Second Reading, the Secretary of State made it plain that all participants would be required to accept the principles of the Mitchell commission. Paragraph 13 of the ground rules quotes the communiqué of 28 February, which states that

"all participants would need to make clear at the beginning of the discussions their total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body."

It has been made clear throughout today's debate, and on Second Reading, that those requirements would be in place. If they were not, the negotiations would not take place, because the other parties would not take part unless such commitments were given by all participants.

We cannot support the wording of paragraph 25 of the new schedule. I understand that further amendments, to be debated later today or tomorrow, will enshrine the principle it sets out, but we cannot accept the requirement for a majority of those entitled to vote; we believe that the majority should be of those voting.

As I said, if the amendments are pushed to a Division, we will not support them.

Mr. Peter Robinson: The hon. Member for Spelthorne (Mr. Wilshire) said at the beginning of his speech that he was happy to confirm that he had not drafted the new schedule. I understand why he would want to dissociate himself from it. I agree with him that it is valuable for the participants to have clear ground rules in the Bill, but the ground rules in the new schedule—taken almost directly from the Command Paper, which itself resulted from the consultation on the ground rules produced by the Governments of the United Kingdom and the Irish Republic—are so flawed that even the hon. Gentleman's most valiant efforts would not enable them to be sufficiently sanitised to become part of United Kingdom legislation.

The wording of one small part of the new schedule has been referred to in detail. A number of hon. Members have taken offence at the use of such terms as "Ireland—North and South", although there is nothing new about them: they have featured in documents that the Government have been prepared to sign in the past. During the last series of talks, I spent no end of time trying to remove terminology of that kind. Those who produced the ground rules that gave rise to the Command Paper and the new schedule knew full well that they were using wording that was unacceptable to the overwhelming majority in Northern Ireland—and, I suspect, to a large section of the community of the United Kingdom as a whole—but they also knew the purpose of that wording. They knew that the words, "Ireland—North and South" suggested the existence of a political entity known as Ireland, when no such entity exists.

The draft consultation paper produced for the ground rules contained terminology such as

"among the people of the island of Ireland",

which suggested that there was one people on the island of Ireland. There is nothing of the sort, and I was glad to note that, when that offensive language was brought to the Minister's attention, he made efforts to ensure its removal. I hope that, now that the House has drawn his attention to the degree of offence caused by the terminology in the ground rules and the new schedule, he will fight with equal vigour to ensure that it, too, is not used again.

Mr. Robert McCartney: Would not it have been impossible for the Government of the Republic of Ireland to agree with Her Majesty's Government on the ground rules if the term "Northern Ireland" had been used? To accept in any form that Northern Ireland exists as part of the United Kingdom would be contrary to the claims made in articles 2 and 3 of its constitution, which the Irish Supreme Court has defined as a constitutional imperative.

Mr. Robinson: That is undoubtedly true. Furthermore, the Government of the Republic would not have been prepared to use the terms "Irish Republic" or "Republic of Ireland"—usage that would be acceptable to those drafting legislation for the House of Commons. May I make a minor correction? The hon. and learned Gentleman referred to the two separate covers for the Anglo-Irish Agreement. The cover for the Irish Republic was that it was the Government of Ireland, and the agreement was between the Governments of Ireland and Great Britain.

We must examine the precise words that are being used. Over the past few minutes, the hon. Member for Spelthorne has repeatedly sought to extract from the Government confirmation that, before they could move any further, all those who would be present at the negotiations would be required to sign up to the principles of democracy and non-violence set out in the report of the international body.

The communiqué says that the participants

"would need to make clear"

their commitment to those principles. That is not the most precise language. I "would need" to be in bed early tonight, but that does not mean that I shall; indeed, it is most unlikely that I shall. Simply to say that something "would need" to happen does not suggest any precise requirement. That is why, on Second Reading, the hon. and learned Member for North Down (Mr. McCartney) suggested that the word "must" should be substituted—a suggestion that was not taken up by the hon. Member for Upper Bann (Mr. Trimble). Later amendments will attempt to make the wording much more precise.

Mr. Illsley: The communiqué states that

"all participants would need to make clear at the beginning of the discussions their total and absolute commitment".

That could be taken to mean clarifying a commitment that was given before the start of the negotiations.

Mr. Robinson: It could mean a good many things: that is the problem. Given the importance of the matters with which we are dealing, I agree with the hon. Member for Spelthorne that it is important for us to know precisely what the criteria are. His new schedule is intended to lay down the criteria that would move the process forward. As the Minister has made clear, there are other ways of doing that, and such attempts will be made later.

I have not emerged from the mood of depression. Although the Minister was encouraged by the hon. Member for Spelthorne to say that, if he did not intend to approach the issues by way of a new schedule, he would at least address them by some other means, unfortunately, he was not prepared to take up that opportunity.

The language of the Command Paper is flawed, and my colleagues and I have made it clear that we would rely on the terms of paragraph 7 of the ground rules, which state:

"The conduct of the negotiations is to be exclusively a matter for those involved in the negotiations".

We have made it clear that we do not accept the ground rules and that we and all other participants in the negotiating process will look at an early stage at agreed ground rules for the process. For those reasons, I cannot support the precise wording of the proposed new schedule and, if it is pushed to a Division, I shall not support it. However, I support the purpose behind its introduction.

Mr. John D. Taylor: The new schedule gives us an opportunity for wider debate on many of the ground rules. Some of the issues that emerged from the Minister's initial response were most disturbing and they will have increased unease in Northern Ireland. First, it is becoming quite clear that he is thinking in geographical terms about the island of Ireland, the Republic of Ireland and Northern Ireland and not in constitutional or legal terms. When he uses the term "Ireland—North and South" he is using it geographically. There is no definition in law or in our constitution—or in that of the Republic of Ireland—defining Ireland, north or south.

For the people of Northern Ireland—which is the proper term—Ireland, south is Cork and Ireland, north is Donegal. Those are geographical terms and they are all that the Minister is using. It is not good enough to ask hon. Members to agree to a process that is based simply on geographical terms, because each one will interpret the geography differently. The Minister has not accepted the challenge to define Ireland, south. Is it just Cork and Kerry or is there more to it? It is time that the Minister told us. He should not sit in silence. We ask him to respond.

My second point centres on a matter of even more concern. When the Minister spoke about the Mitchell principles, it emerged that the members of the new forum will not have to subscribe to them. I do not think that many people in the United Kingdom have fully grasped that reality. What is even worse is that members entering the negotiations will not have to subscribe to those principles as individuals. That will be done simply by their parties. That was news to me, and it will be badly received in Northern Ireland that each person entering the negotiations will not have to subscribe to the Mitchell principles. Members elected to local authorities are required individually to subscribe to certain documentation. It is not done by the parties on their behalf, but in this case the Government have apparently opted out of individuals' subscribing to the Mitchell principles: it will be done by the secretariat or by party leaders. I want a response to that issue.

5.45 pm

Mr. William Ross: Although my right hon. Friend is aware of this, perhaps we should remind the House that some people in Northern Ireland have always been able to say that they took oaths with mental reservations. It will be perfectly plain to everyone that it will be much easier to have a mental reservation if a party leader rather than the individual gives the commitment.

Mr. Taylor: It might not even be the party leader. It is left open to the Secretary of State to invite someone whom he assumes to be a party leader to make decisions on the party's behalf.

The new schedule contains a matter that I mentioned on Second Reading, and I am sorry to see that the hon. Member for Spelthorne (Mr. Wilshire) has repeated it. Paragraph 1 rightly refers to relationships between,

"the peoples of these islands".

As the Government now prefer to use geographical rather than constitutional terms, I can say that we are discussing an improvement in relationships between the peoples of the British Isles, because that is what the paragraph means in geographical terms.

However, paragraphs 2 and 4(2) show that the hon. Member for Spelthorne, like the Government, has narrowed the wider and more important issue of

improving relationships between the peoples of the British Isles so that it is restricted solely and totally to covering just the relationships between the two Governments. Paragraph 2 mentions just "the two Governments" and paragraph 4(2) refers to relations

"between the British and Irish Governments".

I regret that, and it is one of my reasons for not supporting the new schedule. In the wider negotiations that should take place in which all issues should be addressed, an important matter is the improvement in relationships between the peoples of these islands. It should not be restricted simply to the two Governments talking to each other.

Mr. Wilshire: I think that the Minister tried twice to pay me a compliment when he said that I was being robust. I warn him that I consider that to be my moderate approach and that he may wish not to find me in a robust mood. The Minister said that there would be a serious disadvantage in accepting my amendments and the new schedule; but there will be a disadvantage if we do not, because we will have missed the chance to curb the Government's over-enthusiasm in negotiating. Despite my reservations, neither the Ulster Unionist party nor the Democratic Unionist party are prepared to support me and, in terms of the principle, I know when I am beaten.

Mr. Robinson: We support the principle.

Mr. Wilshire: Perhaps the hon. Gentleman will vote for me if I get around to forcing a Division.

I raised four issues and the Minister dealt with some of them more fully than others. I say that gently. On the matter of permanence and my insistence of a declaration on that, I think that the Minister said that I was being too simple and that my language left something to be desired. One must be careful not to confuse simplicity with clarity. I do not see what could be clearer than my phrase, "permanent renunciation of violence." The Minister said that Sinn Fein/IRA are past masters at exploiting vagueness. My clarity of phrase should, therefore, have commended itself.

Despite what I have heard in the debate, I still think that the six Mitchell principles are not enough and that permanence must be included. However, it is clear from the amendment paper that we can return to that matter. As for the two items that I raised about the negotiations' agenda, may I say a simple thank you to my right hon. Friend the Minister for saying, "Yes, they must sign up to Mitchell six." That is important. I know that it might have taken us slightly longer than we would have liked, but we got the simple word yes, which is important. I hope that that message goes out from here. Now that we have reached the stage of saying that those people must sign up to that principle, I hope that my right hon. Friend will agree that my new clause 2 is the ideal way in which to give effect to their having to say yes.

On the referendum issues, I wish that I could buy the argument that the reference to "Ireland—North and South" was simply sloppy drafting, but nothing that I have heard persuades me that it is as simple as that. Again, may I simply say thank you to my right hon. Friend for the assurance that, if there is no majority in a referendum in Northern Ireland, matters will go no further? We have clarified that point.

The hon. Member for Barnsley, Central (Mr. Illsley), who spoke for the Opposition, explained that he could not support my amendments and went on almost to apologise for that. It is a strange old world when the Labour party apologises to me for not agreeing with me, but I understand his point. At a slightly more serious level, he said that the Bill as it stood was the best that could be achieved. That is what is wrong with so much of the negotiating that has taken place. Some people are prepared to approach the matter by saying, "If we cannot achieve that, so what? Let's give up." I worry when a Labour party spokesman says that this is the best that can be achieved.

Mr. Illsley: Just to clarify the matter, I intended to say that the ground rules—not the legislation—were the best that could be achieved after the Government's discussions with the political parties.

Mr. Wilshire: I am grateful for that. That sorts that issue out, but it is important not to signal to anyone that there is nothing on which we are prepared to say no and mean it.

Mr. William Ross: The hon. Gentleman has just touched on an important point. Many people wonder why we must always steer a middle course, trying to please all people and to be all things to all men. That is not the responsibility of Her Majesty's Government; their role should be to protect the Queen's realm across the board, in every detail. The Government have signally failed to do that in relation to Northern Ireland.

Mr. Wilshire: That is exactly the point that was at the back of my mind. To start with, I thought that that was what the Opposition were suggesting. The hon. Member for Barnsley, Central then made it clear that that was not his point, so I let matters rest, but I agree with the hon. Member for East Londonderry (Mr. Ross). That is why I was so concerned when I heard the phrase.

The hon. Member for Belfast, East (Mr. Robinson) said that I did not write the new schedule and that even I could not sanitise the document. When he went on to express some of the detail, I became pleased that perhaps the Command Paper's detail would be dealt with at some other time so that some of us might not necessarily have to sit through it, but I understand his concern about the phrase, "You need to do something" and I hope that the phrase, "Yes, they must sign up" goes some way to meeting that concern. He explained that he could not support me. As I did not vote with him earlier, I cannot complain about that.

The right hon. Member for Strangford (Mr. Taylor) simply said that the amendments provided a chance to have a wider debate on some issues and that the debate had increased unease rather than resolved some of it. What I have heard and, perhaps, he has heard means that the Committee's later debates now take on a greater urgency and importance and will have to be fought hard.

As for my new schedule, we are at an early stage in the debate. I made four requests and raised four points. Two have been dealt with satisfactorily, for which I am grateful. Two out of four on the first outing is not bad. My right hon. Friend the Minister will have noticed that 17 more of my amendments are to be debated. If we can keep up that strike rate, perhaps the 12th amendment

[Mr. Wilshire]

onwards may no longer be necessary. In that spirit, and having got two out of four, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. William Ross: I beg to move amendment No. 108, in page 1, line 17, leave out 'refrain from inviting' and insert 'not invite'.

The First Deputy Chairman of Ways and Means (Sir Geoffrey Lofthouse): With this, it will be convenient to discuss amendment No. 107, in page 1, line 18, leave out 'or' and insert 'and shall'.

Mr. Ross: I am afraid that you, have caught me a bit quick, Sir Geoffrey. I did not think that the hon. Member for Spelthorne (Mr. Wilshire) was coming to an end quite so quickly, but it has been an interesting debate which will repay careful reading on the morrow before we return to the remainder of the Bill in the afternoon, when some of these matters may be touched on again.

These amendments run in the same vein as the next group of amendments. On the amendment paper, they are headed "Exclusion of delegates (drafting)". Like the first simple amendments which were discussed, these amendments have a much stronger basis for acceptance than others. All that they do is strengthen the hand of the Secretary of State for Northern Ireland, as they make it plain that he should not invite people who will not say clearly and beyond peradventure that they have given up violence. Ministers should accept the amendments' intention, which is to tighten the position to ensure that the Government will be in a much stronger position whenever they deal with the gunmen, of whatever stripe.

We should never create a position where Sinn Fein-IRA—the Minister confirmed earlier that we are correct to use that designation as they are inextricably linked—could cry foul. Sinn Fein-IRA is good at doing that and at using ambiguous language and vagueness to say, "Oh, we did not know what the Government meant. We thought that they meant what we meant." The Minister should therefore accept these little amendments because they would allow him to say, "Look, it is plain from the drafting of the Bill that I not only should not, but I cannot, accept nominations from a party that has links with people who are deeply involved in violence."

It is essential that everyone should know where he or she stands from the beginning. This is an opportunity for the Government to draw a clear, decisive line in the sand. It may be better to set the line in concrete so that it cannot be so easily forgotten and to stick to it.

The amendments make the position clear beyond peradventure. With the support of the Committee, the Government can easily accept them. The Minister will then find himself in a much stronger position should Sinn Fein, the IRA, the Dublin Government, the Irish Americans or, for heaven's sake, perhaps even the Social Democratic and Labour party say to him, "You need a little flexibility here. We need a little space to manoeuvre." The right hon. Gentleman should deny himself that space for manoeuvre. That would lead to clarification and quicker and clearer decisions whenever he has to confront the difficult decisions that await him.

It would also make the position clear when the right hon. Gentleman talks to other people. He can say to the people of Northern Ireland, "Look, we have made our position rigid on this. We will not accept the people who speak and act for gunmen, murderers and thugs. They cannot and will not be treated as members of a normal political party or as normal politicians."

The problem is that the Governments are asking for the restoration of the ceasefire of August 1994. It is not clear whether these matters will be touched on in debates on future amendments, but I hope that they will. My position, and that, I think, of most of my colleagues, is absolutely plain: we do not believe that the so-called ceasefire of August 1994 is good enough.

On that occasion, the IRA, followed by the Protestant, or loyalist, paramilitaries, simply stopped shooting people and blowing them up. Or at least they stopped shooting members of the opposing political dimension. They stopped shooting, bombing and blowing up members of the security forces; they stopped blowing up buildings and town centres, but they did not stop their other activities. Targeting and fund raising continued. Only last week, funds were increased by £1 million, which will buy a great deal and an enormous amount of expertise in elections and election material if, God willing, it is used for that—if those involved are not caught out and the money returned.

6 pm

Thuggery continued too. I am sure that the Secretary of State is well aware that, only a fortnight or three weeks ago, a young man who had had 6 in nails driven through his wrists and ankles was seen on television and in the newspapers. I understand that the nails were driven through his wrists and ankles into a wooden fence and that he was carried into the hospital still fixed to the fence. I see the Ministers nodding, confirming what I had been told. I had hoped that such crucifixions had passed from western society, but it appears that that is not so. I think that Ministers will agree that people who behave in such a way or who have the support of such people should not be admitted into negotiations and should be treated not as a political party but as the thugs and outcasts of society that they are.

Another problem relates to Government representatives. This matter will be touched on later, but perhaps Ministers would like to say something about it now. I have read the papers and discovered that the Government can have five back-ups, but it is not clear who those Government back-ups will be. The Government people are clearly not going to be elected but will be put forward by the Government as their representatives in the negotiations. The Government will therefore have a team of three—presumably, Ministers from the Northern Ireland Office—and five others. Who are these five others going to be? What is intended by having that number? Are these people going to be Members of this House? If not, where will they be drawn from? We shall have to return to such matters.

The Secretary of State is going to have to examine the list of parties. There are a number, but the principal one is Sinn Fein-IRA. The Secretary of State will have to ask himself whether this allegedly political party meets the criteria that have been laid down. We were told earlier that Sinn Fein intended to turn up anyway and cause a scene if it was not allowed in—it has done that before.

When the Secretary of State comes to make that decision, he will have to look at Mr. Adams, Mr. McGuinness, possibly Mr. Kelly and perhaps others who have as yet not appeared to be members of Sinn Fein but are known only to the security forces as the leading murderers and bombers of the IRA. He will be told that they are the negotiators for Sinn Fein. At that point, some other young man might be being nailed to a fence; some young lady, having had her arms and legs smashed, might be being chucked over a hedge; someone accused of being a drug dealer might be lying with a black bag over his head and two bullet holes through it; or a few people, alleged to have misbehaved in Belfast or elsewhere, might be receiving attention with hammers and iron bars, leaving them the thankful patients of what remains of the national health service. The Secretary of State will have to consider all these possibilities when he makes his decision.

Will the Secretary of State tell Sinn Fein the dreadful things that happened? Will he say, for example, that a gang of masked men smashed their way into a house using a sledgehammer to break down the door, that they held the wife and children captive while they wrecked the house and beat up the man, who is now seriously ill in hospital, and that they did something similar the night before and the night before that? The nice, gentle Mr. Adams will be saying, "We're very sorry, it's nothing to do with us. You can't prove it's anything to do with us."

The First Deputy Chairman: Order. The hon. Gentleman is going rather wide of the amendment.

Mr. Ross: I am always willing to accept the judgment of the Chair in these matters but, although it might be straining at the limits, I thought what I was saying was relevant to the decision that the Secretary of State will have to make. He will have to decide whether the individuals seeking admission to the talks have any links with the violence perpetrated against citizens of Northern Ireland in the previous 24, 48 or 72 hours.

Is the Secretary of State going to say, "I don't care what you say. My information is that the people involved are members of the Sinn Fein-IRA. These are people with whom you are associated, who are part and parcel of your terrorist, murderous political organisation, and I am not admitting you"? What is the Secretary of State going to do?

The people of Northern Ireland and hon. Members need to understand how the Secretary of State is going to make his decision. I am trying to make it a little easier for him. I am trying to lay down a rigid line behind which he can stand, thus placing the onus not on his judgment or on the reports that he receives from the security forces or those investigating the crimes but on the thugs and murderers. They will have to prove that they were not involved and that the activities about which complaints had been made were carried out by others for other reasons.

Mr. Ancram: I listened with great care to the hon. Gentleman. The amendments relate to the requirement placed on the Secretary of State to invite the nominating representatives of each party to submit elected delegates from among whom a team will be formed to participate in the negotiations. If that requirement were not met, the Secretary of State would have to refrain from issuing such invitations.

We all share the hon. Gentleman's horror at the outrages to which he referred. The requirements set out in subsections (2) and (3) relate to the Command Paper and, indeed, are the basis of the next group of amendments. I hope that the hon. Gentleman will therefore forgive me if I do not deal directly at this stage with the points that he raised; I think that they form a necessary part of our discussions on the next group of amendments.

I have examined the amendments closely. I think that amendment No. 108 is another way of saying what the Government have sought to do in clause 2(3). I do not think that its effect would be any different. Were we to accept his amendment, some further amendments would be required to clarify what the Secretary of State's duty would refer to in those circumstances. On that basis, I hope that the hon. Gentleman will withdraw the amendment.

Amendment No. 107 does not alter the effect of the clause either. In fact, I think that it improves the drafting of the clause and makes it clearer, and I am pleased to say that the Government are happy to accept it.

Mr. Ross: I am very grateful to have carried the Minister a millimetre with me. He said that before he could accept amendment No. 108 he would have to table further amendments and that further changes would have to be made, but he has not made clear to the Committee exactly what the effect would be. Perhaps he can go further. I would like a further explanation because I do not think that he went far enough.

Mr. Ancram: I had hoped that the hon. Gentleman would not want a technical explanation, but I am happy to give it to him. Clause 2(2) imposes a duty on the Secretary of State to invite the nomination for negotiating teams, as I said earlier. Clause 2(3) qualifies that duty and therefore talks of the Secretary of State refraining from issuing invitations if certain requirements are not met. I presume that the hon. Gentleman's concern is economy of expression since the change is not material. The phrase "refrain from inviting" was designed as a way in which to clarify the fact that subsection (3) detracts from the duty in subsection (2) without having to use words like "subject to" or others of that kind. Our aim was also economy of expression. On that basis, I would prefer to stay with what we have, since the effect is the same. As I said, I bow to the hon. Gentleman's improvement of amendment No. 107, and I hope that he will accept my gratitude for having drawn it to our attention.

Mr. Ross: I am very grateful to the Minister for his further explanation and I am happy to abide by his comments. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 107, in page 1, line 18, leave out 'or' and insert 'and shall'.—*[Mr. William Ross.]*

Mr. Peter Robinson: I beg to move amendment No. 2, in page 1, line 19, leave out from the second 'as' to end of line 21 and insert

'that party:—

(a) is attached to a proscribed organisation which is listed in Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1991, and which

(i) has not declared, and is not presently honouring, a permanent and total cessation of violence; and

(ii) has not surrendered its illegal weaponry; and

(iii) has not dismantled its paramilitary structure, and

[Mr. Peter Robinson]

(b) has not made an unequivocal declaration of its acceptance of the six principles contained in the Report of the International Commission on Decommissioning, which establish a commitment to:—

(i) exclusively peaceful means; and

(ii) abide by the democratic process.'.

The First Deputy Chairman: With this, it will be convenient to discuss also the following: Government amendment No. 27.

Amendment No. 93, in page 1, line 20, leave out 'Command Paper 3232' and insert

'the Report of the Mitchell Commission'.

Amendment No. 106, in page 1, line 20, after 'met', insert 'in full'.

Amendment No. 105, in page 1, line 20, leave out from 'met' to the end of line 21 and insert

'by that party, or independent member, and any paramilitary or proscribed organisation with which he has reason to believe that party or individual has links or for whom the party purports to speak.'.

Amendment No. 76, in page 1, line 21, after 'party', insert

'or if the party has not

(a) permanently renounced the use of violence for any political or other purpose whatsoever; and

(b) affirmed its total and absolute commitment to the six principles set out in paragraph 20 of the Report of the International Body dated 22nd January 1996.'.

Amendment No. 77, in page 1, line 21, after 'party,' insert 'and its individual delegates.'.

Amendment No. 85, in page 1, line 21, after 'party', insert—

'(3A) The Secretary of State shall have power to expel any delegate who, after he has taken his seat—

(a) resorts to any act of political violence; or

(b) fails to dissociate himself from any act of political violence; or

(c) withdraws his total and absolute commitment to the six principles set out in paragraph 20 of the Report of the International Body dated 22nd January 1996.'.

New clause 2—*Statutory Declaration*—

'. Before taking their seats, each member of the forum and of the negotiating teams shall make a statutory declaration that he:

(a) permanently renounces the use of violence for any political or other purpose whatsoever; and

(b) affirms his total and absolute commitment to the six principles set out in paragraph 20 of the Report of the International Body dated 22nd January 1996.'.

Mr. Robinson: The Committee is slightly stunned by the fact that the Government have conceded an amendment, albeit one that will not exactly change the course of history. I wonder whether that has established a pattern and that, as an example of their good faith, the Government will accept amendment No. 2. On the other hand, their acceptance of the previous amendment could well have been just a blip and the bulldozer is about to proceed, leaving behind it the belching smoke to put as much confusion over the scene as possible. That is the issue at stake. The amendment attempts to provide more precise language for the fudge in the Government's Command Paper, and clarity where all that we have at the present time is vagueness.

Under clause 2(3), the amendment would require the Secretary of State to refrain from inviting nominations from nominating representatives of a party or exclude delegates already nominated from entering into negotiations if and for as long as the party had

"not declared, and is not presently honouring, a permanent and total cessation of violence",

as well as a number of other qualifications. On the declaration and honouring of a permanent and total cessation of violence, the amendment is very much more precise than the vague reference to a reintroduction of the failed ceasefire of August 1994.

6.15 pm

On Second Reading, there was much comment by hon. Members on both sides of the House on how unsatisfactory the 1994 ceasefire had been. Reference was made to the 10 people who were murdered during that ceasefire, the hundreds of very serious beatings that took place, the gangsterism that continued and the many other breaches of the ceasefire that occurred not only in Northern Ireland but even here in Great Britain. It is therefore very clear that hon. Members would not be looking for a reintroduction of that failed and unsatisfactory ceasefire of August 1994 and would want something very much more permanent and secure. To ensure that there is no doubt in the minds of members of the Provisional IRA, the Bill if amended would make it very clear that they simply could not get away with that again.

The second issue that the amendment addresses relates to the surrender of illegal weaponry. I know that the Secretary of State has in the past been touchy about the use of the word "surrender" because he does not like to give the impression that he is asking the IRA to do anything that would be difficult. I do not have any compunction about using language that would require the surrender of the IRA, never mind its weaponry, because, unlike the Secretary of State, I do not believe that it is possible to talk down this terrorist rebellion.

It is not good enough to go along with the decommissioning in parallel, in stages, as an incremental surrender of weapons. The people of Northern Ireland are as much threatened by 95 per cent. of the Provisional IRA's weapons—or, for that matter, by the weapons of loyalist paramilitary organisations—as they would be by 100 per cent. of its weaponry. That is why I believe that it is a necessary condition that all weaponry should be surrendered. Apart from removing the weapons of death from our society, such a surrender of weapons would in itself be a very clear sign—perhaps the clearest—that the paramilitary organisations intended to embrace the democratic process and give up their terrorism.

Paragraph (a)(iii) of the amendment, however, recognises that it is simply not enough to hand over weapons, because organisations could of course rearm. There therefore has to be the dismantling of the terrorist machinery and structure.

As well as those confidence-building issues for the Northern Ireland community, the amendment includes a requirement for an unequivocal declaration of each party's acceptance of the six principles contained in the report of the international commission on decommissioning. Those principles, which have been spelled out on many

occasions in the House of Commons, have been rolled up into the requirement to endorse "exclusively peaceful means" and to

"abide by the democratic process".

No one should be in a democratic negotiating process if he cannot sign up to such simple conditions. The House of Commons is not laying down those conditions. They were not concocted by the Secretary of State, the Prime Minister, the Minister, or any hon. Member. They are the fruit of an international commission that considered the matters and what would be the basic requirements, the lowest level of entry, into a negotiating process for any person. The commission of international representatives was headed by an American. That must be an attraction for the Government because the Americans can hardly complain if the Government put down conditions that they have set in the first place. Those who want to take part in the negotiations are required to accept basic democratic principles.

I hope that the Minister will be prepared to accept the principles contained in the amendment. I believe that the requirements are unnecessarily vague in the Command Paper, on which the Secretary of State relies. The use of terminology such as

"would need to make clear"

and "the need to address", which is even more vague, is quite unsatisfactory. During the negotiating process, delegates will be asked to consider as an agenda item matters such as the six Mitchell principles and decommissioning. They will have brought before them the Command Paper, which is referred to in the Bill, and they will spend days, weeks or even months trying to determine what "to address" the proposals on decommissioning means at that stage.

The truth is that the words will mean whatever the Secretary of State wants them to mean at that moment. Northern Ireland representatives are worried that they would go into a process that was open to the definition of the Secretary of State at some moment in future. I believe that, as he has not encouraged us much by being more precise at the Dispatch Box about what the phrase "to address" the issue of decommissioning means, the House of Commons will want to make the wording of the legislation precise by accepting the amendment. Nobody can then be in any doubt about what has to be done for entry into the negotiating process.

Simply to say that parties would need "to address" the issue leaves it open for the parties to refer to it and to nod in its direction. Even on a daily basis, they might want to "address" issues. However, using that terminology, there is no requirement to come to any decision on the matter, still less to take any action arising from any decision on the matter. Such imprecision will not be acceptable to parties in Northern Ireland and if it persists, it will undoubtedly lead to major problems as the process continues. For all those reasons, there is cause for hon. Members to support the amendment. I trust that the Committee and the Government will be able to do so.

Mr. Dennis Canavan (Falkirk, West): I want to speak briefly to my amendment No. 93, which is being considered with amendment No. 2. The hon. Member for Belfast, East (Mr. Robinson) may be surprised to hear that I agree with at least some of what he has said. It is very important for any party at the negotiating table to subscribe to the six principles laid out in the Mitchell commission's report. That is precisely what the amendment states.

I therefore do not see why there is any need to make a specific reference to Command Paper 3232, as the Bill does more than once. It would help to achieve broader acceptance of the criteria for admission to the negotiations if they were based on the report of an international commission rather than simply on a White Paper issued by the British Government. Indeed, it is arguable that the six principles, as set out in the Mitchell commission's report, are far more comprehensive than paragraph 9, for example, of the White Paper.

It is worth reminding hon. Members of the six principles. The main points are that the parties ought to be committed to

"democratic and exclusively peaceful means of resolving political issues;

To the total disarmament of all paramilitary organisations;

To agree that such disarmament must be verifiable to the satisfaction of an independent commission;

To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;

To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,

To urge that 'punishment' killings and beatings stop and to take effective steps to prevent such actions."

There is broad agreement in the House—and, I hope, among the people of Northern Ireland—that those six principles are a fair list of criteria for admission to the talks, without the British Government having to interpret them or add to them in any way. It would therefore be helpful to try to get all parties to the negotiating table as quickly as possible. I hope that, in the immediate aftermath of the elections on 30 May, we manage to get all the parties that are successful in satisfying the electoral criteria to satisfy the Mitchell criteria, so that they can get to the negotiating table and begin the important and, we hope, meaningful negotiations on 10 June.

It would be enough to get all parties publicly to subscribe to the six principles of the Mitchell commission, so it is unnecessary to make any specific reference to Command Paper 3232, as the Bill does at present. I therefore ask the Government to consider amendment No. 93.

Ms Marjorie Mowlam (Redcar): I want to comment briefly on amendment No. 93, which has been tabled by my hon. Friend the Member for Falkirk, West (Mr. Canavan). Before doing that, I want to put the record straight on a comment made on a point of order just before we began consideration of the Bill, as this is the first chance I have had to do so. I make it clear that I properly declared my interests in the year just ended, and that I will continue to do so. I thank the House for allowing me to put the record straight on that.

My hon. Friend the Member for Falkirk, West said that the spirit of amendment No. 93 was to move the negotiations on as speedily as possible—an aim shared, I am sure, by hon. Members of all parties. However, we are slightly concerned about the wording of the amendment, because, in a sense, the ground rules document puts the

[Ms Marjorie Mowlam]

Mitchell report first on the agenda for talk. The way in which the amendment is worded does two things. First, it undermines some of the value of the ground rules document; secondly, it may in a sense do what my hon. Friend is trying not to do, which is to impose another precondition before talks start. I make that point in a friendly spirit, in the hope of facilitating debate this afternoon.

Mr. Robert McCartney: I endorse amendment No. 2, which was moved so eloquently by the hon. Member for Belfast, East (Mr. Robinson). During earlier discussions on amendment No. 136, which was tabled by the hon. Member for Spelthorne (Mr. Wilshire), it was accepted by the Committee in general that it was necessary to have the flexibility of the putative ground rules set out in the Command Paper rather than having them rendered more inflexible by being put in their entirety into legislation.

Within the Command Paper on the ground rules there is a central unequivocal core—a number of principles to which everyone must subscribe before being able to hope to participate in the negotiations. Those are more than just ground rules; they are essential democratic requirements, which throw into broad relief the principles of democracy, and the principles, if such they can be called, of those who wish to achieve political ends by means of violence and terrorism.

It is my view—I hope that the view is shared by the House—that those essential principles have been abstracted and put into words, in the shape of amendment No. 2, tabled by the hon. Member for Belfast, East (Mr. Robinson). From the Command Paper, the hon. Gentleman has abstracted what is absolutely necessary, what is not negotiable and what is a positive requirement for everyone who will pay real, substantial and unequivocal tribute to democratic principles, rather than creating an area of fudge and equivocation through which they may later escape.

6.30 pm

Rev. Ian Paisley: Does the hon. and learned Gentleman agree that the first thing necessary after the elections will be a declaration by the leaders of all the parties that they will abide by those principles? Before people are called to the table to negotiate, they must make an affirmation that that is their basis. If they are called to the table and start negotiating on such conditions, we shall be in the middle of a negotiation that can never be fruitful.

Mr. McCartney: I am grateful to the hon. Gentleman for that intervention, because it seems to me absolutely necessary and essential that all those who claim to be democrats and who wish to participate in what is said to be a democratic resolution, or a means of resolving our present problems democratically, should abide by those principles.

It is important that those principles, which are the very essence of any basis for negotiations, should not simply be left as one item among a set of items in the Command Paper, but must be set out in clear and unequivocal terms within the body of the Bill, so that there can be no ifs or buts about what people are required to do.

There is an enormous amount of good sense in requiring, before 10 June and after the elections, those persons who have been designated by the Secretary of State as the nominators of delegates for each party participating in the talks to make a clear, unqualified statement, without reservations, on behalf of themselves and of such delegates as they are responsible for appointing, that they accept the principles in clause 2 as it would be amended.

In the absence of such a declaration, the confidence that is said to be such an essential requirement for everyone who intends to participate in the negotiations will not be created. People will go into the negotiations with reservations.

On the basis that the past is the only guide we have to future performance, many people in Northern Ireland believe that, unless certain principles are spelled out in a way that allows no fudge or equivocation, concessions will be made to the men of violence, to get them to the table. At some point, a price is too high to pay for bringing such people within the fold of democratic procedures.

What concerns me is not only the opposition to an amendment of the kind suggested, but, in the general principle of the legislation, the absence of any suggestion about what democrats will do if an agreement is reached without the parties of violence being involved. Is there to be any sanction to prevent those people from saying, "It is all very well you democrats getting together and arriving at an agreement—but we shall continue as heretofore"?

It seems to me that the parties will be creating a situation in which their democratic agreement is the only weapon in the Government's armoury against the possibility of the men of terror simply continuing as before. I appreciate that this may not be the time when the Government can say, "If the democrats arrive at an agreement, and if the men of violence ignore it and, despite being pilloried at the bar of world opinion—for which they have shown scant regard in the past—they continue, we shall do X, Y and Z."

But at least there should be some suggestion that, if those people do not participate, and if there is an agreement that is endorsed by the people of Northern Ireland in a referendum and approved by the House, yet terror continues, there will be no question of either the Government of the Republic or the United Kingdom Government not adopting certain measures—at this stage, I do not require them to be specified—to ensure that democratic principles and arrangements democratically arrived at will be guaranteed by those two Governments, by whatever means may then be necessary.

Mr. Wilshire: Four of the amendments in the group—amendments Nos. 76, 77 and 85 and new clause 2—stand in my name. I say at the outset that I shall not be easily talked out of pressing at least some of the points in them, so I hope that my right hon. and learned Friend the Secretary of State will bear that sentiment in mind and allow me at this stage simply to explain what concerns me; then, having had the chance to listen to what he has to say, with the leave of the House I will come back to one or two matters, if necessary.

Amendment No. 76 seeks to add to the requirement that I understand my right hon. and learned Friend will advocate in a Government amendment—the requirement that participation in the negotiations be dependent on agreement with the contents of paragraphs 8 and 9 of the Command Paper. Paragraph 8 requires people to

"establish a commitment to exclusively peaceful methods"—

that is a step in the right direction—and paragraph 9 requires

"the unequivocal restoration of the ceasefire".

My amendment seeks to return to the issue of a permanent renunciation of all violence, rather than a mere restoration of the ceasefire. It would also require participants to sign up to Mitchell totally and absolutely. The words "total" and "absolute" are taken from the Government document; they are not words that I have invented.

If I understand my right hon. and learned Friend's proposed amendment correctly, I welcome it, but he will not be surprised to hear that I do not believe that it goes far enough. I will not rehearse the reasons for that, which I have given before, but my right hon. Friend the Minister's amendment requires parties to "establish a commitment". Parties could say, "Yes, we would agree to that in an ideal world, but it is not ideal, so we can't act on our commitment just yet." They could say, "Yes, we are committed to it, but as long as the British Government are so intransigent"—to quote Sinn Fein-IRA—"there is nothing we can do about it." Those are both interpretations of establishing a commitment.

In an earlier debate—I do not think that my right hon. and learned Friend the Secretary of State was here—my right hon. Friend the Minister said that Sinn Fein-IRA was a master of interpretation and finding loopholes. To avoid all doubt, in addition to Government amendment No. 27, the phrase "establish a commitment" should be changed to "sign up to the Mitchell six principles and permanently renounce violence". That is what amendment No. 76 seeks to do.

Amendment No. 77 is altogether simpler. My right hon. and learned Friend is a master of legal detail. As a mere layman, I worry that a reference only to parties having to do something offers a loophole through which individual delegates might be able to duck. The amendment, in non-legalistic language, seeks to ensure that not only parties but individual delegates must do what my right hon. and learned Friend wants. If my worry is unnecessary, I should be grateful if he would explain in detail how the reference to parties covers individuals.

Amendment No. 85 raises two points. First, there may be another legal loophole. My right hon. and learned Friend is taking powers to refuse to admit people to talks and to exclude people from taking their seats if, after they have been nominated, they have not done certain things; but nowhere in the Bill does he take powers to expel people if, after they have taken their seats, circumstances change. We need to be reassured that not admitting and excluding also means expelling. If there is any doubt about that, I hope that the Bill will be amended so that the Secretary of State can expel people who do things after they join the negotiations.

Secondly, the amendment gives the grounds on which the Secretary of State should have the power to expel people. They will come as no surprise, and I do not need to labour them. If people in the negotiations resort to violence, out they go. If violence is resumed during the negotiations and people in the negotiating teams refuse to dissociate themselves from it, out they go. If people who have signed up to the Mitchell six principles decide to forget some of them, out they go. That is what should happen, and I hope that my right hon. and learned Friend the Secretary of State will tell us that he will have the power to expel people.

New clause 2 takes us back to what my right hon. Friend the Minister said in an earlier debate about people joining the negotiations having to sign up to the Mitchell six before they started. After a while, we got it clear that they would have to sign up to them. That raises the question how delegates to the talks can demonstrate that they have signed up to the Mitchell six. New clause 2 offers one way. I readily accept that there could be dozens of better ways, but this is on the table for consideration.

Mr. Ancram: I do not want a misunderstanding to arise. When I spoke on the earlier amendment, I hoped that I had made it clear that participants would have to sign up for the Mitchell principles, and that the participants would be the parties and the Governments.

6.45 pm

Mr. Wilshire: I hope that the term "parties" includes the individuals in parties who make up the negotiating teams. That is one of the points on which I sought clarification earlier. If I am wrong, no doubt my right hon. Friend will say that it does not mean that individuals have to sign up. If they do not, we have a debate on our hands, because it is essential that they should. Whether it is parties or individuals, new clause 2 seeks to give effect to the assurance that my right hon. Friend gave us earlier.

I propose a statutory declaration. That is not novel; I would love to take the credit, but people in Northern Ireland have to sign up for such things when they are elected as councillors. As Sinn Fein-IRA is happy to sign up after council elections, I assume that even it will not be able to find a way of not signing up on this occasion. The best way to handle agreement to Mitchell is to use the same method as is used for council elections.

Rev. Ian Paisley: The hon. Gentleman must be aware that the weakness of the present legislation is that individuals must take the matter to court. The Government should take such matters to court. Given the situation in Northern Ireland, it is not fair that individuals have to put themselves in the way of a death squad to clarify the matter through court proceedings. I am sure that he agrees that the onus should be on the Secretary of State and the Government to bring people to book if they break the principles.

Mr. Wilshire: I am grateful to the hon. Gentleman. Every time I get involved in Northern Ireland debates, I learn something new. I appreciate that I probably should have understood that point before I started to speak. He is absolutely right. If this provision is to be meaningful, there has to be action. Although it is outside the scope of this debate, now that I understand what happens in council elections, he can count on my support on another occasion for trying to have it put right. For the moment, I will explain what my four amendments seek to do.

I do not want to get into the justifications, because I have explained my approach often enough. I want to listen to my right hon. Friend's reply. I hope that he will take all my points on board; if not, with the leave of the House, I should like to come back on some of them.

Mr. William Ross: The two amendments in my name are simple and straightforward. Although they could have

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appeared as one, I have chosen to present them as two so that one or other, or both, can be inserted in the Bill. They attempt to pin down people with links with violent organisations, clarify the situation and make things easier for the Secretary of State.

Before I deal with that, I want to comment on what hon. Member for Spelthorne (Mr. Wilshire) said about councillors signing up. First, councillors do not sign up in a ceremonial way, but privately. They could later deny that they had signed up. Secondly, when Sinn Fein councillors are elected, it means that they have a considerable number of supporters in the area for which they are elected. In reality, only a person from the same area could challenge them. In that light, it is not surprising that folk are unwilling to put their lives on the line—and that is what they would have to do. That may not be clearly enough understood in the House or elsewhere. IRA-Sinn Fein said at the beginning that it could sign up to that without any problem. If it can do so, it is not worded strongly enough. It does not put IRA-Sinn Fein on the spot and if it does not do so, it is not worth having.

If we are going to have declarations, the Secretary of State must understand that they must have teeth and they must bite. They must be enforceable and there must be some cost if they are not enforced. I hope that the Secretary of State will take on board the concern that has been articulated on the issue in one way or another in the House and on which no action has as yet been taken.

The Secretary of State will see from my amendments that not only do I intend to pin the individuals and parties down, but that Members on the Ulster Unionist Benches want him to carry out the spirit of the legislation, which is important in the perception of the people of Northern Ireland. He has to fulfil their perceptions in relation to this matter. If he is to exclude people whom he has reason to believe are engaged in murderous activities, the Bill must enable him to do so without hesitation. He must be standing on firm ground and his position must be strong.

For that reason, we tabled amendment No. 105. Our amendment No. 106 refers only to meeting the requirements "in full". Amendment No. 105 goes further and states that not only the party but the independent members must be covered. They have not been mentioned in this context. The amendment refers to

"any paramilitary or proscribed organisation with which he"—

the Secretary of State—

"has reason to believe that party or individual has links or for whom the party purports to speak."

If I were writing the amendment today, after the exchanges that have taken place, I would have referred not only to independent members, but to individuals put forward as candidates by their parties. It is important that those individuals sign and agree that they are bound by the strictures of the legislation, and that is not the case.

By "in full", I mean that we cannot accept ambiguous language. We cannot accept the sort of language that has been used in the past—the degree of vagueness that allows that nice bearded fellow to try to convince the people of Northern Ireland, without success I may say, how peacefully intentioned he is. I must tell the Secretary of State that we are trying to ensure that on this occasion those who are involved in violence—those who speak for violence and may not only be the spokesmen for violence, but commit it off their own bat and are directed by it—and who say what has to be said for the purposes of those violent organisations are pinned down in spirit, so that the people of Northern Ireland know that the Government really mean it and that the individuals involved are breaking with their violent pasts. We mean, therefore, that the whole concept and spirit of non-violence and democracy should be involved and should be accepted by all concerned.

In amendment No. 105, I am also trying to draw attention to the fact that those parties, or alleged parties as I prefer to describe them, will attempt to cover the links between themselves—as individuals and as parties—and the violent organisations. The earlier exchanges made it perfectly plain to anyone who cares to read the debate that, so far as the Government are concerned, Sinn Fein-IRA is the same body. We are simply looking at two faces of the same body of persons. We are all aware also that that applies not only to Sinn Fein-IRA, but to the other paramilitary organisations and the parties that speak for them.

In this legislation, the Government are creating a structure that will draw those people into negotiations. To a large extent, the Government also believe that it will draw them from the ways of violence, thuggery and fascism that they have followed until now into the ways of peace and democracy. That is a pious hope without any solid foundation and it does not impress people. Folk see through that humbug. For heaven's sake, we have lived with it for 25 years. The individuals are known in every street, district, town and village in which they live. We are not dealing with strangers, or with an unknown quantity, but with the thugs we know. We are dealing with the murderers, gunmen and bombers we know. We are dealing with people who have records and have in many cases served prison sentences for their evil deeds. We know that they have neither deserted them nor in any way turned from their violent past or from the concept of violence succeeding. Far too often, the Government have given them hope that their violence will succeed by making concessions, or what those individuals perceive to be concessions.

I believe that I am being perfectly correct—it is only sensible—to draw the attention of the House to the independent candidates in the amendment. My understanding is that one of those independent candidates is not just some little flower that has sprouted from the ground like a daisy in a field, but is an ex-Sinn Fein chairman of a council in Northern Ireland. If that is so, this is a man who must be pinned down and asked to sign up to the principles of democracy and non-violence. Amendment No. 105 would pin that individual down. We would be telling him that he had to sign up. If an independent member who is standing for election is to be pinned down and will have to sign up, why should individual members whose names are on the list for the parties not have to sign up also? That is not a small point. It is important and the Government must take it on board. If the words in the amendment do not fit the purpose, let them come back on Report with words that meet my point—a point that has been made by others.

Rev. Martin Smyth (Belfast, South): Can my hon. Friend tell the House whether the person to whom he just referred is the man who said that he did not apply to be on the list, but was put on it and is just going to run with it?

Mr. Ross: The individual who uttered those words has not been identified to me, but I am prepared to take my hon. Friend's word for that, if he is accusing that person of not wanting to run. Perhaps he was complaining for the sake of doing so. If the Government are so willing to accept a name, heaven help us. I notice that one amendment would have the effect of adding the Communist party of Ireland to the list. It was a bit slow off the mark, which is not normal for that party. It is a bit rich when the Secretary of State is promoting the Communist party of Ireland.

Mr. Peter Robinson: Is not the hon. Gentleman's argument made all the stronger when the House recognises that the independent about whom he is speaking is the same independent who declared, as chairman of the council, that the council workers were legitimate targets to be killed by the IRA?

Mr. Ross: Indeed, the hon. Gentleman draws to my mind an incident that I had forgotten. He is correct in his assertion. That is what that individual said. I wonder why, when the IRA is so fond of such people, he and that organisation parted company? Perhaps he was too moderate for it. I am not sure, but considering the area from which he came he was probably considered to be a moderate.

In the light of what has been said, I hope that the Secretary of State will meet the point, which has been made with great force. I was also glad to hear what the hon. Member for Falkirk, West (Mr. Canavan) said. He understands quite clearly the need to build confidence by removing the weaponry, which is a very important point that must be dealt with, if not at the top of the list, very early on in the negotiations. It would perhaps be much easier to address that issue if the people who enter negotiations are prepared to say beforehand that they will desert violence and that their parties will become democratic and real political parties that are not merely the face of thuggery and murder.

7 pm

The Government have also, of course, tabled an amendment, which is the final item that I intend to mention in my remarks—other hon. Members can speak for themselves. The Government's amendment does not go far enough. In paragraph 8 of the Command Paper, which they wish to insert into the Bill, they talk about including parties that

"abide by the democratic process."

That does not go far enough because there is no mention of those parties abiding by democratic decisions—which has been assiduously avoided in all the documents, from start to finish. We talk about a democratic process, but no one ever says, "We're going to abide by democratic decisions", as we do in the House.

At the end of paragraph 9 of the Command Paper, we come to the question of

"the unequivocal restoration of the ceasefire of August 1994."

Hon. Members have already said today that that is simply not sufficient. It was not enough before, and it is even less now. We really need to have something that goes far beyond the IRA saying, "We've stopped murdering folk, but we're going to go on with all the other thuggery."

It is not good enough for the Government to accept the IRA's demand that there will be no forensic examination of any surrendered weapons, because one can foresee a situation in which the IRA will not remember whether a weapon or group of weapons has been used in an attack, holds on to those weapons and surrenders others, says, "We have given up all our weapons", and that is the end of the matter. There must be forensic examination and the weapons must be identified. If the weapons that have been used do not appear, we will know whether the IRA is telling lies.

Mr. Tony Worthington (Clydebank and Milngavie): I shall make clear the Opposition's attitude to these amendments, which are grouped under the title of "Grounds for Excluding Delegates". In listening to hon. Members who have spoken—such as the hon. Members for Spelthorne (Mr. Wilshire) and for East Londonderry (Mr. Ross)—they are obviously quite right in wanting to exclude from participation in peace talks people who do not subscribe to democratic values. There is no question about that.

When comparing those hon. Members' proposals with those of the Government, however, I must ask myself which proposals are more likely to bring progress in the peace talks. I have come to the conclusion that, by and large, the Government have it right in setting the framework for peace talks. If one were to go further than the Government have gone, one would bring in so many restrictions and preconditions that progress would not be possible. As the Secretary of State said earlier, we must make our judgments in the context of the mood that would be set in the framework and in the talks.

The Government have appropriately made it quite clear, as have we, that we must embrace confidence-building issues at the start of the talks. Those issues come directly from the international body and the Mitchell report, which requires that the people who take part in the talks unambiguously accept its six principles. Let us make no mistake about it: the six principles will be extremely difficult for Sinn Fein to accept. The principles include the principle of consent, which is something that Sinn Fein was unable to accept in the peace and reconciliation talks in Dublin, and it will not be an easy test for Sinn Fein.

The ceasefire will have to be re-established if Sinn Fein is to get to the talks. If the ceasefire is not re-established, the Secretary of State will, in the words of the Bill, "refrain from inviting" Sinn Fein to the talks. That test must be passed. Another requirement is that, on the first day of the talks, the Mitchell principles on decommissioning are embraced. We believe that that is an adequate test in relation to the talks.

The obvious question for the participants in the forum is what will be its rules of procedure, which will be an issue for it to decide. The forum may or may not decide that, in its rules of procedure, it requires an oath of allegiance from the delegates. That will be for the forum to decide. I do not suggest that that is what should occur, but it is obvious from what has been said in today's debate that members of the forum will take that decision. Whether such an oath is a good idea will be for that body to decide.

Mr. Robert McCartney: When the hon. Gentleman says that the matter is for the forum to decide, does he means that it is a matter for the negotiators to decide?

Mr. Worthington: I meant exactly what I said. The legislation says that the rules of procedure will be for the

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forum to decide, and that the forum must propose rules of procedure that will then have to be approved by the Secretary of State. If the hon. Gentleman wants to be nit-picking about this, delegates to the forum can be dealt with in that manner. I think that the Government basically have it right in setting the conditions for the talks.

Mr. Kevin McNamara (Kingston upon Hull, North): In view of what my hon. Friend is saying about making the rules, does not that make even more important the point that any rules passed by the negotiators or the forum—or whoever it might be—should have the support of majorities representing both communities and not only 75 per cent. of those participating?

Mr. Worthington: My hon. Friend must not tempt me to go down a route that we will deal with in a later schedule. We will tackle that issue then.

We must deal with whether the Government have put in sufficiently firm tests for entry to the talks. We believe that the Secretary of State has done that. My hon. Friend the Member for Redcar (Ms Mowlam), in her brief reply to the hon. Member for Falkirk, West (Mr. Canavan), said that his amendment appeared to say that the parties had to sign up to the Mitchell principles before they got to the talks, whereas the Command Paper says that that is really the first item on the agenda of the all-party talks. That seems to be exactly the right point at which there should be testing of the parties' resolve and attitude, rather than before that. The Mitchell principles are expressed in simple language, but I am sure that the debate on them will not be dealt with in half an hour or so. All parties will wish to test what is meant by the Mitchell principles. I see the hon. Member for North Antrim (Rev. Ian Paisley) laughing at that point. I am sure that if he were at those talks he would certainly wish to test Sinn Fein on what principle 6 meant to it.

Rev. Ian Paisley: The Secretary of State has assured us that the leaders of the parties will have to make an affirmation and declaration and not indulge in long discussions, qualifications, definitions and parsing of sentences. I shall make that declaration when my party is returned. I shall not be at any table to listen to the shenanigans of would-be murderers who cannot even reject the murder that has been carried out on both sides of the community. I am speaking of loyalist paramilitaries as well as Sinn Fein on this occasion. They should make that declaration. Until that declaration is made, we do not know what will happen in the peace talks.

Mr. Worthington: The point that I was making was that, if a representative of Sinn Fein was at the negotiations and said that Sinn Fein fully accepted Mitchell principles 5 and 6, it would be wholly out of character for the hon. Gentleman to say, "We accept your word on that. We can move on to the next business." I think that that is unlikely to occur. The hon. Gentleman would want to test that.

We hope that the Government will resist the amendments because we believe that they would not facilitate the early movement to all-party talks or help to set the right atmosphere. I believe that the right safeguards are in the Bill and that to go beyond would not be helpful to the conduct of the talks.

Rev. Martin Smyth: I rise to try to clarify some of the suggestions that have just been made by the Opposition Front-Bench spokesman as I did not have an opportunity to intervene. Are right hon. and hon. Members really aware of what we are legislating for at this stage? It is suggested that people could be elected to a forum and that thereafter that forum could place a bar on its membership. I believe that that will leave us open to continuous legal wrangling. Even on the question of the negotiating bodies, we have watched what has happened in the courts of Northern Ireland. Sinn Fein councillors and others have gone to the courts to obtain a legal interpretation and judgment. The House should legislate clearly rather than leave matters for speculative discussions and innumerable law cases thereafter.

7.15 pm

Mr. Nicholas Winterton (Macclesfield): I want an assurance from my right hon. and learned Friend the Secretary of State. As he knows, I have mixed views about the Bill and its purpose. I wonder whether at any stage we will get Mr. Gerry Adams and Mr. Martin McGuinness and their ilk to accept the principles of Mitchell and, therefore, whether my right hon. and learned Friend will be prepared to consider on-going negotiations with Sinn Fein and the IRA, as he has carried on negotiations with them for many months. If it is clear that Mr. Adams, Mr. McGuinness and other leading representatives of Sinn Fein who will be elected to take part in the discussions and the examination which the forum will undertake, cannot and will not meet the Mitchell principles, will negotiations take place? Or will my right hon. and learned Friend find a way around that so that he can continue to negotiate with the IRA and Sinn Fein? The commitment of my right hon. and learned Friend and my right hon. Friend the Prime Minister to finding a permanent peace and the reintroduction of the IRA ceasefire is not in doubt. The doubt is how far they will go in undermining the principles of the Union, which I support, to find the platform on which negotiations can take place.

In putting that question to my right hon. and learned Friend, am I right in thinking that there will be a point beyond which he will not go? If certain leading representatives who may be part of the forum cannot meet the Mitchell principles or the criteria laid down in clause 2—the grounds for excluding delegates that we are currently discussing—will my right hon. and learned Friend have the courage and the principle to refuse to negotiate with Mr. McGuinness, Mr. Adams and others with whom in the past he has been in positive on-going negotiations? If he cannot give me a proper answer to that question and say that if they cannot meet the criteria he will not negotiate with them, what are we talking about in this debate tonight?

Mr. Robert McCartney: Perhaps the Secretary of State would clarify the basic principles relating to the issue now before the House. Will acceptance of the Mitchell principles and of the necessity to address the issue of decommissioning be a necessary preliminary to allowing a party into the discussions and not a condition for staying in the discussions? I suspect that, instead of taking a firm and principled stand and saying to those gentlemen who espouse violence as a means of obtaining political ends, "You cannot participate and discuss with democrats unless you accept the principles of democracy", the Government

will allow them in on the first day. Whether it is five minutes, 10 minutes or a day into the discussions, we will be in discussions. The other participants may be left to do the dirty job of saying, "Out you go or out we go". The Government should make the position unequivocally and abundantly clear and say, "You are not to be here at all unless you give the democratic affirmations that are required." Will the Government answer that question?

Mr. John Wilkinson (Ruislip–Northwood): Please forgive me for coming in late and not having listened to the debate that preceded my intervention. It is beholden on Her Majesty's Government unequivocally to clarify their position with regard to the eligibility of delegates to take part in the negotiations. It is all very well to finesse the issues and to seek to obfuscate them. However, I believe that no reasonable democrat could quibble with amendment No. 2—which is in the name of the leader of the Ulster Democratic Unionist party, the hon. Member for North Antrim (Rev. Ian Paisley), and in the name of the leader of the Ulster Unionist party, the hon. Member for Upper Bann (Mr. Trimble).

It ought to be utterly fundamental that those who are associated with the use of violence for political ends or those who maintain the capability of continuing to pursue violent means in the course of seeking their political objectives are excluded. If we cede this point, the whole process will become fatally flawed because it will give an equivalence of status to those who use horrendous and unprincipled means of wreaking mass murder with those who have eschewed for principled and noble political motives those methods that we so utterly deplore. There has to be an element of trust in the position adopted by Her Majesty's Government. I hope that they will not obfuscate the issues and that they will explain why they exclude amendment No. 2, if they so do.

Sir Patrick Mayhew: This has been a full debate, and rightly so. The amendments cover important matters and they are perceived as going to some important facets of the negotiations. It may help if I put the debate into the context of the Government's policy as it has been explained hitherto. The Government's policy has been to seek to secure all-party negotiations, by which it is meant negotiations including all those parties with a democratic mandate, with the purpose of coming through to a comprehensive settlement based on consent, if that proves to be possible.

It has always been made clear that those parties which shall be entitled to take part as having a democratic mandate shall be those which have declared themselves to be committed to democratic principles and to peaceful methods. For obvious reasons, there can be no place in a democracy for people or parties who are prepared—if they are negotiating as parties—to threaten, or by implication threaten, that they will use violence if they do not get what they want by democratic and peaceful purposes around the table. Putting it another way, people in a democracy cannot be expected to sit down and negotiate with other parties that are not prepared to disavow their willingness to rely on violence in the sense that I have just described it.

That has always been a qualification of the Government's policy of bringing in, if possible, all the parties with a democratic mandate. That has been fleshed out in what is now the Command Paper agreed between the two Governments as offering their best judgment as to what may receive most acceptance in a way with which we are now familiar. Again, it may be worth spelling it out. So far as Sinn Fein is concerned, it is specifically stipulated in the document—in the ninth paragraph—that it shall not be entitled, first of all, to continue with any ministerial contact and, more particularly in the context of what we are discussing, it shall not be entitled to enter into the negotiations unless there has been a restoration by the IRA of the ceasefire of August 1994.

The point has eloquently been made by my hon. Friend the Member for Spelthorne (Mr. Wilshire) that that would not be enough. I agree with that, because we know that the ceasefire was broken and that it did not prove to be a permanent or a true cessation of violence. This is where the requirements that are stipulated in the Command Paper become vividly important as to what shall happen when the negotiations begin, because perhaps it is rather more important or significant than the restoration of the ceasefire.

At the beginning of the negotiations, each and every participant—by which it is meant, in the scheme of things, each and every participating party—shall make it clear that they are totally and absolutely committed to the Mitchell principles, which have come to be called the Mitchell six, of non-violence and of democracy. In the interests of time, I am quoting from memory but, I think, accurately. They have already been referred to by the hon. Member for Clydebank and Milngavie (Mr. Worthington).

Without taking up the time of the Committee by looking up the principles and reading them extensively, they include a commitment of the parties to abide by the outcome of democratic discussions and, if they dislike the outcome, to commit themselves exclusively to democratic and peaceful ways of changing them. Just as important—and perhaps more immediately important in the context of what has been occupying us for the last hour or so—they include a commitment to the total and verifiable disarmament of the weapons held by paramilitary organisations.

In reality, in relation to Sinn Fein there is the requirement that the ceasefire be restored and that it, together with all other participants—including the two Governments—shall commit itself to those principles. However, it does not end there because the scheme as set out in the Command Paper requires that at the same time—that is, at the beginning of the negotiations—they shall address the proposals made by Mitchell for the decommissioning of weapons by paramilitary organisations. Those proposals comprise, embrace and include a proposal that decommissioning shall take place—this is not the precise language, which can be found in paragraph 34—in parallel with the progress of negotiations. The six detailed proposals appear much later in the report.

Much concern has been expressed about the verb "to address". In my opinion, there is more than one way in which a serious commitment, a serious expression of good faith, of getting into the guts of the proposals can be achieved. Therefore, it seemed a sensible way in which that could be associated with the first, total and absolute requirement to sign up to those clearly expressed principles of non-violence and of democracy.

Mr. Wilshire: I accept that there is more than one way of addressing something, but the end product is

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what concerns me and, I believe, a number of other people. However this matter is addressed, will my right hon. and learned Friend confirm in clear terms that no party and no individual will be allowed to take part in the negotiations until they have publicly signed up—by whatever route they choose to sign up—to every one of the Mitchell six principles?

Sir Patrick Mayhew: I certainly give my hon. Friend that assurance so far as Her Majesty's Government are concerned in relation to every party participating in the negotiations. That is the language of the scheme to which the two Governments are committed, and to which I have committed our own Government on Second Reading and more than once since. That is certainly the case.

Mr. Wilshire *rose—*

Sir Patrick Mayhew: Before my hon. Friend rises again, perhaps he will permit me to say that it is central to this scheme that these are elections of parties and that the negotiations shall be participated in by parties, albeit parties which have provided lists of names of people who shall be returned as delegates to the forum from whom there shall be drawn down, as it were, the negotiating teams to take part in the negotiations.

I want to make it perfectly clear—as did my right hon. Friend the Minister of State—that, by reason of the fact that the scheme requires parties to take part, it is of parties that we ask and require, indeed demand, that they make clear a total and absolute commitment to the Mitchell principles. If they are not prepared to do that, they are not entitled to proceed.

7.30 pm

Mr. Trimble: The Secretary of State may have been about to turn his mind to the following point. It is equally important that we have clarification about what happens afterwards. Assuming that commitments are given, those commitments have to be honoured, and they have to be honoured by parties, which demonstrate their honouring of them by their collective and individual actions. It is equally important that we get some clarity about what happens in the event of a prominent member of the party—perhaps its leader or some leading figure—proceeding to act in a way which conflicts or to make statements which conflict with the Mitchell principles. We need to be clear about how paragraph 17 of the ground rules will operate so as to exclude not only the individual, but possibly the party, from further participation.

Sir Patrick Mayhew: I understand the point that the hon. Gentleman makes. For greater clarity, I remind the Committee of paragraph 17:

> "If, during the negotiations, any party demonstrably dishonoured its commitment to the principles of democracy and non-violence set out in the report of the International Body by, for example, resorting to force or threatening the use of force to influence the course or the outcome of the negotiations, or failing to oppose the efforts of others to do so, it would no longer be entitled to participate in the negotiations."

I shall discuss the illustration that the hon. Gentleman specified in a moment, but first I ask how paragraph 17 would be applied?

The circumstances of the moment would have to be taken account of in the totality. It is very difficult to say, here and now, what the consequence would be in every set of circumstances, but it would plainly be for those participating in the negotiations to form a collective view as to whether a party had, for example, failed to oppose the efforts of others to resort to force or to threaten the use of force.

Mr. Robert McCartney *rose—*

Sir Patrick Mayhew: I shall just complete this thought. A party acts through its individuals. I am being asked by the hon. Gentleman to consider the example of a leader or a prominent person, as I was also asked by my hon. Friend the Member for Macclesfield (Mr. Winterton). If a party, through its leader, has failed to oppose—to use the language of paragraph 17—the efforts of those who resort to force or threaten the use of force, it is very much a matter for consideration whether the party has not brought itself within the ambit of paragraph 17.

Mr. Roy Beggs (East Antrim): All parties have mavericks. Why should the party leader be forced to accept responsibility for disciplining someone who has stepped out of line and has simply become involved but is not committed? Why does the Secretary of State not accept responsibility for removing from proceedings the person who has dishonoured the commitment and dishonoured their party?

Sir Patrick Mayhew: The negotiations will not be my exclusive property. It will not be open to me to exclude someone once the negotiations have begun. It will be open to the participants, who will be the masters in their own procedure, and it will be for them to decide whether that should be the case. I can make arrangements and I can make dispositions so far as Her Majesty's Government are concerned, but I cannot determine that for others.

Mr. Robert McCartney: Will the right hon. and learned Gentleman give way?

Sir Patrick Mayhew: I will give way in a moment.

That leads us into the territory of amendments Nos. 105 and 106, tabled by the hon. Member for East Londonderry (Mr. Ross), and new clause 2, tabled by my hon. Friend the Member for Spelthorne, which propose that these requirements shall be required of individual members of teams.

Mr. William Ross: And the independents.

Sir Patrick Mayhew: The independents are there because for the purposes of the Bill they are parties; that is made clear in the drafting of the legislation. The hon. Gentleman makes a face, but we went into this on Second Reading and they are parties for the purpose of the Bill.

I understand the argument that commitments should be required of individuals, but I repeat the point that I made at the outset: the scheme of the Bill is about parties. Parties put themselves up for election, parties are elected and parties participate. I believe that it would not be practicable to require a commitment to the Mitchell principles from individual party delegates as opposed to the parties

collectively, and I believe that the requirements that I indicated at the outset of my remarks as being central to the Government's policy are sufficiently fulfilled if that which is required vis-à-vis the Mitchell six is required of the parties.

I have argued, and I believe that it is relevant at this juncture, that if a party, through its leader, expresses, fails to oppose or in other ways perhaps more positively demonstrates dishonouring of its commitment to the principles of democracy—if an individual does that—it is very hard indeed to see how a party can deny that it is the party that is doing it.

Mr. Robert McCartney: Perhaps the Secretary of State will answer this question, which returns to the generalities of principle rather than the particularities with which he has been dealing.

Let us suppose that Sinn Fein-IRA re-institute their ceasefire a week before 30 May, participate in the elections, give an undertaking on the first day of the talks on 10 June and address—whatever that may mean—the Mitchell principles. First, is it possible that the Government would accept such a restoration of the ceasefire as late as a week before 30 May, which would not in itself give any ground for confidence or provide any validation of the authenticity of that ceasefire? Secondly, in those circumstances, would the Government be prepared to accept the undertaking? Thirdly, by addressing the Mitchell principles on decommissioning, is it possible that Sinn Fein-IRA could continue on that basis to be involved in negotiations for months without handing over a single rusty revolver?

The Second Deputy Chairman of Ways and Means (Dame Janet Fookes): Order. Before the Secretary of State continues, may I point out that interventions, by their nature, should be short? I shall not be so generous another time.

Sir Patrick Mayhew: The hon. and learned Member for North Down (Mr. McCartney) invited me to be general rather than particular and then described a very particular scenario. Nevertheless, I will try to deal with it. I acknowledge that some people will say, "You are dodging the issue if you do not give a precise answer now to a hypothetical scenario", but I must face that. Our stand is based on the requirement for an unequivocal restoration of the ceasefire. That is the language of the Command Paper: it must be unequivocal. Whether the ceasefire may be reasonably regarded as unequivocal depends on all the circumstances, including prior conduct and how soon before 10 June it is purported to be restored. I did not just think of that: I said the same thing on Second Reading. That is the extent to which I am able to answer the hon. and learned Gentleman's question.

The hon. and learned Gentleman then asked what would occur if parties spin out the negotiations without decommissioning taking place. It depends on how the participants to the negotiations tighten the procedures that will be required to implement the commitment to the Mitchell six and to address the modalities of decommissioning. The leader of the Ulster Unionist party, the hon. Member for Upper Bann (Mr. Trimble), addressed that issue on Second Reading when he said:

"It is essential that, well before 10 June, there is a discussion between the constitutional parties and the two Governments on the exact procedures that we shall follow on 10 June so that we can be sure that there is a commitment, that it is given in a clear way and that we do not find things disappearing in a cloud of obfuscation and Anglo-Irishese".—[*Official Report*, 18 April 1996; Vol. 275, c. 876.]

On that occasion, I said that we have to clarify what will be required, and to do so in good time. I think that I said also—I am quoting from memory and not from *Hansard*—that the discussions should take place soon. That is the extent to which I can answer the hon. and learned Gentleman. He raises an extremely germane point, which the Government recognise is significant.

Rev. Ian Paisley: I refer the Secretary of State back to his point about discipline. He seemed to imply that those who attend the talks, and not the Government, will discipline people. Mr. Adams has said that he will try to break into the talks. The right hon. and learned Gentleman knows that Mr. Adams tried to break into the last meeting and that police were called to keep him out of the Stormont conference. It is impossible for ordinary parties to the talks to discipline anyone from Sinn Fein-IRA. The Government must give an undertaking that they will deal with the paramilitaries and anyone else who breaches the agreement.

Sir Patrick Mayhew: Sinn Fein was not invited to the talks to which the hon. Gentleman refers. Its representatives were therefore not admitted to the premises, which were controlled by the Government. Similarly, if Sinn Fein does not comply with the requirements that I have mentioned, its nominated representatives will not be invited to select teams and they will be excluded from any future talks. If Sinn Fein or anyone else fails to sign up to the Mitchell six, they will not be entitled to participate in the negotiations, as paragraph 17 of the groundwork Command Paper states. I do not think that we need to write into the Bill the way in which our decision will be implemented. Sinn Fein would not be entitled to participate, and that would be that. We would then see what happened. I do not think that I need to be more specific at this stage.

Mr. Wilshire: I hope my right hon. and learned Friend realises that I am trying very hard to support him. He said that in his opinion it is not necessary for individuals as well as parties to sign up to the principles. What would be wrong with requiring individuals to sign? If there is nothing wrong with that, will he concede that point and make it easier for me to support him?

Sir Patrick Mayhew: There is obviously nothing wrong with it morally, but I think that there are some practical difficulties. Individuals may claim that they stand by their undertakings in spite of their party's actions. It is hard to see what such a move would add to the proceedings. Any individuals who were excluded for demonstrably dishonouring the Mitchell six would probably be excluded as a result of an IRA action, so we would have to exclude the whole delegation.

7.45 pm

I understand what is in the mind of my hon. Friend and in the mind of the hon. Member for East Londonderry (Mr. Ross). I recognise that there is intense distaste at the prospect of sitting down at a table with those who have associated themselves—to put it mildly—with

[Sir Patrick Mayhew]

abominable crimes. However, we are seeking to bring together people who, however lamentably, by reason of the past have a significant democratic mandate. As a result of that mandate, we are trying to bring those people into the negotiations in recognition of the fact, not that they can veto the process, but that their absence may make it harder for any ultimate solution that may be arrived at to stick. We want to include those parties in the negotiations if we can—provided that they have signed up to all the democratic principles. There is deep distaste for that proposition—which I share as a result of some practical experience—but that is what lies behind the difficult line that we must tread in the circumstances.

Mr. Nicholas Winterton: Is my right hon. and learned Friend aware that some hon. Members are very concerned about his use of the phrase "to address" in relation to the six Mitchell principles? Those principles are absolutely clear: there is no doubt about their meaning. Why must we "address" those six principles when everyone knows what they mean? If we "address" them as part of the forum exchanges prior to forming negotiating teams, it will protract the discussion and enable people to slip under, over or around those principles as recognised by this place and by most people.

Sir Patrick Mayhew: I would deserve my hon. Friend's thunderbolts if we were proposing to address the Mitchell principles, but we are not. I correct my hon. Friend rather gently as I know that the language is not easy to distinguish unless one has lived with it—as has been my lot for some time.

We have said that the principles shall be signed: each and every participant shall make it clear that they are committed totally and absolutely to the Mitchell principles of non-violence and democracy. The phrase "to address" refers to some different proposals made by Mitchell about decommissioning. They are specific proposals about how there shall be a verifiable means and so forth. I endeavoured to explain that, as there is more than one way of achieving them, it is sensible to use the phrase "to address". It is quite different from the principles.

Mr. Winterton: I wish to clarify that point further. I understood that decommissioning was part of the democratic process. If that is so, why do we need to "address" decommissioning? One either signs up to it and honours it, or one does not.

Sir Patrick Mayhew: That is perfectly true when it comes to the principles. As to the proposals, there are several ways of going about it, but I will not repeat myself. I have been reminded that I am going on a bit—it is because I have endeavoured to answer all the questions put to me—so I shall now turn briefly to the amendments.

I would like to be able to help, but I cannot advise the Committee to accept any of the amendments.

I believe that I have sufficiently dealt with amendment No. 2 in the argument that I have given off the cuff rather than by reading the brief, so I hope that I shall not be regarded as discourteous if I do not say more.

Government amendment No. 27 makes it clear that the reference to the Command Paper is to paragraphs 8 and 9. As for amendment No. 93, tabled by the hon. Member for Falkirk, West (Mr. Canavan), we believe that the Command Paper—as narrowed down by reference to paragraphs 8 and 9—is a much more serviceable point of reference than the Mitchell report, which is much broader. I hope that the hon. Gentleman will accept, in the light of what I have said, that it is desirable that we should retain the reference to the Command Paper rather than to Mitchell as his amendment suggests.

I would have liked to accept amendment No. 106, tabled by the hon. Member for East Londonderry. I have tried hard to discover whether we can prudently include the words "in full", but I have had vehement advice from the draftsmen that that would dangerously, and unnecessarily, open channels for judicial review and challenge and that we would be unwise to solicit such actions. The words would add nothing to the effect, but they would open opportunities for challenge. That is the real reason why I am not able to accept the amendment.

Mr. William Ross: Perhaps the Secretary of State would care to say more about why it would open up such channels. Is he frightened that in some way the Bill is sailing very close to hybridity?

Sir Patrick Mayhew: I have asked for this in terms. The words "in full" add nothing to the legal effect, but the courts would have to try to give them meaning and it is anyone's guess what they might conclude. That would materially increase the possibility and danger of challenge to what is at present a simple discretion. I fear that that is what I have to say to the hon. Gentleman on the subject.

The effect of amendment No. 105 would be that the requirements in the Command Paper must be met not only in relation to the party concerned but in relation to

"any paramilitary party or proscribed organisation with which . . . that party . . . has links or for whom that party purports to speak."

In the light of what I have said about Sinn Fein and what it will have to do and about signing up to the six Mitchell principles, the hon. Member for East Londonderry can be reassured that clause 2 meets his requirements without the need for the amendment.

I hope that my hon. Friend the Member for Spelthorne will concede that I have dealt at some length with what he said. He shakes his head—I hope that that means that he thinks that my answer is unsatisfactory rather than that I have not dealt with the point.

I apologise for taking some time. I invite those hon. Members who have tabled the amendments to consider, after full reassurance, whether they might decide not to press the amendments.

Mr. Peter Robinson: It is interesting that the Secretary of State, having closed his ears to the strength of the arguments that have been made by those who have tabled the amendments, suggests that he has in some way answered the points. In fact, he has at best skirted round the arguments and, in most cases, there has been a long breadth between what he argued at the Dispatch Box and the points that were raised in the debate.

During the Secretary of State's mild rebuke and gentle correction of the hon. Member for Macclesfield (Mr. Winterton), he used language that was inaccurate. The Secretary of State said that there was no reference to a need to address the principles because the words "need to address" referred to the proposals for decommissioning.

That was absolutely right, but he then said that the principles indicated that the participants would make the proposals clear. That is not what the Command Paper says. If the Command Paper had said that, it would have been of some assistance to us. The Command Paper says that the participants would need to make their commitment to the principles clear. We have already gone into the difference between "would need to" and "shall" in the Mitchell principles. The reference to "need to address" has not, in my view, been satisfactorily dealt with. The very fact that the Secretary of State is now envisaging the possibility of legal recourse being taken by some frustrated participants suggests that the words of the hon. Member for Belfast, South (Rev. Martin Smyth), in the course of his short remarks, may be accurate.

It is because of the necessity for the Committee to ensure precision in order to avoid difficulties later in the courts that I believe the amendments should be accepted. There is little doubt that some people out there will take great pleasure in having recourse to the courts on these issues. The less precise the language used in the Bill, the more likely it is that there could be an unfavourable outcome to such a challenge. For that reason, among many others, we have used precise language in amendment No. 2.

As hon. Members would probably expect me to say, I believe that amendment No. 2 is the most comprehensive of the amendments in this group. It would set a standard for those who will take part in negotiations. Therefore, the question is not, as the hon. Member for Clydebank and Milngavie (Mr. Worthington) suggested, one of ascertaining which route is most likely to lead to a successful outcome to negotiations. Amendment No. 2 would set down the standard that would be required of those who will participate in negotiations. As the Secretary of State and others have clearly recognised, it is simply not acceptable for people to walk through the doors into negotiations who have, the day before, been involved in violence, or to expect people to accept their word. People could bomb London or elsewhere one day and the next day be part of a negotiating process that everyone hopes will lead to a peaceful outcome. I must tell the official Opposition that the question is not about the most likely route to a favourable result; it is about setting, at the outset, the standards that will be required of those who are to participate.

The Government have fudged the issue. I take the point made by the hon. and learned Member for North Down (Mr. McCartney). Clearly, in politics, there is a time for vagueness and a time for clarity. In the Command Paper, there are issues on which perhaps it is more sensible to be vague at this stage than to be clear, but it is abundantly clear that this issue, at a later stage, will be a matter of contention. If hon. Members believe that to be the case, we should be as precise as it is possible to be so that nobody is left in any doubt about the criteria that have to be met.

We must all have had experience in recent years of the Government giving a wink and nod to suggest that the wording of a document can be loosened at a later stage. The Government have suggested that they might find a circuitous route to get round the language laid down in certain documents. When people come to the point, they have found that the route is closed off and they then feel that they have been betrayed, just as many parties in Northern Ireland, of the fringe variety, feel that they have been betrayed by the Government, because those parties are now being required to go beyond what they were asked to do during discussions with the Government about ceasefire arrangements.

I hope that the Secretary of State will recognise that there is value in precise wording for clause 2. I am rather disappointed, though not surprised, that the Government are reverting to type and simply steamrollering the Bill through the House. I trust that the Secretary of State will realise that it is not satisfactory that people who will be present at the negotiations can be put under threat by the participation in those negotiations of people who are effectively saying that, if their demands are not met, they will start up their campaign again. The fact that the Secretary of State is prepared to fudge the issue leads many of us to fear that, somewhere down the line, he will view getting Sinn Fein to the talks, come what may, as his prime motive.

We fear that, if that means that the Secretary of State must use weaker wording than he used earlier, he will ultimately be prepared to do so. We fear it particularly when we note that there is nothing about talking to the Provisional IRA that would turn the stomach of the Prime Minister or the Secretary of State. As was revealed over the weekend, for a long period while they were telling us that such dialogue would turn their stomachs, they were engaged in dialogue with Sinn Fein.

My amendment is supported by the leaders of the Ulster Unionist party and my party, and we intend to push it to a Division because we consider it essential for the views of the House to be tested. I am sorry that the Secretary of State has not been prepared to make the smallest gesture towards those of us who have tabled the amendments.

8 pm

Mr. Trimble: These are probably the most important amendments that we shall discuss this evening. They try to spell out clearly what should happen in the negotiations, and to clarify the inclusion or exclusion of certain parties. In effect, the Secretary of State has argued against such precision, and we are left with the fairly general statements—featuring a certain amount of ambiguity—in the Command Paper known as the ground rules.

Following the route suggested by the Secretary of State would require us to have a degree of confidence in the way in which the Government interpret, and will apply, the statements in the ground rules. I waited until the Secretary of State had spoken before expressing my views, but I regret to say that, having heard what he had to say about two important points, I am somewhat disappointed.

The Secretary of State quoted from my Second Reading speech. I was glad that he did, because it is essential for us to be clear about what will happen when the talks open, but I would have preferred that to be clarified publicly. All parties in the House, and elsewhere, that may be contemplating involvement in the negotiations must know exactly what will happen. None of us wishes to engage in any form of dialogue with those—not just Sinn Fein—who have committed appalling atrocities in the past until we know of the existence of a clear commitment: the total and absolute commitment referred to by the Secretary of State and in the ground rules.

Just as important, however, is the question of what happens thereafter. The hon. Member for Belfast, East (Mr. Robinson) pointed out that I had signed the

[Mr. Trimble]

amendment that he tabled originally; I am rather sorry that I did not also sign amendment No. 85, tabled by the hon. Member for Spelthorne (Mr. Wilshire), which also makes clear what will happen afterwards. The Secretary of State disappointed us gravely by saying that it would be for the parties collectively to act, thus giving a clear indication that he intends to duck his obligations.

The Secretary of State has responsibilities in this regard. It would be much better if the criteria for the exclusion of parties that act contrary to the Mitchell principles on peace and democracy, or fail to implement those principles, were written into the Bill as they are written into paragraphs 8 and 9 of the ground rules.

At the opening of the talks we are likely to be issued with a postdated cheque, which we fully expect to be dishonoured. The procedures that will apply when it has been dishonoured should be made just as clear. The Government have accepted the principle of narrowing the reference to the communiqué in paragraphs 8 and 9 of Cm 3232, but those paragraphs relate to the original invitation. The Government should accept a similar obligation with regard to paragraph 17: it should be included as well. The Government should have a duty to exclude delegates, which would require the rewriting of clause 2(3). It is not good enough for the Government to duck those obligations by transferring them to the parties collectively; they should not shirk their responsibilities.

Mr. Wilshire: When I explained the purpose of the four amendments that I had tabled, I said that I wanted to listen to what was said by my right hon. and learned Friend the Secretary of State and then decide whether any further comment was necessary.

As the hon. Member for Upper Bann (Mr. Trimble) has just said, our present debate lies at the heart of the Bill—at the heart of what we are trying to achieve. As I have repeatedly said, the matters that we are discussing include what, for me, are two key issues: the clear distinction between asking people to sign something and asking them to address a matter, and the difference between saying that something is permanent and simply reinstating it.

Every time we debate these matters, Ministers give the same response. They say, "Yes, you are right; this will happen. There is nothing to worry about; all will be well. We have given you assurances before." *Hansard* is littered with such responses. In all the time during which I have raised such issues, however, I have received not a single reply that would change anything, or give effect to those reassurances. Not one amendment has been considered acceptable tonight, although I stressed that, although a measure might not appear necessary, there was nothing wrong with introducing it if that would reassure some of us.

As a result, I am sorry to say that I feel forced to do something that I have never done before, and vote against my right hon. and hon. Friends. I do not see this as a party-political issue pure and simple; indeed, the existence of a consensus suggests that more than party politics is involved. I hope I have made it clear over the months that, for me at least—and doubtless for others—the issues that we are discussing raise matters of personal conscience. What is happening flies in the face of my fundamental commitment to democracy.

I simply cannot bring myself to accept that others should be expected to sit down with evil killers who have not even signed up to anything before the start of the talks, and with people who have broken a temporary truce when it suited their purpose. For me those matters go deep, and they are matters of conscience. I have said time and again that I am unhappy, but there comes a point when it is necessary to show that, as well as to say it.

I would prefer to vote for my amendment, No. 76, but I understand only too clearly that, with an all-party consensus, any amendment will be defeated. I have serious reservations about amendment No. 2, which has been moved by the hon. Member for Belfast, East (Mr. Robinson) but, rather than divide the Committee twice unnecessarily, despite those reservations, I shall vote for it. I hope that the Committee will note that I would have preferred to vote for a different amendment.

Question put, That the amendment be made:—

The Committee divided: Ayes 11, Noes 233.

Division No. 102] **[8.09 pm**

AYES

Beggs, Roy
Forsythe, Clifford *(S Antrim)*
McCartney, Robert
Maginnis, Ken
Molyneaux, Rt Hon Sir James
Paisley, The Reverend Ian
Smyth, The Reverend Martin
Taylor, Rt Hon John D *(Strgfd)*
Trimble, David
Walker, A Cecil *(Belfast N)*
Wilshire, David

Tellers for the Ayes:
Mr. William Ross and
Mr. Peter Robinson.

NOES

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alison, Rt Hon Michael *(Selby)*
Ancram, Rt Hon Michael
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkins, Rt Hon Robert
Atkinson, Peter *(Hexham)*
Baker, Nicholas *(North Dorset)*
Banks, Matthew *(Southport)*
Barnes, Harry
Bates, Michael
Bellingham, Henry
Bendall, Vivian
Benn, Rt Hon Tony
Benton, Joe
Beresford, Sir Paul
Bermingham, Gerald
Biffen, Rt Hon John
Blunkett, David
Boateng, Paul
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, N *(N'c'tle upon Tyne E)*
Browning, Mrs Angela
Budgen, Nicholas
Burns, Simon
Burt, Alistair
Butler, Peter
Canavan, Dennis
Carlisle, John *(Luton North)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Cash, William
Chapman, Sir Sydney
Chidgey, David
Chisholm, Malcolm
Clappison, James
Clark, Dr Michael *(Rochford)*
Coe, Sebastian
Coffey, Ann
Congdon, David
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Corbyn, Jeremy
Cran, James
Cunningham, Jim *(Covy SE)*
Currie, Mrs Edwina *(S D'by'shire)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Dover, Den
Dowd, Jim
Duncan, Alan
Duncan Smith, Iain
Dunn, Bob
Dykes, Hugh
Eagle, Ms Angela
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Faber, David
Fabricant, Michael
Fishburn, Dudley
Fisher, Mark
Foster, Don *(Bath)*
Fox, Dr Liam *(Woodspring)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gardiner, Sir George

Gill, Christopher
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Gummer, Rt Hon John Selwyn
Hague, Rt Hon William
Hain, Peter
Hampson, Dr Keith
Hanley, Rt Hon Jeremy
Hannam, Sir John
Hargreaves, Andrew
Harris, David
Harvey, Nick
Haselhurst, Sir Alan
Hawkins, Nick
Hawksley, Warren
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hendron, Dr Joe
Hendry, Charles
Higgins, Rt Hon Sir Terence
Hoon, Geoffrey
Horam, John
Howarth, Alan *(Strat'rd-on-A)*
Hughes, Kevin *(Doncaster N)*
Hughes, Robert G *(Harrow W)*
Hume, John
Hunt, Rt Hon David *(Wirral W)*
Hunter, Andrew
Hutton, John
Illsley, Eric
Ingram, Adam
Jack, Michael
Jenkin, Bernard
Jenkins, Brian *(S E Staffs)*
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Barry *(Alyn and D'side)*
Jones, Gwilym *(Cardiff N)*
Jones, Nigel *(Cheltenham)*
Jones, Robert B *(W Hertfdshr)*
Kellett-Bowman, Dame Elaine
Kennedy, Jane *(L'pool Br'dg'n)*
King, Rt Hon Tom
Kirkhope, Timothy
Kirkwood, Archy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lawrence, Sir Ivan
Legg, Barry
Lennox-Boyd, Sir Mark
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
McGrady, Eddie
MacKay, Andrew
Mackinlay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
McNair-Wilson, Sir Patrick
Madden, Max
Marlow, Tony
Martin, David *(Portsmouth S)*
Mates, Michael
Mayhew, Rt Hon Sir Patrick
Merchant, Piers
Miller, Andrew
Mills, Iain
Mitchell, Andrew *(Gedling)*
Mitchell, Sir David *(NW Hants)*
Montgomery, Sir Fergus
Moonie, Dr Lewis
Moss, Malcolm
Mowlam, Marjorie
Murphy, Paul
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Norris, Steve
Oppenheim, Phillip
Ottaway, Richard
Paice, James
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Pope, Greg
Porter, David *(Waveney)*
Powell, William *(Corby)*
Prentice, Bridget *(Lew'm E)*
Rendel, David
Richards, Rod
Riddick, Graham
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Rumbold, Rt Hon Dame Angela
Sackville, Tom
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Skinner, Dennis
Smith, Tim *(Beaconsfield)*
Spearing, Nigel
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Rachel *(Dunfermline W)*
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Stern, Michael
Stott, Roger
Sutcliffe, Gerry
Sweeney, Walter
Sykes, John
Taylor, Mrs Ann *(Dewsbury)*
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Temple-Morris, Peter
Thornton, Sir Malcolm
Timms, Stephen
Townsend, Cyril D *(Bexl'yh'th)*
Trend, Michael
Waldegrave, Rt Hon William
Walden, George
Waller, Gary
Wardle, Charles *(Bexhill)*
Watts, John
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Worthington, Tony
Yeo, Tim

Tellers for the Noes:
Mr. Gary Streeter and
Mr. Derek Conway.

Amendment accordingly negatived.

Amendment made: No. 27, in page 1, line 20, after first 'in', insert

'paragraphs 8 and 9 of'.—*[Sir Patrick Mayhew.]*

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3

THE FORUM

Mr. William Ross: I beg to move amendment No. 114, in page 2, line 3, after 'Ireland', insert

'and an accurate record of such deliberations shall be published and their recommendations made available to the negotiating teams and to the Secretary of State.'.

The Second Deputy Chairman: With this, it will be convenient to discuss also the following amendments: No. 3, in page 2, line 4, after 'shall' insert 'primarily'.

No. 5, in page 2, line 4, leave out 'only' and insert

'but it may, after deliberation, come to a resolution on any matter and may determine the level of support which exists for any proposal submitted by any of the participants in the negotiations'.

No. 113, in page 2, line 4, after 'only', insert

'but it may make recommendations to the negotiating teams and to the Secretary of State.'.

No. 29, in page 2, line 6, leave out from 'functions' to end of line 7.

No. 75, in page 2, line 6, after first 'or', insert

'(subject to the provisions of paragraph 3A of Schedule 2)'.

No. 4, in page 2, line 6, leave out 'course or outcome' and insert 'or course'.

No. 112, in page 2, line 7, after 'I', insert

'but that it may debate any area currently the subject of negotiations and it shall deliberate on any report produced by the negotiations.'.

No. 102, in page 2, line 8, leave out subsection (4).

No. 6, in page 2, line 8, leave out 'if' and insert 'when'.

No. 28, in page 2, line 8, leave out

', in accordance with any rules of procedure adopted by them,'.

No. 90, in page 2, line 9, leave out

'refer any matter to the forum'

and insert

'decide to consult the forum on any matter.'.

No. 7, in page 2, line 9, leave out from 'forum' to end of line 10 and insert

'it shall consider such matters and determine the level of support which exists for any agreement reached by the participants in the negotiations'.

No. 91, in page 2, line 10, after 'matter', insert

'but any such consideration shall be deliberative only and shall not in any way determine the conduct, course or outcome of the negotiating.'.

No. 8, in page 2, line 11, at end add—

'(6)—'No agreement shall be reached by the participants in the negotiations unless it is tested to measure its level of support in the forum and shall not be considered to have reached sufficient consensus as referred to in Command Paper 3232 unless it is approved on a vote by at least 75 per cent of those voting.'.

No. 68, in schedule 2, page 8, line 18, at end insert—

'3A. The forum shall elect the independent chairperson referred to in paragraph 20 of Command Paper 3232.'.

Mr. Ross: The intention here is to ensure that, when we have the election to the forum and go to the trouble and expense of proposing candidates, of selecting them and of putting their parties through all the traumas associated with an election, the people who are elected have a job to do. I and, I think, any sensible person believe that people are elected not in a vacuum, but to do a job. Under the Bill, only a small number of the people who are elected will be given a job of any real significance.

The mass of members elected to the forum will be called together only as and when the Secretary of State for Northern Ireland decides to do so or when something is referred to them by the negotiators. That is wrong. The forum is much the larger body of opinion. The people on it will represent directly the electorate and will have gone there to put the electorate's view.

I and my colleagues have total confidence in the leader of our party. We know his ability in advancing the party's views, but no matter how sensible his and other negotiators' views, other people will have been elected. Many of them will wish to have their opinion listened to. People who have voted for the party in their constituency will wish to know that the people for whom they have voted have the right to speak on their behalf. All that this group of amendments tries to do is to ensure that those people will be able to do just that.

In amendment No. 114, I specifically ask that an accurate record of such deliberations be published. When we come into the House tomorrow morning, we will be able to pick up *Hansard*, which will give an almost verbatim report—certainly a report that gives the sense of all that has been said in the Chamber today. As we all know, on many occasions, exchanges in this place are heated. At times, one does not hear every syllable that is uttered and it is difficult to unravel the obscure and ambiguous language that is such a characteristic of the Northern Ireland Office and its Ministers. We have had quite an exhibition of that this afternoon. Time and again, we have had to go back to the Ministry.

Mr. Ancram *indicated dissent.*

Mr. Ross: The Minister shakes his head. That shows simply that he is not aware of the reality of what he has uttered and the lack of precision and accuracy that we find in what he says. We would like, therefore, to read as soon as possible exactly what everyone has said and what people have thought so that we understand precisely what they were getting at and can question and probe.

We are dealing not with a small matter of a law that might be changed next year, or perhaps in a few months' time, but with the future existence of the United Kingdom as we know it and Northern Ireland's place within the UK. Surely, therefore, it is only right that the people who are elected to negotiate and to speak on behalf of Northern Ireland's electorate should have the opportunity to make their voice heard and that everyone should have the opportunity to read what their representatives have said. That is a reasonable view.

I make the general case. No doubt it will be followed up by my right hon. and hon. Friends and others. We are simply saying to the Government: "Let us have the opportunity to make our points, to keep a clear record and, in future years, to be able to know what was said on the electorate's behalf by their representatives."

Unfortunately, throughout the passage of the Bill, a clear effort has been made to limit the forum to ensure that it can do little or nothing and that those who are elected to it are deliberately bypassed and deprived of any power, authority or capacity to extend the debate on the needs of Northern Ireland's people. For example, think what a rich day the hon. Member for South Down (Mr. McGrady), who speaks for the Social Democratic and Labour party, would have had discussing bovine spongiform encephalopathy if the forum had been allowed to debate such a subject and of the wonderful opportunity that he would have had to debate the difficulties that the hospitals in his constituency have encountered, which he has tried to make clear, but which he could have made clear with even greater force within the smaller group in Northern Ireland.

A body will be elected that will represent all Northern Ireland's people in a way that has never been attempted before. This unique, novel formula is intended to ensure that even the teeniest group in the community will have its voice—and what do we find? The representatives are to be elected and then gagged. They will not be able to make their views clear or do the job that the electorate expect them to do. That is wrong.

In my efforts to extend the body's remit to ensure that it can do those things, that it can debate and call to account, as far as possible, in its limited way, the Minister of the Crown, I should have thought that I was doing something that everyone who believes in democracy in this place would have applauded, but what do I find? I fear that, yet again, the Government will resist my reasonable points. It is plain that the electorate will not understand the deliberate limiting or gagging of elected representatives. They will say to those folk, "What about the slates that have blown off my house?" The reply will be, "You could go to your councillor or your Member of Parliament," which is not satisfactory.

In this series of modest proposals, I am opening the door—not very wide; it is just a small crack—so that the representatives will have the opportunity to expand the role that the Government intend to allow them. I am not in favour of electing a body and then bypassing it. As I said, the negotiators form a very small team. They cannot possibly think of everything or deal with every jot and tittle and might therefore be very happy to have a bit of extra help. Amendment No. 112 would allow just that.

8.30 pm

I appreciate that one or two others are trying to reach the same end by slightly different means. I do not object to that. None of us manages to get our amendments as precise and accurate as we would like to think we do, and some people may accomplish the task rather more neatly than I have done. I welcome that, but I have made an effort. However, I do object to amendment No. 102,

tabled by the hon. Member for Falkirk, West (Mr. Canavan), who was so helpful in the previous debate. Now, he is trying to gag the forum completely, which is completely unacceptable.

The amendments are an effort to introduce an incentive for people to stand for the body; they are also an attempt to probe exactly what the Government are trying to do by limiting the forum.

Rev. Ian Paisley: I shall speak to amendments Nos. 3, 5, 4, 6, 7 and 8, which deal with the forum. If amendments Nos. 3 and 5 were accepted, they would cause clause 3(2) to read as follows:

"The functions of the forum shall primarily be deliberative but it may, after deliberation, come to a resolution on any matter and may determine the level of support which exists for any proposal submitted by any of the participants in the negotiations".

Amendment No. 4 would cause clause 3(3) to read:

"Accordingly the forum shall not have any legislative, executive or administrative functions,"—

I hope that the hon. Member for Belfast, West (Dr. Hendron) notes that carefully, because it seems that the nationalists are fearful, but we are stressing that the forum will not have any legislative, executive or administrative functions—

"or any power to determine the conduct or course of the negotiations mentioned in section 1."

Amendment No. 6 would cause subsection (4) to read:

"But when, in accordance with any rules of procedure adopted by them, the participants in the negotiations refer any matter to the forum".

Amendment No. 7 would then cause some words to be omitted and the following to be added:

"it shall consider such matters and determine the level of support which exists for any agreement reached by the participants in the negotiations".

Amendment No. 8 would add a sixth subsection, which would read:

"No agreement shall be reached by the participants in the negotiations unless it is tested to measure its level of support in the forum and shall not be considered to have reached sufficient consensus as referred to in Command Paper 3232 unless it is approved on a vote by at least 75 per cent of those voting."

It is very strange that the Government have been prepared to allow self-appointed people to carry on negotiations, some of whom have never been elected to any body in Northern Ireland, and that for a period—stretching now to about two years—the Government have appointed rooms for and put the names of the leaders of these groups on the doors at Stormont and held secretive meetings with them. No one knows what was said to them.

As my hon. Friend the Member for Belfast, East (Mr. Robinson) said, some of those people are now saying that promises were made to them by the Government which the Government have not kept. Some are saying that conditions are now asked of them which were not asked of them previously. The Minister of State has been photographed with these people from time to time. Although some of them have not been elected to any body in Northern Ireland, long talks have been held with them. We have been privileged outside the remit of the talks to listen to them on the steps of Stormont or at press conferences telling us the types of things being discussed.

We receive letters from a Mr. Spring from Dublin, telling us that we will now be permitted to pass some sort of judgment on a paper that he submits to us—perhaps we would like to come to talk to him. In fact, he says that he did not know why the leader of the Ulster Unionist party did not go to have a nice chat with him. He has never said that I could have a nice chat with him, but at least he said that the leader of the UUP could do so.

That is not the way to negotiate the future of any country. If hon. Members think that the Ulster people are so dumb that they are prepared to put up with such treatment and be dealt with as if they had no real say in the future of our Province, they had better be disillusioned once and for all.

Some hon. Members think that they know what is good for Northern Ireland, but one has only to look back over their record since they took over direct rule. They blamed the Unionists for 50 years of bad rule in Northern Ireland. Certainly, they have not come very far because the other day I heard a republican saying that things were worse than ever. He said that there was now more discrimination, unequal treatment and terrible indignity suffered by the republican people than ever before. Some people will never be satisfied. If the apostle Paul introduced heaven to Northern Ireland, some would think that heaven was purgatory or some worse place.

I recently read a history of the House and the debates on nationalism in it. It made very interesting reading. One need only change the names to have the same hurling of contempt on all British rule in the island of Ireland. Things have not really changed, but we are now told that we are to have people elected to a body.

We are told that there is to be an election. People were at first to be elected to a body, but that body has become a forum. I always thought that a forum was a place where people exchanged views and came to a resolution about what they thought should happen. However, we are to have a forum that cannot come to any decision. It is supposed to encourage dialogue but not to come to any decisions.

I wonder how the House responded to the slip of the tongue made by the Secretary of State when he said the negotiating body would come "down" from the forum. Evidently, on that occasion, he thought that the forum was higher than the negotiating body. So it is, because if we did not have a forum we could not have a negotiating body.

Some parties are not going to get six people on to that forum. In fact, they will get nobody elected by direct vote of the people. If they are fortunate to squeeze into the first 10 parties, they will of course be given two representatives who will be able to attend the forum. They can bring who they like with them. Since the IRA has been taking members of its supreme command to the talks that have taken place at Stormont, one wonders what sort of characters will be pushed into the talks, which we, as good democrats, are supposed to support and in which we are supposed to have deliberations with such people. Every effort has been made to destroy the forum that was to be appointed as the place where the people of Northern Ireland would have an opportunity to express in public what they hoped would be achieved for them.

Where did that attack commence? It commenced with IRA-Sinn Fein, which told us that there should be no election. I do not wonder why a terrorist organisation such

[Rev. Ian Paisley]

as IRA-Sinn Fein would not want an election. It is not difficult to find an answer to that when one considers the way in which it has crucified its own co-religionists and carried out such desperate beatings in its own areas. I would not think that a person going around on behalf of IRA-Sinn Fein would be too well received in some homes in Northern Ireland.

IRA-Sinn Fein said, "No election," and then said that there should definitely be no forum. It will probably try to bypass the forum, for in the forum it would have to talk directly to and engage in debate with the grass-roots representatives of all the Protestant people. It would not be sitting in the cosy company of the two Governments, who for so long have conceded and conceded. Our Government published a book that told of about 100 concessions that they have made to the IRA. Not one concession was made by the IRA to them.

The attack was joined by the Dublin Government. Mr. Spring said, "We do not need elections," although it is no part of his jurisdiction. He said, "There is to be no election and there is to be no forum. We should go direct to the negotiating table." The SDLP also took that attitude, although I must say to it that at least the parties of Northern Ireland have had talks together and, although there is a great divide between us, at least we came to some broad agreements on things relevant to an election being held. A degree of democracy prevailed so that we could have a conversation and put our views forcefully to one another. Those meetings were not a cosy little chat, because we all have strong views, which we put and discussed. We agreed to disagree, but at least we made considerable progress.

The best way in which to have negotiations in Northern Ireland is in an ad hoc way, when parties that choose to talk come together and start negotiating. I hope that, when the procedure has got under way, that is the way in which we shall proceed. An effort is still being made, however, by many to dehorn the procedure completely.

8.45 pm

I apologise to the Labour Front-Bench team because I should have said that its members, too, were not keen on the forum. When I spoke to their spokesperson, they felt that the forum should be elected, but then they thought that the forum should be forgotten and that they should go immediately to negotiations. I do not want them to feel that I did not praise them for joining the rest. I would not like them to think that their opinions were rejected and not listened to.

So there was all that conspiracy, saying, "Do not let the Ulster people have a forum; do not let them express themselves in that forum; do not let any democracy prevail; do your best to silence them, they should not be heard anyway." When the House takes that viewpoint—the words of the Secretary of State tonight have been heard in Northern Ireland—the people in Northern Ireland feel that a dark cloud has descended, and that the road to elections and a democratic voice of the people being heard will be bound by rules and regulations.

One matter that concerns me greatly is that the Government will not take responsibility to deal with those who violate what we are told are the first principles of getting to the table. I do not know what happens when those negotiators meet. The night before we have read in the press some of the things that they have said about the future of Northern Ireland. We have heard Mr. McGuinness say that they have nothing more to give—not that they ever gave anything—but murder and mayhem and that it is up to the Unionists to give. I wonder what they want us to give. I think that they want us to surrender to a united Ireland.

After that, the same thing would happen as happened in the south of Ireland. When the line was drawn, 10 per cent. of the entire population of the Irish Republic was Protestant. Today, only 2.5 per cent. of the population is Protestant, which means that 80 per cent. of the Protestant population of the south of Ireland have disappeared. *[Interruption.]* The Labour Front-Bench team can argue what they like, but that is a fact. One need only talk to people in the south of Ireland to discover how the land has been denuded of the Protestant population.

I heard Gerry Adams say, "We have to get the Brits out. There can be no more British rule. That is what we are going to talk about in the talks." I always thought that nothing could be done to the constitution of Northern Ireland as an integral part of the United Kingdom until we had a referendum, but, evidently, now there is a republican consensus. We heard Mr. Ahern on the same track last night in Dublin. He was praising the IRA leadership and castigating Mr. Bruton because he did not invite Gerry Adams to discuss the breakdown of the ceasefire with him, as if the Taoiseach should have immediately consulted Gerry Adams and asked him to explain why the ceasefire had broken down. Those are all the things that are happening in the environment that surrounds the coming election.

Are we to have a body that can express the views of the people of Northern Ireland or not? How far are those views to be expressed? Will this body have any power at all to impress on those who are ceded from it to be negotiators or is it to have none?

Will the people of Northern Ireland be taken into account? They certainly cannot be taken into account by the negotiators because, we are told, they will negotiate three days a week. I had a letter from the Secretary of State this morning in which he said that there would be negotiating three days a week. If three days a week are spent negotiating, how shall we meet representatives of the Churches, of the trade unions and of all the other people who want to talk to us? That will be impossible.

We should remember that there could be as many as 70 people at the table in the negotiations, and perhaps even more. One can understand how large the room will have to be and one can understand what a folly it will be when 70 people are sitting around the table trying to negotiate. That will be impossible.

I believe that there should be committees in the forum and I believe that the committees could do a useful job in sounding out the views of various people and reporting those views to the negotiators who will be speaking for them. That matter needs to be taken care of. However, in the letter I received from the Secretary of State this morning, I was told that the forum may meet just once a week. How can the forum possibly do a useful task when there are official meetings of the negotiators? The Dublin Government will be able to say, "We must have an official meeting of the negotiators." That will mean that the forum in Northern Ireland will have to quit its work.

I would like the Secretary of State and the Minister to tell us how the system will work. How can we have committees of the forum in session which suddenly have to stop their work because there are going to be negotiations? Does the Secretary of State envisage that the negotiations will be held as the previous negotiations were held and that all the parties concerned will be round the table? We shall have to wait long hours until the Irish delegation gets to the meeting. Having sat and kicked our heels for at least an hour until the Irish Government get there, we shall have to wait until matters proceed on a grace and favour basis.

We must discover what opportunities the forum will have. People will stand for election. What do the leaders of the parties tell those people? Do they tell them, "Well, you will have a job of work to do"? Alternatively, do they tell them, "You are very nice; give up your job"? I know a young man who wanted to stand for my party. He told his boss, who said, "Well, I think you would be better resigning your job." I would have thought that the Secretary of State should at least say that he wants people from all walks of life in the negotiations. Industry should be exhorted to let off from their work those who want to stand and to be elected so that they can make a contribution to the future of our Province. That should be done immediately.

Unlike some of the other leaders, I now have all my candidates in place, so I am not pushed for time. However, it was a difficult task to ask people to stand for a forum when no one knew what the forum was or even if it was going to exist. I am sure that any person in politics will understand how difficult it is at times to get good candidates to stand, especially if they do not know what they are standing for, what remuneration they will get or what will happen to them after they are elected. There is a great difficulty.

We agree that the functions of the forum should be primarily deliberative, although it should have other functions as well. We agree that the forum should have no legislative, executive or administrative functions. We are fully agreed on that and I do not think that any of the major parties desires anything else for the forum. However, we believe that those who are doing the negotiations—the leaders of the parties—should be able to test some of the things that are being discussed in that forum to see whether they have real support across the divide. It would be a useful function—a litmus test—to see exactly how the forum would respond to certain propositions. You should be well assured, Dame Janet, that if the proposals could not get past the forum, they would never succeed in a referendum of all the people of Northern Ireland. Anyone who thinks otherwise should think again.

The argument is posed, "What if there was a majority of Unionists?" The forum will certainly not have 75 per cent. of Unionists; that is one thing that will not happen. We have, therefore, included that figure in the amendment. There would have to be a broad consensus and every representative section would have to agree with the outcome in some way.

Under the rules of procedure, the forum could take up certain matters and discuss them. Added to that, we would want to see that the forum had the useful role of looking at the overall package. I suggest to the Committee that that would, indeed, be a useful role for the forum. Members of the forum will not, of course, be at the negotiations; they will not determine the course of those negotiations or their conduct. That will be for the negotiators themselves to decide.

However, members of the forum will have influence in the outcome because they will have the opportunity to discuss the agreement, some agreement or a little agreement, whichever has been achieved. They will be able to look at that and discuss it, not behind closed doors, but in full public view so that all the people of Northern Ireland can understand what is happening and what the proposals on the table are. They would be able to understand what people were arguing about at Stormont, and what arguments the parties were putting forward to try to secure a future for our people and our families, for our children and our children's children.

The House would do well to ensure that the forum could do useful and rewarding work, and that those people could have a real say in shaping the future. Who are those people? They are people who are willing to make a sacrifice, because the remuneration offered is small, and some of them will have to leave their jobs and lose their pay.

Some of them will also put at risk their prospects of getting back into employment afterwards, because politicians are not the most likely people to get jobs in Northern Ireland. Former Members of Parliament find it easier to take early retirement than to get a job, and Members of the Stormont Assembly found it difficult to be re-employed. So here we have people who are prepared to make a sacrifice to do a reasonable job of work for the future of Northern Ireland. The House should encourage them in that role.

Again I stress the fact that we are not asking for executive, legislative or administrative functions. I do not want people to say, "You just want to turn the forum into a new Stormont." We want nothing of the sort. It should be the objective of the talks to bring about a situation in which we could have a real Assembly in Northern Ireland, with real powers to deal with the bread-and-butter issues that are important to all the people of Northern Ireland. But that must come after the negotiations, not during the negotiations, and we want to make that fact perfectly clear.

I have said to the candidates who will run for my party, "Do not think that you are MPs in embryo; you are only delegates to a forum. Your constituency does not really matter, because you will be elected to an all-Ulster body, and your job is to do the things that will help us as we seek to find a way forward for Northern Ireland now."

I commend the amendments to the House, including that moved by the hon. Member for East Londonderry (Mr. Ross). The forum deserves to have a certain job of work to do. I believe that people who work together get to know one another, and if that happens, at least there will be some cement in the society that they hope will benefit from their contribution.

9 pm

Mr. Gerald Bermingham (St. Helens, South): I declare an interest, in that I was born and bred in Dublin, and I come from a family that has lived in Ireland for centuries. Probably my first memory is of Dublin during the war, when the bombs were falling, and my second memory is of the stories told me by my grandfather, who was involved in 1916. My father

[Mr. Gerald Bermingham]

woke on Easter day 1916 to see that his Easter egg had been hit by a bullet in the first moments of the rising. He never found out whether it was an English or an Irish bullet.

Eighty years later, we have an opportunity to turn back the clock for once, and to begin to think afresh. Are we to continue to fight the wars of 80 years ago and of 180 years ago, and even those of the 13th and 14th century—the time when my family first went to Ireland? Or shall we, as surely we must, begin to think about how we can take things forward?

This is probably the first time during the 13 years that I have been in the House that I have spoken on Irish matters in the Chamber. I have put my name to two of the amendments in the group, including that relating to the chairperson of the forum, and how that person should be appointed, because it seems to me that the forum, with all its faults, failings and limitations, represents a step forward, at long last. The differing views—they are numerous, and let us not underestimate them—will be aired, fully and frankly, I hope.

I take on board many of the fears and worries expressed by the hon. Member for North Antrim (Rev. Ian Paisley). Those fears and worries are realistic, because everything always takes place against the background of what happened yesterday, of the memories we all have, and of what we were taught as children about what happened in the past. However, there has to come a time when we put those memories behind us and think forward to the Ireland that we want to emerge.

I am not so conceited as to say that I have a solution of any sort. With the Irish, of both north and south, a little humility might not be bad thing. We should all accept that things have happened in history of which none of us is proud. Attitudes have been taken and deeds done which none of us can justify in the modern world.

I will keep my plea to the Government and the forum short, because one of the disadvantages of being an Irishman is that one can speak for ever and a day. We are well used to that; it is one of our great failings.

Mr. William Ross: I have listened with interest to the hon. Gentleman. He used a phrase that people should reflect on. He said that things that happened long ago would not be acceptable when viewed in the light of the modern world. That, however, is not the point of history. Many things have happened in the history of all nations that are not acceptable in a modern light. Indeed, there are things happening today—certainly, things have happened in our lifetimes—that are not acceptable, but they still happen.

Some of what was done in the past, by all nations, was done in the light of those people's view of the circumstances of the time and of the dangers in which they perceived themselves to be. I do not know whether that helps the hon. Gentleman, but it is dangerous to judge the past with modern views and 20:20 hindsight. That is never helpful.

Mr. Bermingham: The hon. Gentleman goes down the path that I seek to go down. The things that happened 50, 60 or 70 years ago, happened in the context of their time. The people involved, whether they were right or wrong by the standards or lights of others, believed that they were right. When we consider the situation now, we have to ask ourselves how to go forward. Of course injustices have been done on all sides over the centuries, but that is all I ask of the forum, in which I shall have no vote and play no part, because I do not live in Northern Ireland.

People will have to make sacrifices, from whatever quarter of the political spectrum they come. The hon. Member for North Antrim is right; one has to give up things when one takes part in public life. Whether one is a parish or district councillor or plays any other role in public life, we should not forget that those roles entail sacrifice.

Those who will play their part in the forum will make sacrifices. They may lose their jobs or their friends—people may disagree with their participation in the body—but they will make the sacrifice and play their part. From whatever part of the political spectrum they come, I hope that they will make their points forcefully and well, but in the spirit of looking to tomorrow. That leads me to my amendments, which deal with who is to be the independent chairman of the forum.

Should we look to the party that has the most seats? I believe that that would set the forum back. If we looked to someone in the forum, that would, in its way, set the body back. That is why my amendments talk of an independent chairman. I do not envy the person who will chair the body. It will probably be the most nightmarish task. There will be many conflicting factions and disputes. There is so much at stake that the person who performs that function must be someone who has the respect of the forum as a whole.

Rev. Ian Paisley: I have been listening to the hon. Gentleman carefully. The only time that I had the opportunity to talk about these matters outside the House with him, we had an interesting and helpful discussion. His argument was made to us in respect of the Prior assembly. Who would we get to chair that assembly? Who could control the people attending it? We got one of ourselves, the late Sir James Kilfedder.

When the election was being fought, no one would have said that he would have been the ideal man to chair it, but all parties that sat under him thought that he did well. They did not always agree with what he did. I did not agree with him when he threw out some of my members and rebuked me for saying things that, had I said them in this House, would have been ruled in order. But that assembly did well under his chairmanship.

I am not so sanguine as to think that, when we get all these people together, there will not be someone among them able to manage the chair of the assembly. I think that it would be—

The Second Deputy Chairman: Order. I am sorry to interrupt, but I gave a warning earlier about interventions being shorter. I call the hon. Member for St. Helens, South (Mr. Bermingham).

Mr. Bermingham: I take on board what the hon. Member for North Antrim says. I was listening with interest to his intervention, because I thought that he was coming round to my way of thinking.

The forum itself may throw up the person, and we were given a classic example there—someone who will command respect. One might find what I would call the independent chairman from within the forum. One might find him or her from without. I speak in the singular, rather than taking the politically correct stance of using the word "person", for which I apologise. "Chairperson" is a phrase of which I am not particularly fond, but be that as it may.

The outcome must be that the person commands respect. That person will have a formidable task on his or her hands. He or she must reflect the confidence of the forum. If that is achieved, and this is why the amendment stands in the way it does, in my view—it is a purely personal view—it would be the first step forward. One would then have an organisation that had someone it respected to command the way in which it was run.

I have listened carefully to hon. Members speaking to the other amendments in the group and I believe that the forum should not be merely an idle ship. It should play an important part, and be able to discuss a number of matters. I am not suggesting that it should have legislative, executive or any other powers, but it is an opportunity for people to discuss and debate various aspects of life in Northern Ireland to their mutual advantage. I do not know what will come from such discussions. Perhaps when people talk, ideas begin to flow, seeds are sown and new ideas grow. Like Mark Antony at the funeral of Julius Caesar, I have come not to praise the forum, merely to wish it well.

I sink back into my own Irish history, strongly urging on the Secretary of State the concept of an independent chairperson for the forum.

Mr. Trimble: I endorse much of what the hon. Member for St. Helens, South (Mr. Bermingham) said. I agree that the forum offers an important opportunity—a valuable opportunity for the elected representatives of the people of Northern Ireland to debate, discuss and take evidence and to carry the debate forward positively. I am sure that the decision about electing a chairman, which will have to be carried out through the weighted majority of 75 per cent., will ensure a degree of independence. It will be interesting to see whether we manage to find the appropriate chairman from within the personnel of the forum. That remains to be seen.

Like the hon. Members for North Antrim and for St. Helens, South, I am anxious to ensure that the forum has the opportunity to engage in wide debate. My hon. Friend the Member for Londonderry, East tabled amendments that refer to the ability of the forum to debate and make recommendations. The reason for tabling such amendments is the apparently restrictive wording in clause 3.

I take the view that the words in clause 3 do not restrict the forum's ability to debate any issue that it regards as

"relevant to promoting dialogue and understanding within Northern Ireland."

If that rubric of

"promoting dialogue and understanding within Northern Ireland"

gives the forum the opportunity to discuss any issue it considers to be relevant to those broad considerations, I am sure the forum will think that there is a wide range of matters that could be discussed.

That phrase will, of course, also cover all the matters that may arise in the negotiations, because it is inconceivable that there could be matters in the negotiation track that are not

"relevant to promoting dialogue and understanding".

I take that broad phrase as giving the forum the opportunity to discuss anything that might be regarded as relevant to this process. If the forum discusses such matters, those discussions might or might not—depending on how they proceed—come to a conclusion, and might or might not result in reports or recommendations.

9.15 pm

Mr. William Ross: My hon. Friend has pointed out that, under the amendments we are discussing, it would presumably be possible for the forum to discuss almost anything. But schedule 2 says:

"the forum shall not meet at any time notified by the Secretary of State to the chairman as being a time when, in the opinion of the Secretary of State, it would not be appropriate for the forum to meet because negotiations within section 2 may take place."

I fear that that brake could be used by the Secretary of State to gag the forum.

Mr. Trimble: I am well aware of my hon. Friend's concern, to which I should respond by making two points. First, amendments have been tabled which would clarify the matter, which we shall discuss when we reach that schedule. A second and more general point—it may be more relevant in practice—is that, as the Minister said earlier this evening, the conduct of the negotiations will be for the parties themselves.

If the Secretary of State was minded to use that provision in a manner that would be unduly restrictive of the forum's operation, there is a very simple remedy in the parties' hands. I imagine that a sufficient number of people will be engaged in the talks who are committed to the forum's success to ensure that meetings will not be held in a manner that would frustrate the forum's operation. I suggest to my hon. Friend the Member for East Londonderry (Mr. Ross) that this is a matter in which the remedy is in our hands, and we can exercise it should the need arise.

It will be possible for the forum to discuss matters and for those discussions to conclude in whatever manner the forum decides, subject to whatever rules of procedure the forum may adopt. That reference to rules and procedure of course carries with it built-in safeguards, which are spelt out in greater detail in schedule 2. If the debates and discussions in the forum result in any form of conclusion, it will be entirely open to the parties engaged in the negotiations to refer to those matters.

This process and this legislation, in trying to separate negotiations from the forum, are flying a little against the reality that the same people from the same parties will be present in the forum and in the negotiations, and that some interaction will be inevitable.

I wish to speak to amendments Nos. 28 and 29. Amendment No. 29 proposes to delete the second half of clause 3(3). I do not think that the second half of clause 3(3) says anything at all. The beginning of clause 3(3) states:

"the forum shall not have any legislative, executive or administrative functions".

[Mr. Trimble]

If it does not have any executive or administrative functions, it obviously does not have the power to determine anything in relation to the negotiations or to anything else.

The words in the second half of clause 3(3) are redundant and do not say or do anything because the forum does not have an executive or administrative function. The forum does not have power, and those words are unnecessary to the meaning. I understand that those words have been put into the Bill to meet the paranoia shown by certain parties about the forum, but one must make the point that the words are devoid of content.

Dr. Joe Hendron (Belfast, West): Will the hon. Gentleman answer this question for me? In Northern Ireland we are divided by history. I can understand the amendments that have been moved today to strengthen the concept of a forum. I agree with some of the points that have been made, but others do not agree. Does the hon. Gentleman accept that, within the broad nationalist community in the north of Ireland—I am not talking about paramilitary people—there is apprehension about the forum, and that it would be even greater if some of the amendments were carried? The apprehension relates to the fear of the old Stormont coming back at some stage in the future.

Mr. Trimble: I understand the concern that the hon. Gentleman has expressed. He will have noted that, in referring to clause 3(3), I quoted with approval the statement that the forum would not have any legislative, administrative or executive functions. No effort is being made in this debate to amend that part of subsection (3) or to give the forum a function or power to determine. I understand the concern, and I understand that the additional words to which I have referred have been included as a result of that concern. I merely point out that the additional words in subsection (3) add nothing to what is already in the first half of subsection (3). That should give the hon. Gentleman adequate assurance.

Amendment No. 28 seeks to delete some words from clause 3(4). The reason why it has been tabled—I should be grateful for the Minister's response on this point—is that I find the reference to the rules of procedure to be adopted by parties to the negotiations somewhat curious in view of the detailed set of ground rules that have been formulated. I wonder what else there is, and what is meant by the reference to the rules of procedure. I should be grateful if the Minister would elucidate that.

Mr. McNamara: Listening to the speeches of the hon. Members for North Antrim (Rev. Ian Paisley) and for Upper Bann (Mr. Trimble) rekindled my fears about the purpose that the forum might pursue if the amendments were accepted. I cannot help feeling that it is a little naive of the hon. Member for Upper Bann to believe that, merely because the forum will not have any legislative, administrative or executive functions, the rest of the clause is redundant.

Both the hon. Gentleman and the hon. Member for North Antrim have said that the forum will make recommendations, come to conclusions and suggest things that should or should not happen. Indeed, the hon. Member for Upper Bann suggested that the forum could discuss almost anything under the heading of promoting dialogue and understanding within Northern Ireland. It is a broad definition. The lines he sought to draw between what might be discussed in the negotiations and what might be discussed in the forum were very blurred—indeed, positively overlapping. Therefore, I should like to have some clarity from the Minister.

The Minister will recall that matters relating to the negotiations may be referred to the forum under clause 3(4) if the parties to the negotiations are agreeable. The only reference we have to the rules of the negotiations and of the business committee is what we find in paragraph 24 of the Command Paper. I shall read what is contained in brackets:

> "The rules for establishing sufficient consensus will be agreed in advance of negotiations by the participants and such rules will ensure that any departure from the rule of unanimity is within minimal limits and will, in all cases, ensure that any decision taken will be supported by a clear majority in both the unionist and nationalist communities in Northern Ireland."

They are the rules that are being laid down for the negotiations to take place. I take it from that that, with regard to clause 3(4), no decision will be taken to refer anything to the forum—unless by the parties to the negotiations—unless it has passed the hurdle that it will be supported by a clear majority in both the unionist and nationalist communities in Northern Ireland. Am I to take it from that that they mean in terms of Northern Ireland—the representatives so elected to the forum by the communities in Northern Ireland—and that it will be the parties that have been elected and the negotiators who will decide when that is to happen?

If that is the case—although I regard the forum as something of a nonsense—if that power lies with the parties to the negotiations, my fears and those of my hon. Friends might be assuaged to a degree. However, if that is not the case, what we have created is a forum that will discuss all manner of things, that will be able to come to conclusions and that will have things referred to it from the negotiations, which it will seek to debate.

After the framework document, we wanted to have negotiating parties and negotiations rather than going into the election. We wanted the negotiators to have the ability to sit and negotiate without fearing that they had to look over their shoulders all the time to other people in another assembly who would be passing judgment, day in, day out, on the process of the negotiations. There might be cries of betrayal. We wanted to have negotiations before the elections to prevent that from happening—to come to some agreement and then ask the people of Northern Ireland to accept it or to reject it in a referendum as laid down in the framework document.

However, here we have the parties elected with a forum. If that all-embracing phrase in paragraph 24 relates to what can or cannot be said and debated in the forum on the recommendation of the negotiating parties, that is fine. However, if the argument were to be adopted that negotiations were likely to be conducted under rules and procedure for the negotiating parties—as they are to be for the rules of negotiations for the forum—that would be a dangerous matter.

Mr. Robert McCartney: It would be of some assistance if all hon. Members realised that the purpose of the legislation is essentially to have a set of negotiators going about the business of trying to arrive at a consensus about the best way that a peaceful and, hopefully, permanent settlement can be achieved for the people of Northern Ireland.

However, such a settlement—first, if it is to be achieved and, secondly, if it is to receive the democratic endorsement of those for whose benefit it is alleged to have been put in place—must have validation. There is no point in a set of secret negotiations taking place and a package being produced like a rabbit from a hat and placed before the people of Northern Ireland, who have not been made conscious and made aware in general terms of what those pledged to negotiate on their behalf have in mind.

9.30 pm

The fears of the hon. Member for Kingston upon Hull, North (Mr. McNamara) and of some parties representing minority interests in the House are unjustified. If any package is to be approved in a referendum of the people of Northern Ireland, it is much more likely to receive the endorsement of the people in a referendum if they have previously been made aware in some form of plenary session of what those negotiating on their behalf have arrived at, and if those elected—the parties in and the delegates appointed by the electoral process—have had an opportunity to see it and endorse it.

It is pointless for the negotiators to present a package to an elected body in the forum for approval unless they present it to that body with a recommendation that the package should be endorsed and validated by the delegates in the forum.

It is extremely unlikely that, in the absence of agreement within the negotiating teams, anything would see the light of day before the delegates in a plenary session of the forum. Every advantage would therefore be obtained by permitting the delegates, in a plenary session in the forum, to consider and examine and endorse the package that their negotiators have arrived at before it is unleashed on the general population in the form of a referendum.

Given that the negotiators who will provide the peace package to the general body in a plenary session were delegates appointed from all the members that have been chosen for the forum, it is very unlikely that they would take back to the forum in plenary session something that they could not endorse whole-heartedly and recommend for validation to that forum in plenary session.

That point was taken up on Second Reading. The example was given of the discussions that took place at Sunningdale in the early 1970s, when, as a result of a great deal of pressure—a great deal, I may say, of bullying by members of Her Majesty's Government—the late Brian Faulkner took back to Northern Ireland a deal, the Sunningdale agreement, which the pro-Union negotiators had accepted. Because there had been no validation by the people of Northern Ireland and their elected representatives generally, he failed to sell that peace package, as it then was, to the pro-Union constituency in Northern Ireland.

It therefore behoves the House, when considering the powers to be given to the forum, to think positively about what the forum can do to enhance, not hinder, the endorsement of a peace package or settlement arrived at by the negotiators. There would be absolutely no point in the negotiators arriving at an agreement in secret if that agreement were not approved of by most of the delegates, and, as a result, caused a substantial division among those who were supposed to recommend it to the constituency of Northern Ireland in a referendum.

Therefore, those who labour under the misapprehension that we should give the forum powers other than those of a total cipher should think again: they may be formulating not a policy for achieving the acceptance of a negotiated peace, but a mode of operations that will militate against it.

Mr. Eddie McGrady (South Down): This is the first contribution from the Social Democratic and Labour party Benches in today's very long debate as my amendments were not selected by the Chairman of Ways and Means. However, it is appropriate that I should speak on behalf of my party about the forum question.

The purpose of the legislation is to facilitate negotiations and their successful outcome. We have not had negotiations. The legislation proposing elections and a forum is before us now because the Unionist parties in Northern Ireland simply refused to participate in such negotiations until they received assurances that, first, there would be an election that would confirm their electoral mandate for the 21st time in 20 years; and, secondly, that the forum would be appointed and granted the powers under clause 3, as amended.

The legislation makes provision for elections which would provide negotiators who would engage in talks and try to resolve the tremendous differences affecting all of the people of Northern Ireland, irrespective of their political beliefs or community affiliations. We believe that the elections could prove divisive. Elections, by their very nature, are confrontational—we fight elections—while negotiations strive for consensus: they are the antithesis of elections. Yet elections and negotiations are married in this document—and so be it.

The forum suggestion causes great concern in the community and among that part of the electorate that supports me and my party. We have seen many assemblies and forums over the years, all of which have failed. I have listened to the assurances given during today's debate by the leader of the Ulster Democratic Unionist party, the hon. Member for North Antrim (Rev. Ian Paisley), the leader of the Ulster Unionist party, the hon. Member for Upper Bann (Mr. Trimble), and others. Such assurances are hollow when viewed against the backdrop of the amendments that have been proposed to clauses 2 and 3—all of which are designed to enhance the authority of the forum while, at the same time, diminishing and restricting the authority of the negotiating table and team. The powers drain from one to the other.

We fear that constant debate in a public forum will, as has occurred in the past—we are not looking into a crystal ball; we are drawing on experiences—lead to extreme debate and hot words, which often cannot be withdrawn. We are afraid that the negotiators will be pressurised into abandoning the necessary consensus and compromise for which they should strive.

Mr. Ken Maginnis (Fermanagh and South Tyrone): Will the hon. Gentleman give way on that point?

Mr. McGrady: This is my first contribution and I wish to develop my argument. The purpose of the negotiating team is to try to obtain consensus across very difficult strands of disagreement. We have been accused of being undemocratic because we do not support the concept of the forum. The forum is not a body that is designed to engage in democratic debate. That is not what it is about. The election is designed primarily to provide negotiators and to give confidence to the parties that need such confidence. With manifestos endorsed, the parties can come to the negotiating table to draw out a conclusion. To say that it is undemocratic to wish not to diminish that role is not a reasonable argument.

The other argument made against our opposition to the forum is that community groups and various people could come to the forum and make presentations. There is nothing to stop such people and community groups presenting their evidence directly to the negotiators, and not at third hand.

Mr. Maginnis: Is not the hon. Member manufacturing an argument that is without real substance? Does he not recall that during the 1992 negotiations, when only the negotiators were around the table, an impasse was reached again and again? Those of us who endeavoured, by putting substantive documents on the table, to move forward were thwarted because there was a totally opposite reaction to what we were trying to achieve. Does the hon. Member understand that—as well as having the purpose that was outlined by the hon. and learned Member for North Down (Mr. McCartney)—the forum can indeed be a constant conduit to the public, who need to understand what is happening, rather than be taken by surprise at the end of the process? When there is a confrontation or an impasse, not on a point but on assertions made on a particular point, a committee of the forum could take that away and discuss it and take evidence about the issue.

The Chairman of Ways and Means (Mr. Michael Morris): Order. Perhaps the hon. Gentleman would draw breath. Interventions should be under a minute and the hon. Gentleman has been going for a minute and a quarter.

Mr. Maginnis: On a point of order, Mr. Morris. I thought that in Committee it was possible to make a point in some detail, as distinct from during Second Reading. I understand the rules of the House and I take your point, but surely I am entitled to wind up very briefly. I beg your indulgence.

The Chairman: Order. I thought that the hon. Gentleman had only just started, so I am not sure about winding up. The hon. Gentleman may, of course, make his own speech, but interventions—in the 22 years that I have been in the House—have always been of short duration and usually involve just one question.

Mr. McGrady: I must confess that the purpose of the hon. Gentleman's intervention has now escaped me, but I believe that before he intervened I was dealing with the perception of democracy in terms of the forum. We are told that it is to be a non-executive assembly that could have certain parliamentary attributes: that it could, for example, shadow a local government department.

Mr. Peter Robinson: We have not been told that.

Mr. McGrady: During Thursday's debate, the leader of the hon. Gentleman's party suggested that a sub-committee could be formed to deal with matters involving local government in Northern Ireland.

9.45 pm

Mr. Robinson: The hon. Gentleman should obtain a copy of *Hansard* and read what my hon. Friend the Member for North Antrim, (Rev. Ian Paisley) actually said. He said that, in the case of many subjects, the forum would be able to assist by taking representations from the public—from interested groups, for example—compiling a report and sending it to the negotiating teams, thus providing them with background information. One subject that he mentioned was local government in Northern Ireland. He merely said that the forum could consider the future of local government, and possible proposals for changes in its operation.

Mr. McGrady: That is the very point that I am making. The proposal is to establish sub-committees to deal with a variety of matters concerning all aspects of life in Northern Ireland: that has been suggested time and again today.

Mr. William Ross: Will the hon. Gentleman give way?

Mr. McGrady: Not now.

We fear that the amendments will distract people from the kernel of the legislation, which is the need to give the negotiators the best possible opportunity of bringing about a successful outcome. We should all strive to do that, rather than create obstacles that might enable a competing body—perhaps in the same building and during the same week, or even the same day—to prevent the negotiating team from engaging in proper debate. That may suggest that we do not want people's views to be heard, but nothing could be further from the truth. As I have said, it would surely be better for representations to be made directly to the negotiators than to be conveyed through the conduit of public debate in a forum.

Our other fear in regard to the forum is the possibility of "majoritarian" decisions. If we have learnt anything in Northern Ireland, it is that nothing can be achieved without consensus. The definition of consensus is fairly well illustrated in paragraph 24 of Command Paper 3232, which was quoted earlier. It refers not to majoritarian decisions, but to a consensus among the representatives of the main traditions or communities. That is what consensus means in Northern Ireland, and that is what we must strive for, no matter how difficult it may be.

All the amendments that we have discussed have focused on a strengthening and broadening of the forum's functions and the creation of a non-executive assembly. That is the political objective of the Ulster Unionists, who long ago abandoned the idea of an executive assembly. They are now integrationists rather than devolutionists, and one of their prime aims has been achieved before the negotiations have even begun. We have grave concerns

about the remit of the forum, and the extension of that remit even beyond what is contained in paragraph 3, which we oppose in general terms.

Mr. Canavan: I should like to speak briefly to amendments Nos. 102, 90 and 91 which stand in my name.

When the Government first mentioned a proposal to hold elections as their response to the report of the Mitchell commission, there was widespread concern, particularly among the nationalist community in Northern Ireland, although not confined to it, that those elections might lead to the resurrection of some kind of Stormont Parliament. I was pleased to hear the hon. Member for North Antrim (Rev. Ian Paisley) say that that was not the intention of the Unionist proposal for elections. It is certainly not provided for in the Bill, but I think that the hon. Gentleman insinuated that perhaps it was a stepping stone that could lead to some form of Parliament with legislative powers.

The Committee is aware of the detestation of the nationalist community in Northern Ireland for the Stormont Parliament and majority rule under which the winner took all and the minority was discriminated against for decades. I hope that the Secretary of State agrees that the clock must never be turned back to that. The fears that were expressed about the resurrection of some kind of Stormont Parliament were understandable, bearing in mind that the idea for the elections was a response to the Mitchell commission report. But the elections were not Mitchell's idea: it was a Unionist idea that was adopted by the Government and did not have consensus—broad support among the communities in Northern Ireland. Apparently it had support from within only one community.

The Government eventually got the message about nationalist fears and came up with these proposals, through which they seem to be trying to emphasise the few, if any, powers that the elected body will have. Instead of calling it a Parliament, an assembly or even a convention, they are calling it a forum.

Mr. Robert McCartney: Does the hon. Gentleman accept that the view that this forum should have no legislative or administrative powers had nothing to do with the Government? From day one of the proposals, the view of the pro-Union parties was that such a forum should have no administrative or legislative powers. Not just the Government but the pro-Union parties, my own included, advocated that long before there were any such Government proposals. It is not a creature of their imagination but of the pro-Union people.

Mr. Canavan: The hon. and learned Gentleman cannot say that it has nothing to do with the Government. They have drafted the Bill, which explicitly states that the forum will have no legislative, economic or administrative functions. In statements, the Secretary of State and the Prime Minister have emphasised that the forum is completely separate from the negotiating body. Clause 3(2) states:

"The functions of the forum shall be deliberative only."

That is fair enough. Subsection 3 states:

"Accordingly the forum shall not have any legislative, executive or administrative functions, or any power to determine the conduct, course or outcome of the negotiations mentioned in section 1."

Subsection (3), however, is qualified by subsection (4), which says:

"But if, in accordance with any rules of procedure adopted by them, the participants in the negotiations refer any matter to the forum, subsection (3) shall not be taken to prevent the forum from considering that matter."

There is no need for subsection (4). When replying to the debate, will the Secretary of State say why the Government considered it essential to include that subsection?

Amendment No. 102, which I tabled, proposes the deletion of subsection (4) because it seems to give some qualification to the absence of legislative, executive or administrative functions and of powers to determine the conduct, course or outcome of the negotiations mentioned earlier in the clause. What is the need for such qualification? There is no need and therefore I propose that the subsection be deleted.

If that is not acceptable to the Government, will they consider my alternative: amendments Nos. 90 and 91? Instead of the negotiating body being able to refer any matter to the forum, if there is to be any relationship between that body and the forum, it should be purely consultative rather than involve reference. If one body refers something to another body, I take it that that means that the other body can take decisions on the matter. If I refer something to the Secretary of State, that is more or less passing the decision to him, but if I consult him, that is a different matter. My choice of words—namely, consultation rather than reference—would be preferable if the Secretary of State wants to emphasise the fact that the forum will not have executive decision-making powers.

Several hon. Members have mentioned the possibility of a constitutional package, as it were, being referred to the forum and to the forum being allowed to express a view on such a package before it goes to the people by way of a referendum. That would not be a good idea. It is almost certain that there will be an in-built Unionist majority in the forum. The White Paper says that it will be necessary or at least desirable to have agreement to proposals in both communities. Ultimately, what is important is not whether a new constitutional package has the agreement of this strange body that has been elected by the most bizarre electoral system to come before the House and by probably one of the most bizarre electoral systems in the world. What is far more important than any approval or disapproval by such a body is that any new constitutional package is tested directly by the people by way of referendum both north and south of the border.

No doubt we will come to the wording and timing of referendums, but, at this stage, the Secretary of State should make it clear that the forum will have no veto on any new constitutional proposal, that it will not have any authoritative say on the matter and that, ultimately, if we are true democrats, we should be saying, "Let the people of Ireland decide."

Mr. Maginnis: I am pleased to have the opportunity to pursue the issue that I endeavoured to raise earlier. It relates to the impression that we gain from listening to the hon. Members for South Down (Mr. McGrady) and

[Mr. Maginnis]

for Falkirk, West (Mr. Canavan) that there is something wrong which needs to be remedied about the fact that a substantial majority of the people of Northern Ireland happen to be Unionists.

We are hearing that anything that gives that section of our society which is Unionist the opportunity to deliberate—

It being Ten o'clock, THE CHAIRMAN *left the Chair to report progress and ask leave to sit again.*

Committee report progress.

Motion made, and Question put forthwith, pursuant to Standing Order No. 14 (Exempted business),

That, at this day's sitting, the Northern Ireland (Entry to Negotiations, etc) Bill may be proceeded with, though opposed, until any hour.—*[Mr. Brandreth.]*

Question agreed to.

Again considered in Committee.

Question again proposed, That the amendment be made.

Mr. Maginnis: Mr. Morris, I shall not dare ask what time we stop for breakfast.

I was about to say that if we ask the people of Northern Ireland to elect a forum—the Government are imposing on us a forum comprising 20 more than we expected—if we elect 110 people, it must surely be proper and a matter of courtesy and respect to the people of Northern Ireland who elect that forum to ensure that it has a job to do.

Mr. McGrady *rose—*

Mr. Maginnis: I shall give way in a moment.

The point is that we shall take 50 or 60 members of that forum, put them into a room and call them negotiators. They will be called the constructive element. Left behind will be the other 50 or 60 who were elected in exactly the same way but who will be regarded as the destructive element. Yet the negotiators and members of the forum who are left behind will all be members of the same political parties.

The difficulty that we experienced in 1992—a matter that I raised earlier and that I shall not go into in any great detail—was the reluctance on the part of negotiators to deal with substantive issues. They wanted to make demands and they wanted a positive response to those demands, but there were counter-demands from the other side of the table. In fact, there were times when my party was not quite sure what the demands being made by the party of the hon. Member for Foyle (Mr. Hume) really were. We certainly had no idea in the strand 2 element what the demands coming from Dublin were.

All we knew was that the Dublin delegation sitting around the table appeared to be little more than boot boys for the SDLP. When members of that delegation tried to speak or dared to move too far forward, they were quickly hushed by the leader of the SDLP. Eventually, the whole thing began to crumble. Nothing substantive was discussed. Our document to provide a bill of rights was on the table, which would have reassured the nationalist community to whom the hon. Member for South Down referred. Yet that document—the Secretary of State knows this because he was there—was never picked up, opened or debated.

There would be an opportunity when there was an impasse between two elements at the negotiations, when one side was making a statement and another was making a directly contrary statement and there was no possibility of a resolution, to refer the issue to the forum and ask that an element of that forum sitting in committee take whatever evidence it might deem reasonable from whatever body it deemed reasonable and try to bring forward a factual report that could be reintroduced into the negotiations with a view to moving things forward and giving the two irreconcilable elements something to get their teeth into. As I said earlier, we are talking not only about the people in the forum but about how those who sent them there understand what is going on.

The hon. and learned Member for North Down (Mr. McCartney) referred to the Sunningdale agreement. Although many of us would still be unhappy with elements of that agreement, with hindsight we would consider that some of them might have been helpful if they had been more fully understood by the people out in the country. But the people did not understand; they were suspicious because the deal was done behind closed doors.

Having listened to the hon. Member for Kingston upon Hull, North (Mr. McNamara), it appears that he is seeking a veto for the nationalist community so that under subsection (4) nothing can be referred to the forum. He has demanded that if some party to the negotiations wants to refer a matter to the forum, and the Secretary of State is inclined to agree that the matter could usefully be considered by the forum, it cannot be considered unless there is substantial—I think that that was the term that he used—agreement on both sides of the negotiating table.

That means that those who want to stifle democratic debate are able to veto the movement of anything from the negotiating chamber to the forum. I hope that the Secretary of State is not going to tell us tonight that he will assent to that attitude being adopted in the negotiating chamber, because that in itself will cause the process to crumble through distrust and frustration more quickly than anything else.

I wonder whether the crux of the matter in terms of the difficulties that the Secretary of State and Ministers appear to have is the fact that although the Secretary of State is supposedly answerable to the House, he is inhibited by what is coming out of Dublin as instructions and what emanates from the Anglo-Irish agreement. Is that not the millstone that is around the Secretary of State's neck? He cannot come here tonight a free man who is able to speak openly on behalf of the Government. Rather, he must try to recall what his civil servants have been telling him will please or displease Dublin.

Is it not a reality that we have a de facto joint authority when it comes to decision-making about how we move the real political process forward in Northern Ireland? I believe that it is, and I think that every one of my colleagues believes that it is. I think that there is hardly a Unionist in Northern Ireland who does not believe that that is what inhibits the Secretary of State. That is why we do not have, for example, a straightforward election, as I said on Second Reading, with people electing people who will be answerable to people. Instead, we are asking people to commit themselves narrowly and conclusively

to a political party and trying to create a basis which, I can tell the hon. Member for South Down, is not what my party wanted.

On that point, we need to know tonight whether the Secretary of State and the Government have the freedom to allow the people of Northern Ireland to explore every opportunity that needs to be explored if we are to find a solution—

The Chairman: Order. Not under this amendment.

Mr. Maginnis: Under clause 3(4), there will be—

The Chairman: Order. There are many aspects to the Bill, to which the hon. Gentleman referred in his last few remarks. I draw his attention to the fact that we are discussing amendment No. 114 and those grouped with it. I should be grateful if he would return to that.

Mr. Maginnis: I am grateful to you, Mr. Morris, for assisting me once again. I will leave the Secretary of State to answer the point. Does he have the freedom to allow the electorate of Northern Ireland to have their views properly reflected in the forum? That is the question he must answer.

Mr. Roger Stott (Wigan): I appreciate that the hour is getting late, so my contribution will be brief. I wonder whether my electorate, who give me a majority of almost 23,000, are leaning on their snooker cues this evening avidly listening to every word we are saying. I rather doubt it. They are, however, fortunate in having a Member of Parliament who takes some interest in matters in Northern Ireland, even if they do not.

I have listened to almost all the debate so far, and I am convinced that my original view was right, that we should not have started from that point, and that the whole process was absolutely unnecessary. If the Government had had the perspicacity to grapple with the Mitchell committee report when the Prime Minister was first given it, we might not have been debating the Bill this evening.

Alas, as so often happens, that is all water under the bridge, and we are debating a Bill which has been given a Second Reading and therefore has the authority of the House conferred on the principles contained within it. Had it not been a constitutional Bill, it would have been taken in a Standing Committee upstairs, but because it is constitutional it is being taken on the Floor of the House, as is right.

Whether the Bill is being taken on the Floor or in Standing Committee upstairs, however, what we as elected Members are doing, as I so often say both to Conservative Members and to my hon. Friends, is making the law. This evening we are making the law of the United Kingdom, so we had better be pretty clear about what we are doing and what we are legislating for.

10.15 pm

We are legislating to create an assembly, a forum—clause 3, which we are now discussing, refers to that, Mr. Morris—and my problems with the forum are summed up by the following questions. What is it supposed to do? What are its functions? What are its terms of reference? My hon. Friend the Member for Falkirk, West (Mr. Canavan) read out part of clause 3 earlier. Subsection (2) says:

"The functions of the forum shall be deliberative only."

Great—that says a lot. What is "deliberative only" supposed to mean? What is the forum supposed to deliberate on? What are its terms of reference? What can it discuss and what can it not discuss? What will be the parameters of those discussions?

Even schedule 2 does not tell us much more about what the functions of the forum are. A forum that will bring people together where they can genuinely, peacefully and intelligently discuss the current problems of Northern Ireland seems like a good idea. But there must be ground rules and parameters. There must be terms of reference defining what the forum is supposed to be about.

Apart from my hon. Friends from the Social Democratic and Labour party, I am probably the only person in the Chamber tonight who was present at, and spoke at, the forum for peace and reconciliation in Dublin, which was set up by the Dublin Government under Albert Reynolds. I found the terms of reference of that forum, and its deliberations, very useful. It involved people of violently differing views, who none the less came together in Dublin castle under the chairmanship of Judge McGuinness, and had some very positive deliberative sessions.

The amendment moved by the hon. Member for East Londonderry is about producing records of the forum. I can tell the hon. Gentleman that the forum for peace and reconciliation arrived at certain conclusions and published its recommendations, although those were not binding on the Irish Government, and certainly not on the British Government.

One of the recommendations was that everybody concerned with the process should sign up to consent. The only people who did not sign up, and who were therefore outwith the nationalist consensus in the island of Ireland, were Sinn Fein. Why cannot we have something like that in the proposed forum's proceedings? If the forum is going to happen—as I have said, I would not have started from there—the terms of reference must be decided. Why should not the Government consider what they should be? I cited the example of the forum for peace and reconciliation in Dublin because it came to those conclusions. If we are to have a forum, the Minister who replies should be more explicit—again, I stress that we are writing the law—about its terms of reference, its parameters of debate and what it can do. We all know what it cannot do.

The Chairman: On the parameters of the debate, we are discussing amendment No. 114. While the hon. Gentleman is making a powerful speech, most of it would be more appropriate to the clause stand part debate.

Mr. Stott: I am grateful for your guidance, Mr. Morris. I was about to conclude. I was in my peroration when you kindly brought me back to order. I was going so well that I thought I would give it a final shot. Everyone has been saying what the forum cannot do. It cannot legislate or have any influence on the negotiating teams; it cannot do this, that or the other. We want to know what it can do.

Mr. Peter Robinson: Over the past half hour, I have listened to the hon. Member for South Down (Mr. McGrady) agonise over how he might explain why the SDLP could support and take part in a non-elected forum in the Irish Republic but would not take part in an elected forum in Northern Ireland. I do not think that he convinced the House that he had a realistic solution to that conundrum. It is clear that he is still struggling with it himself.

I listened to the hon. Member for Falkirk, West (Mr. Canavan) build up straw men so that he could knock them down. The idea of having, as part of the process, a forum with legislative, administrative or executive authority, was never in any of our dreams. It was not part of the process that we envisaged. It would not be the sort of process that would be likely to succeed and get the result that all the people of Northern Ireland want.

The process is undoubtedly capable of ending with an agreement that would give Northern Ireland a form of government that would include a legislative, executive and administrative structure, but that would come out of agreement under the process, not from the process itself. If I take anything from what the hon. Member for South Down said, it is that his party—and to this extent I can understand where he is coming from—does not want to concede by way of process what it would not wish to concede as part of the negotiations. If that is his argument, he must remember that Unionists could equally say that there are many parts of the process, taken as a whole, that would have the same effect for them if they believed that, by accepting something as part of the process, they were giving a nod and a wink that it would be acceptable as part of an overall settlement. He should not be nervous about accepting as part of the process something that he may want to improve as part of the settlement as a whole.

Our amendments are not intended to undermine the negotiating process. Not one of them undermines that process. First, they attempt to elicit some information from the Government as to what the forum will do—in the way that the hon. Member for Wigan (Mr. Stott) was attempting to do. The position is as vague as the hon. Gentleman suggested.

The fact that the forum's role is to be "deliberative only" gives no clear sign of whether it will even be able to vote on issues. If it is able only to deliberate, will it be able to resolve any issues? If it has resolved a matter, will it be able to pass on that resolution to others? Is it entitled to produce a report and, if it is, can it hand it on to others, whether the Secretary of State or the negotiating participants? None of that is clear on the basis of the one clause, which gives little information about the forum. Indeed, the clause that deals with the forum tells us what it cannot do as opposed to what it can.

When the Government respond to this group of amendments, can they say whether the forum will be allowed to arrive at decisions and transmit them to others? Will there be any limit on what it can deliberate on and what it can send by way of resolution to the negotiating teams and the Secretary of State?

Today, we received a communication from the Minister with responsibility for the talks process, which gave some indication of the work of the forum. He said that it might meet once in the week. That seems to be a further attempt on the Government's part to diminish its role. Perhaps the Minister can say during this debate whether any limits will be imposed, other than those set down in the clause, which suggest that, if negotiations are taking place at a plenary level—I assume that that is what he means by it—the Secretary of State will tell the chairman of the forum that it would not be appropriate for it to meet. Other than the limitation imposed by that clause, can the forum choose when to meet? It is important for us to know to what extent the Secretary of State is going to neuter and limit its role in all those matters.

It is in the interests of the negotiators, who will be drawn from the same parties that will be present in the forum, to get work done for them there. The hon. Member for South Down said that there was nothing to stop the good and the wise giving their evidence to the negotiators. I dread to think what will happen if the negotiating teams act as a forum and take evidence of that kind. It would clearly not be appropriate; nor is that a body that has any democratic weight to take such evidence. I trust, therefore, that we will be clear that all the work of taking evidence from the general public—whether from interest groups or others—will be done by the forum.

No hon. Member should be concerned that the forum will have that sole task, because all those in the negotiations are entitled—wearing their forum hats—to be present during that sort of session. I trust that we were not given an indication that the SDLP will confine itself to the work of the negotiating process and not go into the forum—almost obeying what Sinn Fein is requiring. That would be an unwise step. I do not believe that the community that the SDLP represents in Northern Ireland will restrict itself by not giving evidence to the forum in such sessions.

It would be a shame if the SDLP was not part of the forum, just as it was a shame that it boycotted the last assembly, in which we took evidence from groups within the nationalist community which came to assist the work of the assembly. The SDLP could not carry its community with it. I suggest that the very same thing will happen this time round. If the party turns its back on the forum, its community will not do so, but will come and give evidence. The SDLP would do well not to commit itself to a course of action similar to that of Sinn Fein—of boycotting the forum.

10.30 pm

Sinn Fein, from its tactical point of view, would be making a grave mistake if it boycotted the forum, which might be the only place where it will be entitled to go under the legislation. It would not be prohibited from going into the forum and expressing views, but it might be prohibited from entering the negotiating process. Perhaps Sinn Fein is beginning to take account of that and regrets some of the remarks that its spokesmen have been making.

I trust that we shall have a full answer from the Minister when he replies to all the issues that have been raised. It is essential that, at this stage—rather than some time after the election—those who will be part of the forum learn from the Government what they will be elected to. It is not outrageous to suggest that the Government should tell them what they will do after they are elected, particularly if they are to give up their job to go into this worthwhile venture. It is not going over the top to ask the Government to tell them that they might have a particular role during the next year or two.

Mr. Ancram: I think I can say with some feeling that we have had a full and interesting debate on this topic, which has ranged widely over the variety of amendments before us and occasionally, as you have pointed out, Mr. Morris, a little more widely than that. I shall try to remain within the rules of order in replying to the debate, but there may be occasions when, in doing so, I have to be cautious not to go beyond the parameters of the amendments.

The hon. Member for Belfast, East (Mr. Robinson) asked some important questions, but by and large they related to schedule 2, with which we shall deal later. He will see that the times of meetings of the forum will be determined by the members of the forum, subject to one qualification with which I am sure that we shall deal in depth when we come to it. He will also see that schedule 2(3) says that the proceedings of the forum

"shall be conducted in accordance with rules of procedure determined by the members of the forum and approved by the Secretary of State."

I am not trying to avoid answering the hon. Gentleman's question—that is a relevant question to ask—but it is right to pursue it in the context of schedule 2, when we shall consider the details of the way in which the forum will work. However, there is no doubt that tonight's debate has been useful to the extent that it has, I hope, made it clear beyond doubt that what the forum is not is a Stormont or a legislative body and that it does not bear resemblance to the forums of the 1970s and 1980s. Indeed, we have gone to great lengths in the Bill to ensure that we have in the statute a number of statements that show firmly that the extent of the capabilities of the forum are rightly limited. Several of those limits have been mentioned tonight and I shall deal with them in my reply.

It is important that we remember that the purpose of the forum, as set out in clause 3, is to promote dialogue and understanding within Northern Ireland and that many of the fears that have been expressed would run contrary to that purpose. It is right to examine those fears in the light of the purpose of the clause, which is the promotion of dialogue and understanding by deliberative action only.

It is difficult to reply to a debate of this length in any consistent form, but I shall try to reply to the amendments, and I hope to pick up on the points that were made as I go through. I hope that hon. Members will feel that I reply fully to the debate.

Some two hours ago, we started with the amendment of the hon. Member for East Londonderry (Mr. Ross)—amendment No. 114—which requires that an accurate record of the deliberations of the forum be published and that its recommendations be made available to the negotiating teams and to the Secretary of State. That was a good place to start, because it reminded the Committee that it is the Government's intention that the forum should be a public body and that its work should be widely known. We believe that to be part of its fulfilling its purpose of promoting dialogue and understanding, so it is implicit in the nature of its functions. I do not say this facetiously—the point has been raised in seriousness; the forum is not there to promote dissent and mistrust. We have to look at the ways in which it can promote dialogue and understanding.

Public access to the information that comes out of the forum is, therefore, important. We hope that its work will be widely reported. We hope that constructive conclusions, which we believe can emerge from it, will be helpful in the climate in which the political process is proceeding.

There is no doubt that, in the nature of things, the work of the forum will be accessible to the negotiating teams, for the reason that the hon. Member for Upper Bann (Mr. Trimble) gave—that the members of the forum will, in part, be part of the negotiating teams. What is available to the members of the forum will, by natural means, be available to the negotiating teams. The Secretary of State also features in the amendment; he will take the closest interest in the work of the forum.

We will have to give thought to the way in which the forum's proceedings should be recorded and disseminated. What is required is a means of publication that is accessible to a broad audience and best calculated to promote further constructive thought. We have considerable sympathy, therefore, with the proposition set out in the amendment, but statutory provision is not required. I believe that, in matters of detail such as this, we should avoid committing ourselves by statutory formulations that may embody unnecessary rigidities. Although I accept the purpose behind the hon. Member's amendment, I cannot recommend that it be approved by the Committee.

Mr. William Ross: If the Minister accepts the purpose of the amendment, how does he intend to fulfil it so that a transcript is available to those involved in the forum and the negotiations, and to members of the general public who have a great interest in these matters?

Mr. Ancram: As I have said, these are matters of detail that will require consideration to establish the best way. At this stage, it is not a good idea to try to set such things in statute or to take a hard and fast position. I hope that I have suggested to the hon. Gentleman that his purpose and mine are alike and that we can work together to consider ways in which this purpose might be fulfilled in practice.

Mr. Bermingham: Select Committees of the House are recorded by reporters and the Chamber and legislative Committees are recorded by *Hansard*. Should not the same happen to the forum?

Mr. Ancram: I understand that the hon. Gentleman's amendment is looking for wider and further dissemination of material. I do not know how many people read *Hansard*, other than hon. Members. This is an area of importance and I think that we should give it due consideration, but it is not a matter that we would want to set down in statute—which is what an amendment to a Bill is intended to do.

Mr. Ross: The Minister says that he does not know how many people read *Hansard*. He has a lot of civil servants working for him, so it should not be too much of a problem for him to find out.

Mr. Ancram: I think that the hon. Gentleman has missed the point that I was making. He and I share the view that the deliberations of the forum should get the widest possible circulation.

Rev. Ian Paisley: If the forum wanted to have its words recorded, would the Minister oppose it, or say that it could?

Mr. Ancram: I would not oppose it. I want the best way to be found of achieving the purpose that the hon. Member for East Londonderry set out, which appears to be the common purpose in the House. We want to consider that. It is a practical issue, not a matter for statute.

Mr. Robert McCartney *indicated assent.*

Mr. Ancram: I see the hon. and learned Member for North Down nodding. I think he accepts that it is a matter that will require consideration.

Mr. McCartney: It is a matter of administrative minutiae.

Mr. Ancram: It is a matter, as the hon. and learned Gentleman says, of minutiae—

Mr. Ross: Of important minutiae.

Mr. Ancram: Indeed.

Amendments Nos. 3 and 5, tabled by the hon. Members for North Antrim and for Belfast, East, tie in with amendments Nos. 4, 6, 7 and 8, which would add to the forum's functions that of, as the hon. Member for Belfast, East put it on Second Reading, a testing ground for proposals generated in the negotiations. I take it from the remarks that have been made that the hon. Gentleman and his colleagues envisage the forum's having a role at a fairly early stage in the process, acting as a filter to assess the likely level of support for emerging propositions. I take it that that would be the purpose of what he set out.

I believe that that is an unnecessary elaboration of the negotiating process. That development of the role of the forum would interfere with what I believe is the helpful work that the forum will be able to do if it sticks to the remit envisaged for it in the Bill. It is unnecessary in practical terms because the participants in the negotiations, being drawn from all parts of the community—indeed, being themselves forum members—will have a clear idea of acceptability, and they will agree nothing that does not have a wide measure of acceptability. Indeed, in his Second Reading speech, the hon. Member for Upper Bann—on 18 April at column 878—graphically made the point that there would be a commonality of view between the negotiators and the forum because the same parties are represented in both. I feel that the over-elaboration that is proposed is unnecessary.

The proposal is also unnecessary as a safeguard because we have made it clear that any proposals emerging from the negotiations must be subject to testing. As I said earlier, the testing is, first, the agreement of the parties in the negotiations, secondly, the agreement in a referendum in Northern Ireland and, thirdly, agreement by this Parliament. The safeguards that were mentioned tonight are already in place and do not need to be extended.

Mr. Robinson: Might the most appropriate way of testing the measure of support for a proposition be to test it in the forum?

Mr. Ancram: It is within the negotiators' capability to decide that that should be done if they feel that it would be helpful. Several important questions were asked about that issue, and I shall discuss it in due course.

The amendments would be unhelpful in relation to the forum, because we have made it clear from the outset that the forum will be independent of the negotiations and will not interfere in the conduct of the negotiations; that was made explicit in our announcement on 21 March 1996. It would not be helpful, therefore, for the forum to cover the same ground as the negotiations or to keep them under review.

Mr. Robert McCartney: Does the Minister intend that, as a result of this legislation, any agreement arrived at by the negotiators will be produced like a rabbit from a hat and presented to the people of Northern Ireland in the form of a referendum? Or will there be a mode, other than the forum, of communicating to them in broad terms, before it is presented in the form of a referendum, what the negotiators—presumably after a long period of gestation—have produced?

Mr. Ancram: It is for the negotiators to decide—I shall return to that subject later. If the negotiators feel that it is useful to refer such an overall proposition to the forum, they will be able to do so. The hon. Gentleman's question can be answered only, in a sense, by saying that if the negotiators feel that that aids the process, that is available to them so to do.

Rev. Ian Paisley: The Minister said that the forum should have no power to determine the conduct or course of the negotiations. We have accepted that in our amendment; we are not arguing about that. We say only that the outcome of the negotiations should at least be tested in a forum of all the people of Northern Ireland. What is wrong with that? Is the forum meant to be a mirror of Northern Ireland, or is it not intended to be a representative authority?

Mr. Ancram: The forum may be used in that way if the negotiators so wish. I shall not be pressed into responding to that point before I am ready to do so in dealing with the amendments.

Hon. Members from all parties have made it clear that they agree with the Government that the forum should not have executive, legislative and administrative powers and should not be in a position, as the Bill states, to determine the conduct and the course of the negotiations. I shall come in due course to the question of determining the outcome.

10.45 pm

Mr. John D. Taylor: Does the Minister understand the concerns of the main Unionist parties in Northern Ireland? They are anxious that, as the negotiations proceed, there should be a sounding of their progress within a forum that reflects public opinion in Northern Ireland.

In such a forum, the Ulster Unionist party and the Democratic Unionist party between them could probably win 50 per cent. of the vote in Northern Ireland. However, the negotiating body is so rigged that only 20 per cent. of those at the negotiating table would represent the DUP and the Ulster Unionist party. Therefore, the negotiating table would not reflect opinion in Northern Ireland in any

democratic sense. That is why we want to have a sounding of public opinion as the negotiations proceed; otherwise, we shall end up with a negotiating conclusion that does not command support throughout Northern Ireland.

Mr. Ancram: I understand the right hon. Gentleman's fears—many fears are expressed to me as I exercise my responsibilities. However, we must explore whether those fears are real. The likelihood of misunderstanding between those who will be involved in negotiations and in the forum is remote. The hon. Member for Upper Bann has said:

"If there is agreement in the negotiations, I expect there to be similar agreements in the forum. How could it be otherwise if the same people are in both channels?"—[*Official Report*, 18 April 1996; Vol. 275, c. 878.]

I think that it is reasonable to adopt the view that if parties are involved in both channels, they will not adopt different positions in each. A strange idea has been advanced tonight that somehow parties could negotiate in a vacuum, without reference to the wishes of their supporters or members. All negotiations will be informed by the views of the parties—it was ever thus and it will be ever thus.

Mr. McGrady: The right hon. Member for Strangford (Mr. Taylor) raised the point to which the Minister responded by saying that it would be appropriate for the forum to give piecemeal approval to negotiators. First, is that not impractical if negotiations are to continue; and, secondly, is it not in direct contravention of the inter-party agreement of March 1991—to which I understand that all parties still subscribe—which states that nothing is agreed until everything is agreed?

Mr. Ancram: I shall not be drawn into another debate. If the hon. Gentleman looks at the ground rules Command Paper, he will see that that principle still applies. However, he will see also that, because of the lessons learned from previous negotiations, it is now possible, subject to that principle, for the negotiations to proceed

"on the assumption of contingent agreement on any individual aspect of the negotiations".

That is the basis in the ground rule paper, which is the subject of agreement between the two Governments. In the end, this process—again, I do not want to be driven to make this point early in my remarks—will depend on agreement. It always has and it always will. Therefore, the hon. Gentleman's fears are unreal.

Rev. Ian Paisley: Will the Minister make it clear to the Committee that both Unionist parties have made representations to him and told him that we did not accept that nothing would be agreed until everything was agreed? We also said that we had nothing to do with anything that was done at the other talks because the southern Government brought them to an end. They brought them to an end, not us. We are not tied by anything that was done at the other talks.

Mr. Ancram: I am afraid that I strayed slightly previously and mentioned that paragraph. I am now well away from the amendments with which I should be dealing. If I may, I will answer the hon. Gentleman at another time on that subject.

I have outlined the constructive work that we envisage the forum doing, including exploring a wider range of ideas, drawing on a wider range of contributors and hearing people from the community who do not have an opportunity, in the conventional structure, to put their views, which may contain seeds of worthwhile advance. That is the way in which the forum can make a distinctive contribution. The role envisaged in the amendments tabled by the hon. Member for North Antrim is a long way from that and would mark a diversion that would detract from the rationale of the forum as established by the Bill. I invite the Committee not to approve the amendments.

Amendment No. 113, tabled by the hon. Member for East Londonderry, would alter clause 3(2) so that the forum might make recommendations to the negotiating teams and the Secretary of State. As I said earlier on a previous amendment tabled by the hon. Gentleman, we envisage that the forum's deliberations and conclusions will be publicly available. We hope that the forum sittings will draw in ideas and that the publication of the record of its work will generate fresh ones. But as I have said—it is made absolutely clear in the Bill—we intend that the forum will be independent of the negotiations and will not interfere in their conduct. I cannot accept the amendment and I also recommend opposition to amendment No. 112.

Mr. William Ross: The Minister has told us that the same people will be involved, that everybody will know what is going on and that therefore we will not need publication of the material in any cohesive fashion. He then turned round and told us that we will have two totally separate and different bodies. Did the Minister draw that conjunction of ideas from the relationship that exists between the IRA and Sinn Fein? It seems to me that, if the IRA and Sinn Fein are inextricably linked, the forum and the negotiators are equally inextricably linked.

Mr. Ancram: I do not think that I used the words "separate bodies". I said that the functions of the forum and of the negotiators should remain independent, and I believe that is right if they are to succeed.

Amendment No. 29, tabled by the hon. Member for Upper Bann, would excise the last element of clause 3(3) and would remove the reference to the forum having no

"power to determine the conduct, course or outcome of the negotiations".

The hon. Gentleman's argument was that those words were not necessary, because they were already covered. The hon. Gentleman will have heard during the debate that that is a matter of concern, and the words have been included by us to put the matter beyond doubt. It is right, in the interest of those who have expressed that fear, that the words remain. They express beyond doubt the fact, which the hon. Gentleman accepted, that—because of its deliberative function—the forum would not have the power to decide or determine the outcome of the negotiations. It is right that those words are there and make that clear beyond peradventure.

Amendment No. 102 was tabled by the hon. Member for Falkirk, West (Mr. Canavan). It would omit the negotiators' power of reference in clause 3(4). I was a little confused by the hon. Gentleman's argument. It is important to realise that the only way in which a reference can be made is at the instigation not of the forum but of the negotiators. I shall come back to that point and explain it in more detail.

[Mr. Ancram]

The hon. Gentleman said that any consideration arising from any reference should be deliberative. I read his amendment carefully; if he now reads the Bill and notes the restriction preventing the forum's functions from being other than deliberative, he will recognise that that is already the case.

We believe that clause 3(4), which has attracted some comment, is well judged. In the announcement on 21 March, we referred to the possibility of the forum's being commissioned by the negotiators to examine particular questions. I consider that a useful power, permitting the development of a creative approach to problems that would be less likely to arise in the more intense atmosphere of negotiation.

The last part of clause 3(4) is included out of caution. There must be no room for doubt that the negotiators can commission such work, despite the drafting of clause 3(3); but there is no suggestion that the forum will be more than deliberative on such occasions, or that it will be able to determine the negotiations' conduct, course or outcome. The hon. Gentleman's suggestion that the subsection be omitted is therefore unnecessary.

Mr. Canavan: Subsection (4) states that the negotiators may refer any matter to the forum, but the Minister has said that, even if a matter is referred to the forum, it will not have any decision-making powers. That is a contradiction in terms. As the Bill stands, there is nothing to stop the negotiators referring any matter to the forum, including the content of all or part of the negotiations, and, if that happens, the forum can then make a decision. If that is an incorrect interpretation of subsection (4), would it not be better to replace the word "refer" with the word "consultation" to describe the interaction between the forum and the negotiating body?

Mr. Ancram: I think that the hon. Gentleman's view arises from a misunderstanding. It is for the negotiators to decide what is referred to the forum, and for what purpose. For that reason, if a reference is made, it should not be thought that anything in the Bill—as opposed to the ground rules that will inform the way in which the reference can be made—prevents consideration of a matter referred by the negotiators. The purpose of clause 3(4) is to ensure that that cannot happen.

The hon. Member for Upper Bann raised the question of the rules of procedure adopted in clause 3(4), which relate to the rules of procedure for the negotiations. Comments were made about that, not least by the hon. Member for Kingston upon Hull, North (Mr. McNamara). Before turning to paragraph 24 of the ground rules, I shall refer the Committee to paragraph 7, which states:

"The conduct of the negotiations will be exclusively a matter for those involved in the negotiations. Any reference to, or interaction with, the forum to be convened following the elective process . . . may take place solely by agreement among the negotiating teams to this effect and only at their formal instigation."

Surely that makes it clear that any reference from the negotiators to the forum, and any consideration in the forum of matters referred to it, will take place with agreement among the negotiating teams and at their formal instigation.

The hon. Gentleman asked, in effect, what agreement amounted to. Like one or two other hon. Members, he referred to paragraph 24 of the Command Paper, which sets out what the two Governments believe to be the way to seek a sufficiency of consensus. It states that the rules will have to be agreed by the participants in advance of the negotiations. Those rules apply not just to one type of agreement but to agreements throughout the negotiating process. From that, it is clear that the rules that apply in other areas of the negotiating process will also apply to an agreement that could lead to a reference from the negotiations to the forum. As the Command Paper says, that matter must be decided by the participants in the talks in advance of the talks starting. It would be strange if I were to say that I could give a definition of the form of the agreement before it has been discussed by the participants.

11 pm

Mr. McNamara: Paragraph 24 states that the rules will

"ensure that any decision taken will be supported by a clear majority in both the unionist and nationalist communities".

Is "a clear majority" in both communities the underlying principle?

Mr. Ancram: That is the principle that the two Governments have set as the basis for agreement, but it is important to remember that the paragraph states that the matter is for agreement between the participants. Hon. Members have said many times in the debate that the negotiators are the masters of their own procedure. That is the only way in which such negotiations can operate. Therefore, agreement will be reached by the participants before the negotiations start, and that will operate in this area and in others.

Mr. McNamara: I am sorry if I am being obtuse about this matter. The Minister says that the participants must agree on their rules of procedure. The paragraph states that if they cannot "achieve unanimity", or presumably a little less than that, what is agreed will have to be supported by a majority representing each community—that is, a majority of the Unionists and a majority of the nationalists must agree on the rules. Is that right?

Mr. Ancram: That is what the paragraph states, and it also states that any such agreement has to be reached by the parties in advance of the negotiations. The hon. Gentleman must not ask me to pre-empt an essential part of the way in which the negotiating process will operate, which will be by the agreement of the parties.

Mr. Maginnis: Has the Minister allowed himself to be backed into a corner by the hon. Member for Kingston upon Hull, North (Mr. McNamara) or perhaps, as I suggested earlier, by the Dublin influence? Does he agree that what he has just conceded puts in the hands of those who want to destroy the forum a veto that cannot be overcome?

Mr. Ancram: The hon. Gentleman was in the last talks. Any process that works by agreement has to have the agreement of those who are in the process. Anybody who disagrees will obviously affect the ability to secure agreement, whether it is on a matter such as the one that we are discussing or on other matters in the negotiations.

Mr. Maginnis *rose—*

Mr. Ancram: I want to clarify this important matter. It strikes me when listening to such debates that each side

is saying that it will be blocked by the other operating a veto. I like to think that both aspects of the process on which we are embarking, the negotiations and the forum, will be taken up by the parties in a constructive and positive manner, first, to try to promote dialogue and understanding and, secondly, to come to an agreement. If the processes are embarked on in that manner, the fears that have been expressed, some of them understandable, will not be realised.

Mr. John D. Taylor: I have a question that flows from what the hon. Member for Kingston upon Hull, North (Mr. McNamara) said. When it is said that a matter has to be agreed by a majority of the Unionist and nationalist negotiating groups in the talks, how do we know who is Unionist and who is nationalist? If No Going Back is at the negotiations, will it be considered Unionist or nationalist? What about Ulster Independence? Will it be considered Unionist or nationalist?

Mr. Ancram: The right hon. Gentleman has opened an interesting path of discussion, down which I will not be drawn tonight; when suggestions were made that the ground rules should be made part of statute, how those positions might be defined in law was a matter of consideration.

We have made a balanced and constructive proposition in clause 3. Listening to the fears of both sides, I suspect that the balance is more central than I thought. The clause threatens no one. It provides the ability to open a new dimension in terms of promoting dialogue and understanding in Northern Ireland. It can give Northern Ireland's people a platform that they have not had in previous negotiations. The clause is right.

Mr. Bermingham: Will the Minister give way?

Mr. Ancram: I am sorry that I have not been able to recommend acceptance of any amendments and I hope that the Committee will now be able to proceed.

Ms Mowlam: I shall be brief. Front-Bench Labour Members have waited a number of hours and listened to the debate because we think that this group of amendments is important in relation to how the forum functions. We are keen to ensure that it can stimulate trust and confidence and that it works towards mutual agreement, greater dialogue and understanding. Therefore, many of the amendments have a bearing on that.

During the debate, it has been fascinating to note that, on one side, people are arguing strongly that the forum will develop into an assembly—that is their fear—and that, on the other, there is the opposite view that it will not be strong enough to represent people's views. Both arguments have been fully played out.

In moving amendments, many hon. Members have given voice to our basic concern. Hon. Members on both sides of the House tried to assuage the nationalist fear that the forum would take on powers greater than the ones in the Bill. Many hon. Members tried hard to reassure the nationalist community that that would not happen. The difficulty is that some of the amendments do the opposite. Let me refer to just two specific ones to make the point.

Amendment No. 29, moved by the hon. Member for Upper Bann (Mr. Trimble), clearly retains in clause 3(3) the specific details that the forum

"shall not have any legislative, executive or administrative functions",

defining it by default. The amendment, however, cuts out

"any power to determine the conduct, course or outcome of the negotiations",

stimulating the nationalist community's fears that the relationship between the negotiations and the forum will be strengthened.

Similarly, in speaking to an amendment, the hon. and learned Member for North Down (Mr. McCartney) advanced a persuasive argument about how the forum could be a useful sounding board for ideas discussed in the negotiations, but that would just be a repetitive act: the issues concerned will already have been discussed in the negotiations. We will not go into great detail here, because we are concerned about how the forum's procedures will work; that is covered in schedule 2. We will hold our major point and amendment to the debate on that schedule because that is crucial to how the forum will work.

Mr. Bermingham: I am disappointed that, having made probably my maiden speech on Ireland and raised matters of great concern to me, the Minister had the discourtesy of not giving way when I wanted to ask him merely whether he took on board the concept of an independent chairman. If history has taught me anything, it is this lesson: unless we have independent chairmen—people who are prepared to listen to all sides—no Irish problem is ever solved.

Ms Mowlam: I thank my hon. Friend for that intervention. I am sure that the Minister heard that point. In the debate on schedule 2, we will be able to return to it, because the schedule gives us an opportunity to discuss the nature not just of the chairman, but of the procedures. The point can then be re-emphasised.

Rev. Martin Smyth: Has the hon. Lady taken on board the Minister's remark about there being no danger to any of the parties? However, there is a danger to the whole process. Hitherto, we have been dealing with widespread consent throughout the community. Tonight we have heard an interesting and novel idea. To illustrate it using the Parliament in which we are sitting, we should have to have the majority of Conservatives and the majority of Labour Members agreeing to get anything passed. That is the novel suggestion being made tonight. We have to look again at the question of the process, rather than the parties, being endangered.

Ms Mowlam: The process would be in danger if we allowed ourselves to lose the focus from the negotiations, which are, after all, the end product we are trying to reach. It is important that the forum does not engage in the negotiations, but remains independent. In that way, which may not be exactly the way that the hon. Gentleman meant it, there is a danger of the process getting into difficulty if the forum's role is changed considerably.

When we debate schedule 2, some difficult matters need to be dealt with regarding how, in relation to paragraph 24 of the Command Paper, a majority of both communities is translated into the workings of the forum if there are, on the one hand, the two majorities—as the Minister outlined—and, on the other, hon. Members

[Ms Mowlam]

themselves. There could be a potential conflict which, when we debate schedule 2, I am sure the Minister will cover in more detail.

We believe that the forum should be a deliberative body that encourages an exchange of views and dialogue, which listens to people, as the hon. Member for Belfast, East (Mr. Robinson) has said repeatedly—

Mr. Peter Robinson *rose—*

Ms Mowlam: And as he is about to say again.

Mr. Robinson: I want to deal with a point that the hon. Lady made earlier—that the role of the forum should be to deliberate. I wonder whether the official Opposition, if they were in government, would put any restrictions on what the forum could deliberate.

Ms Mowlam: As the hon. Gentleman will know from reading clause 3, the role of the forum is to discuss

"issues relevant to promoting dialogue and understanding within Northern Ireland."

That sets the forum's parameters, and I am sure that hon. Members who potentially have the opportunity to be members of it will be able to define what they believe would promote dialogue and understanding.

Some of the amendments may not be very helpful in promoting dialogue and understanding. It is important to build consensus and agreement, not put in place systems that would further entrench and reinforce divisions rather than build agreement.

We will oppose many of the amendments if they are pressed to a Division, because, in the end, they lose sight of the purpose of the elections, which is to move towards participation in the negotiations.

Amendment negatived.

Clause 3 ordered to stand part of the Bill.

Clause 4

REFERENDUMS

Mr. William Ross: I beg to move amendment No. 128, in clause 4, page 2, line 12, leave out 'may' and insert 'shall'.

The Second Deputy Chairman of Ways and Means (Dame Janet Fookes): With this, it will be convenient to discuss also the following amendments: No. 84, in clause 4, page 2, line 13, leave out 'views' and insert 'consent'.

No. 125, in clause 4, page 2, line 14, leave out second 'Northern Ireland' and insert

'the constitutional status of Northern Ireland resulting from these negotiations, or any agreement between the Government of the United Kingdom and the Irish Republic, and the result of any such referendum shall be binding upon Her Majesty's Government in the United Kingdom.'.

No. 83, in clause 4, page 2, line 14, at end insert—

'(1A) If any outcome of the negotiations provided for in this Act does not receive the support, in a referendum, of a majority of those entitled to vote it shall not be proceeded with.'.

No. 100, in clause 4, page 2, line 14, at end insert—

(1A) The Secretary of State shall consult the Government of the Republic of Ireland on the wording and timing of any referendum on constitutional proposals affecting the relationship between Northern Ireland and the Republic of Ireland.'.

Mr. Ross: Amendment No. 128 centres on the use of the word "shall". You will be aware, Dame Janet, of the earlier debate on whether we should use the word "shall" or the word "may". At that time, the Minister seemed to have some objection to "shall". The word appears six times on page 2 of the Bill, most of them in the top quarter of the page, so I do not understand the antipathy towards a simple word that can mean so much. The Minister knows that the use of the word "shall" would strengthen his hand in this context.

The inclusion of the word "shall" would leave the Secretary of State with no option—he could not be pressured to refrain from having a referendum for the purpose of obtaining the views of the people of Northern Ireland. I would have thought that that was a very good thing.

There will be those who will say to the Secretary of State, "Oh no, we are very much against a referendum. You really cannot do that." He would have Dublin knocking the door down to try to stop a referendum under certain circumstances. The SDLP, Sinn Fein, the IRA, old Uncle Tom Cobbleigh and heaven knows who would try to stop a referendum if they thought it suited their purpose, which is of course to ensure that Northern Ireland is taken out of the United Kingdom. Anything that would keep Northern Ireland in would of course be met with objection.

If one reads the amendment in conjunction with the second amendment in the group that I have tabled, No. 125, it is perfectly plain that I am concerned that, every time the constitutional status of Northern Ireland was perceived by the Unionist population to be under threat, there would have to be a referendum before any of the proposed changes could be brought into operation.

11.15 pm

I do not see how on earth the Secretary of State could or should resist the amendments. After all, if such provisions had been in place in 1985, all the concerns expressed by the Unionist population over the agreement of that year could have been very rapidly disposed of by reference to the population, and the Secretary of State would not be in the position he is in today, of having to jump to the demands of Dublin.

The Dublin Government would not have an input into the government of Northern Ireland, and they would not on a daily basis, as Mr. Bruton told us in a recent speech, be in a position to make use of the Anglo-Irish Agreement of 1985. A referendum in Northern Ireland would have rapidly disposed of the whole monstrous edifice.

I do not see why the Secretary of State should not agree to my very simple propositions. All I am asking is that, if the people of Northern Ireland believe that a change in the constitutional status of Northern Ireland is resulting from the negotiations, there should be a referendum that would be binding on Her Majesty's Government. In other words, we are asking the Government to put into print what they say will happen—if there is a referendum, they will take note of it. In that context, "take note" means that they will accept the result.

I should have thought that, in those circumstances, the Government should be willing not only to accept the amendments but would leap in exclamations of joy to thank me for tabling them. *[Laughter.]* I do not know why there is such hilarity on the Labour Front Bench when they say that they accept the Government's point of view. That is what we were told.

If the hon. Member for Lewisham, West (Mr. Dowd) does not watch out, his head will fall off. The Labour Front-Bench team have been telling us all evening that they agree totally with the Government on this issue. [HON. MEMBERS: "New Labour."] New Labour is new in some respects, but certain little rumblings of old Labour are still around. That is a matter for the Labour party; we are not concerned with it. All we are concerned with is gaining the support of the Labour Front-Bench team for the improvements to the Bill that I am proposing. I see no good reason why the hon. Member for Redcar (Ms Mowlam) and her hon. Friends should not support me.

We are told that the Government want to ensure that they have the support of the people of Northern Ireland and that they want to keep the United Kingdom intact. They have not shown much sign of supporting those of us who are trying to do so, but that is what they tell us. Here is an opportunity for them to put down a marker for the whole world and say that they are prepared to go along with the will of the people of Northern Ireland when it comes to its constitutional status. I hope, therefore, that the Minister will rapidly rise and agree to accept my modest recommendation.

We in Northern Ireland are very familiar with the Government and the Irish nationalist parties talking about demands for change as if all the changes that have been made in Northern Ireland since 1968-69 have been brought about purely to improve the administration in Northern Ireland, to improve the security of the people of Northern Ireland—with about 3,000 dead, the policy does not seem to have been all that successful—and to promote dialogue, understanding, consensus, fairness and peace in the Province.

One of the SDLP Members told us earlier that we were divided by history. I thought that we were divided not so much by history as by the question of which nation we wished to belong to—the constitutional issue. I have to say yet again that, in the light of all that has happened so far, my proposal seems a sensible route. The Committee should think of the confidence that my proposal would build in the people of Northern Ireland. They would be aware that, by an Act of Parliament, they would certainly be able to state their opinion of proposed changes. The door would be opened, as the Minister said earlier.

Mr. Trimble: A window of opportunity.

Mr. Ross: A window of opportunity, as my hon. Friend says.

My proposal would protect the constitutional position of the country, which would take a load off the Government's shoulders. They could say to the Americans, the Irish Republic, Europe and any country in the world, "Look, here the people of Northern Ireland have stated their opinion. We have to abide by the principle of democracy in Northern Ireland. We are very happy to accept that opinion."

There is therefore no good reason for the Government not to take my view on board and act on it. The reality is, of course, that the Government have other pressures on them. However, they should show a bit of manhood, stand on their own feet and defend the unity of the kingdom, because we all want to live in the kingdom.

I believe that when the Government consider my brief remarks with the care they deserve, the Minister will hop up to say that he thinks my proposal a wonderful idea. However, Mr. Bruton has not been very helpful in this regard. He is clearly intent on making further changes in the constitutional position of Northern Ireland. He said in a recent speech that the Irish Government had been given the right, under the 1985 agreement, to put forward views and proposals. They have been doing that daily ever since. He also said, yet again, that work was needed to get a settlement on the basis of the joint framework document.

Even Ministers and Labour Front-Bench Members understand that that view of the Prime Minister of the Irish Republic is not acceptable to the Unionist population of Northern Ireland. Indeed, I wonder whether it is acceptable to a wider community—what my right hon. Friend the Member for Lagan Valley (Sir J. Molyneaux) was fond of describing as the greater number in Northern Ireland. I believe that that greater number, which extends beyond traditional Unionist opinion, would also view with a measure of alarm the possibility of going into an all-Ireland republic. Those people were not all that anxious, therefore, to have the joint framework imposed on them.

I believe that the various proposals we have made to get such agreements put to the people and to stop the Government overriding the desires of the greatest number would be a step forward, and would inspire confidence among the people of Northern Ireland. They would take away the fear, distrust and lack of faith in the Government's good intentions. There would be a remarkable improvement in atmosphere in Northern Ireland, and all sorts of good things could flow from the change I propose.

The truth is, as the Secretary of State knows, that the people of Northern Ireland perceive that endless concessions are being made to the gunmen.

They believe that, instead of ruling according to the desires of the greater number in the population, the Government have accorded far too much influence, to put it no higher than that, to those who have tried hard to effect change by the use of weaponry, explosives and violence, or by suppression, or both, and who claim every concession as a surrender to their policy of violence.

I see that the hon. Member for Falkirk, West (Mr. Canavan) has rejoined us. I believe that he understands the problems we see, although, sadly, he is one of those who does not believe in the unity of the United Kingdom, because he—

Mr. John D. Taylor: Supports Celtic?

Mr. Ross: The hon. Gentleman may support Celtic; I understand that it is a pretty good football team—but I must confess that, if I were a football lover, I might support another team.

Hon. Members: Hear, hear.

Mr. Jeremy Corbyn (Islington, North): That is the root of the problem.

Mr. Ross: I meant Coleraine; it is in my constituency. *[Interruption.]* I could not follow the hon. Member for North Antrim (Rev. Ian Paisley) down that road. But I am not a footballer, so the problem does not arise.

The Second Deputy Chairman: Order. This is no doubt most interesting and entertaining, but can the hon. Gentleman tell me what it has to do with his amendment?

Mr. Ross: Actually, Dame Janet, I had moved somewhat from my own amendment to discuss amendment No. 100, which the hon. Member for Falkirk, West hopes to move if he catches your eye in a few minutes' time. He demands:

"The Secretary of State shall consult the Government of the Republic of Ireland on the wording and timing of any referendum on constitutional proposals affecting the relationship between Northern Ireland and the Republic of Ireland."

That is an interesting proposition.

Mr. Corbyn: It is a good amendment.

Mr. Ross: It is an interesting proposition, but I do not think it is needed. Surely we are told by Mr. Bruton that, since 1985, the Irish Government have constantly been consulted on a daily basis. Are we to believe that they are not consulted on those issues, and that in the past ten and a half years there has ever been a time when the Government of the Irish Republic have not raised the constitutional position of Northern Ireland?

The proposition by the hon. Member for Falkirk, West is unnecessary. It is redundant, because what the hon. Gentleman wants is already happening, and we are trying to ensure that it stops happening. We want the Secretary of State to consult not only the Unionist population—the greater number in Northern Ireland—but the people of Northern Ireland.

Surely the electorate of Northern Ireland should be allowed to pronounce on such matters. As I have said, if that happened, a burden would be lifted from the Government's shoulders. They are loth to transfer the responsibility for things going wrong on to the shoulders of the Unionists. Perhaps they would find it easier, wiser and more defensible to transfer that burden to the shoulders of the people of Northern Ireland—a burden that that electorate would joyfully accept, because it would mean that they could protect the position that they enjoy within the kingdom.

Mr. Wilshire: I want to speak to the two amendments in my name, Nos. 83 and 84. Amendment No. 83 seeks to make it clear that the Government could not proceed with any decision emerging from talks unless a majority of the people supported it in a referendum within Northern Ireland. That is a variation on amendment No. 125.

Amendment No. 84 seeks to make it clear that the purpose of a referendum is to obtain not simply the views of the people of Northern Ireland but their consent.

11.30 pm

Amendment No. 83 takes up something that we discussed in slightly more general terms earlier—the consent of the people of Northern Ireland. My right hon. Friend the Minister kindly made it clear that there would have to be consent from the majority in Northern Ireland. That has been talked about in the past. Having said that earlier today, I am asking him to put it in writing so that we have in the Bill what we are repeatedly told informally is the case. As my amendment merely confirms what the Government have already said, I assume that they will not find it difficult to accept.

The Government make much of the triple lock. Some of us are not so sure how secure it is, but they tell us that it is vital and that the people of Northern Ireland must agree. The amendment says that if they do not agree, the proposals

"shall not be proceeded with".

If the Government are willing to say that, let them do so, but I draw my right hon. Friend the Minister's attention to my amendment's detailed wording. It defines "majority" as being

"a majority of those entitled to vote",

not a straightforward majority of those who happen to turn up on a wet Thursday afternoon. There is a precedent for that in other referendums that have been held in the United Kingdom to determine the future relationship of a part of the Union with the whole. The Government should make it clear that they accept that the consent of the people of Northern Ireland means a majority of those entitled to vote doing so.

Mr. William Cash (Stafford): My hon. Friend may have glanced at clause 4(6), which we shall debate later. He may not have noticed that it states:

"Nothing in this section shall be construed as authorising the Secretary of State to direct the holding of a poll otherwise than in accordance with Schedule 1 to the Northern Ireland Constitution Act 1973 in relation to"—

and this is the important bit—

"the matters dealt with in section 1 of that Act."

Section 1 of that Act states:

"It is hereby declared that Northern Ireland remains part of Her Majesty's dominions and of the United Kingdom, and it is hereby affirmed that in no event will Northern Ireland or any part of it cease to be part of Her Majesty's dominions and of the United Kingdom without the consent of the majority of the people of Northern Ireland".

It is a strange anomaly that clause 4(1) refers to

"obtaining the views of the people of Northern Ireland on any matter relating to Northern Ireland"

but that clause 4(6)—

The Second Deputy Chairman: Order. I am sorry to interrupt the hon. Gentleman but interventions should be brief, as I have had occasion to say before. If he wants to make such a complicated and lengthy point, he should try to catch my eye to make a separate speech.

Mr. Wilshire: I understand your point, Dame Janet, but I found my hon. Friend's intervention interesting and helpful. I consider myself told off for not reading that part of the 1973 Act as he did. His intervention provides with me with another argument. If my amendments say only what already exists in other legislation, it is sensible for the Government to accept that the Bill should be changed to bring it into line with what he described.

Amendment No. 84 goes beyond simply seeking the views of the people of Northern Ireland. I believe that we should confirm in writing tonight that the purpose of the

exercise is what the Government have repeatedly said informally—that we are seeking consent. Let us put that into writing for the avoidance of all doubt.

So that I do not have to speak again during this short debate, I must assume that the hon. Member for Falkirk, West (Mr. Canavan) will speak to amendment No. 100, which suggests that there should be formal consultation with a foreign Government about the internal affairs of the United Kingdom. The decision by a sovereign Parliament to hold a referendum within its territory is a matter for that country alone. To suggest that a foreign Government, be it the Republic of Ireland, Peru, or wherever, should have a formal status in the process of the House deciding to hold a referendum on a particular date and what wording to put to its citizens and to no others is utterly unacceptable. I hope that the House will have no part of the amendment that I suspect will be moved.

I realise that there is an overlap and that the Republic may want to hold its own referendum. There may be some need for an informal chat over a pint of Guinness, or whatever these people do on such occasions. But it would be an impertinence for us to interfere formally in what is decided in Dublin, just as it is an impertinence for them to interfere in the internal matters of this sovereign nation.

Once again, I am pleading with my right hon. and hon. Friends not simply to come up with soothing words when they respond to my points and, having said all those things all over again, to say, "No. We can't accept these amendments either." My right hon. and hon. Friends may find my amendments unnecessary, but that is not the point. I would be grateful to hear—if it can be argued—why my amendments are wrong, not why they might be inconvenient to the Government.

I consider that, by accepting the amendments, the Government will prove beyond all doubt that they are willing to stand by their informal words. They will show that they are willing to help their friends on the Back Benches. I urge them, therefore, to accept the amendments. It is one way of making speedier progress tonight.

Mr. Canavan: My amendment No. 100 would impose on the Secretary of State a statutory obligation to

"consult the Government of the Republic of Ireland on the wording and timing of any referendum on constitutional proposals affecting the relationship between Northern Ireland and the Republic of Ireland."

I emphasise that we are talking not simply of a new internal constitutional arrangement in Northern Ireland, or the relationship between Northern Ireland and Great Britain. My amendment refers to

"constitutional proposals affecting the relationship between Northern Ireland and the Republic of Ireland."

It is only fair and democratic, therefore, that that new constitutional package, defining a new relationship between all the peoples of the island of Ireland, should be put to a democratic test throughout the entire island, rather than just one part of it.

My amendment places a statutory obligation on the Government to implement paragraph 26 of the White Paper, Cm 3232, which states:

"Both Governments respectively reaffirm their intention that the outcome of negotiations will be submitted for public approval by referendums"—

I always thought that the plural of referendum was referenda, but it says referendums—

"in Ireland—North and South—before being submitted to their respective Parliaments for ratification and the earliest possible implementation."

It would make good sense, therefore, for there to be consultation between both Governments, so that they could agree on exactly the same form of wording to be put to their peoples. There may well be some advantage in holding the referenda on the same day. Those could all be matters for consultation.

The Republic of Ireland has a longer history of referenda than we have. I understand that it must hold a referendum if it amends its constitution. Whatever referendum is put to the people of the Republic of Ireland may be one that is required by its constitution, so the wording would perhaps not be exactly the same. The wording of part of the constitutional package may be the same, but if it involves a constitutional amendment in the Republic of Ireland, the British Government obviously would not want to include that in the wording of the referendum put to the people of Northern Ireland. Those matters are all points for consultation. They are important and there is merit in making the wording on the relationship between the peoples of Ireland as similar as possible in the two referenda.

Mr. John D. Taylor: The hon. Gentleman continually refers to the peoples of Ireland, but of course he will recall that any referendum could well apply to the peoples of these islands. Part of the negotiations will be about the relationship between the peoples of these islands, as paragraph 1 of Command Paper 3232 says. It is not simply the peoples of the island of Ireland. It is the peoples of these islands.

Mr. Canavan: Clause 4 of the Bill refers to

"obtaining the views of the people of Northern Ireland on any matter relating to Northern Ireland."

The Bill will have no jurisdiction in the Republic of Ireland, so if we are to put into effect paragraph 26 of the White Paper it makes sense to have statutory consultation between both Governments on the content and timing of the referendum. I take the right hon. Gentleman's point that there may well be a case for extending some form of consultative referendum to all the people of the United Kingdom. I know that some hon. Members take that view on constitutional matters, but if one examines the agreements that have been signed recently by both Governments on the right of self-determination and the definition of consent, it is clear that it will be sufficient to confine the democratic test to the entire island of Ireland.

I commend my amendment to the House.

Mr. Cash: I think that I have made my point already, thanks to your indulgence, Dame Janet, in an intervention that I made earlier. There is a potentially serious point here. It is the inconsistency and perhaps even conflict between clause 4(1), which refers to the views of the people of Northern Ireland, and the requirements in clause 4(6), which deal with the question of consent by reference to section 1 of the Northern Ireland Constitution Act 1973.

My hon. Friend the Member for Spelthorne (Mr. Wilshire) has made an important point in amendment No. 84. I suspect that it would be extremely

[Mr. Cash]

undesirable to find that someone attempted to upset the arrangements that have been made in pursuance of those sections if there were an inconsistency—and there clearly is between the words "views" and "consent"—that led them to say that it was ultra vires or in some way out of order.

I simply say to the Minister that this looks to be a point that could be taken on Report. It looks as though my hon. Friend has a serious point with respect to amendment 84. Therefore, this matter ought to be looked at again.

11.45 pm

Mr. Corbyn: I put on record my support for amendment No. 100, as proposed by my hon. Friend the Member for Falkirk, West (Mr. Canavan). If there is no consultation with the Government of the Republic of Ireland on the wording, timing and content of the referendum proposals, it is very unlikely that there will be a successful outcome from the peace talks—and we want them to come to a successful conclusion.

I fail to see why there should be any objection to consulting the Government of the Republic when it is obvious that the whole problem with Ireland is the division, the relationship between Britain and the Republic of Ireland and the future of the six counties. Holding a referendum with similar questions—multiple choice questions that include the same options within them on both sides of the border—seems to me to be the best way to bring this to a successful conclusion.

The right hon. Member for Strangford (Mr. Taylor) intervened on my hon. Friend the Member for Falkirk, West and said what about a referendum in the rest of the United Kingdom, or perhaps he said that there should not be one in the rest of the United Kingdom. Essentially, the issue has to be resolved by the peoples of Ireland as a whole and that can bring about a permanent peace. If he is serious about a referendum in the whole of the United Kingdom, he might find that the result will be that Britain should not be so involved in Northern Ireland or perhaps not involved at all. I am not so sure that a referendum would bring him the result that he would like to see.

That is not the content of the amendment that has been put down in our names. We are saying that the Secretary of State, before presenting any referendum questions to the people of Northern Ireland, should, as a matter of requirement, talk to the Government of the Republic of Ireland in the hope and expectation that a similarly worded referendum could take place on the other side of the border.

Mr. Illsley: The Opposition would like some clarification of the amendments and of clause 4. We take the view of the hon. Member for Stafford (Mr. Cash) that clause 4(6) prevents the Secretary of State from holding a referendum on the constitutional future of Northern Ireland unless it is in accordance with the Northern Ireland (Constitution) Act 1973. Therefore, we look on the holding of referendums under clause 4 as giving the Secretary of State the opportunity to hold referendums periodically in Northern Ireland on topics other than the issue of constitutional change.

Perhaps the Minister could clarify that and tell us the purpose of clause 4. We look on it not as a clause which authorises a referendum on the constitutional future of Northern Ireland arising out of those negotiations, but as one which gives the Secretary of State the power to hold a referendum on issues that may arise from time to time—perhaps on the use of violence, as was suggested by the SDLP recently.

We regard some of the amendments that have been moved as unnecessary and others as unworkable. Inserting the word "shall" in the first line of clause 4 would require the Secretary of State to hold referendums from time to time regardless of whether there was an issue on which to hold one. I cannot envisage circumstances in which there would be no issue on which to hold a referendum. Nevertheless, amendment No. 128 would place a duty on the Secretary of State to hold referendums periodically, and we see no need for continually holding referendums.

Obviously, the most important referendum to be held in relation to Northern Ireland would come under the provisions of clause 4(6). The issue is that of obtaining the consent rather than the views of the people of Northern Ireland. The issue of consent brings us back to subsection (6). As we see it, clause 4 is intended for the Secretary of State to obtain the views of the people of Northern Ireland on specific subjects. If the word "consent" is written into clause 4, the Secretary of State will be under a duty to hold referendums in Northern Ireland, each of which is to give consent, and issues may be put to a referendum that do not require the consent of the people of Northern Ireland but simply an expression of their view.

I refer back to the subject raised by the SDLP when it said that perhaps the issue of the use of violence or whatever might be put to a referendum in Northern Ireland. That does not require the issue of consent to be agreed on; it simply means that the people of Northern Ireland can express their view.

The issue of consent in any respect has been laid to rest by both Government and Opposition; both have committed themselves repeatedly to the view that no constitutional change will take place in Northern Ireland unless it is with the consent of the people of Northern Ireland expressed through a referendum. I regard that as being enshrined in the various documents that the Government have produced in the past, and it is not relevant to clause 4.

Worryingly, amendment No. 125 would give a duty or a power to hold referendums on any agreement between the Government and the Irish Republic. I read that to mean that we might hold a referendum in Northern Ireland on the Anglo-Irish Agreement of 1985, and we could be bogged down in holding a referendum on agreements or treaties that have been in position for the past 10 years and whether they are agreed. It will not take the process forward if we begin to look backwards rather than forwards to the negotiations.

Amendment No. 125 would also limit referendums to constitutional issues, which I do not envisage as the remit of clause 4. I hope that the Minister will respond on that point and confirm that clause 4 is simply to obtain expressions of the will of the people of Northern Ireland rather than their consent on major constitutional issues.

We cannot agree with an amendment that would make the results of any referendum binding on the Government. It is a well-known rule of the House that Parliament cannot bind its successors. It would not be right or proper

for the Government to enshrine in legislation here the fact that they would hold referendums to be binding on themselves and any future Government.

Amendment No. 83, tabled by the hon. Member for Spelthorne (Mr. Wilshire), also refers to clause 4. He wishes the decision in a referendum to be taken on a majority of those entitled to vote, rather than the majority of those people voting. We cannot agree with the fact that abstentions will be counted as people voting against in any such referendum.

Mr. Trimble: I thank the hon. Gentleman for giving way on this point. We are reaching a crucial moment in defining a central part of Labour party policy with reference to what might happen after the next general election. The hon. Gentleman will appreciate that the amendment tabled by the hon. Member for Spelthorne (Mr. Wilshire) draws its inspiration from the legislation of the last Labour Government in the Scotland Act 1978 and the Wales Act 1978. In view of the Labour party's proposal to introduce within its first year in Government legislation regarding devolution in Scotland, is the hon. Gentleman announcing that there will be no referendum along the same lines as provided for by the last Labour Government? It is a crucial issue.

Mr. Illsley: The circumstances in Northern Ireland are unique. A Labour Government would not conduct a referendum along the lines of the previous legislation as suggested by the hon. Gentleman. We do not agree that the decision should be taken on the basis of the majority of people entitled to vote.

As to amendment No. 100 moved by my hon. Friend the Member for Falkirk, West (Mr. Canavan), we tend to agree with earlier comments that perhaps it is not necessary in view of the Anglo-Irish Agreement and the on-going consultation between the Irish and the British Governments on Northern Ireland issues. We assume—perhaps the Minister will confirm our view—that the Irish Government will be consulted about the wording of any referendum question on constitutional issues.

I see no reason why the Irish Government should be consulted under clause 4, unless border issues or constitutional matters were involved. Under clause 4—which is not related to constitutional issues or to the outcome of negotiations—there is less need to consult the Irish Government. Perhaps the Minister will clarify that point in due course.

Rev. Ian Paisley: In talking about referendums and constitutional issues, we are on very important ground and we must tread carefully. I hope that the Government do not intend to change the firm commitment made by successive Governments—both Labour and Conservative—that Northern Ireland's position as an integral part of the United Kingdom will not be altered except by referendum in which the people have the right to give their verdict. That point must be underscored over and over again.

Mr. Stott: Which people?

Rev. Ian Paisley: The people of Northern Ireland. That is a law of the Parliament as supported by the hon. Gentleman's party.

Conditions in Northern Ireland are difficult at present and it ill behoves anyone in this place to say that we wish to undermine Northern Ireland's position as an integral part of the United Kingdom. In so doing, they do a grave disservice to the people of Northern Ireland. I simply reiterate that it is a very serious matter.

The Government of the Irish Republic would resent this place interfering in the constitutional matters that they intended to put to their people. The criminal and immoral articles 2 and 3—behind which the IRA has hidden for years and which the chief court of the south has underscored—must be changed. No British Government would be allowed to interfere in any referendum held by the Irish Government, so no one should interfere in the UK Government's plans for an integral part of the United Kingdom.

Mr. Robert McCartney: The question of referendums and of consent involves the fundamental constitutional position of Northern Ireland in the United Kingdom. It has been accepted by both the Government and the Opposition as far back as 1972, in the Downing street declaration, in the Anglo-Irish Agreement and more recently, that there would be no change in the constitutional position of Northern Ireland in the United Kingdom without the consent of a majority of the citizens of Northern Ireland. That is the fundamental principle of consent which has been accepted by the Dublin Government, by the parties of constitutional nationalism and by the forum for peace and reconciliation in Dublin. It has been accepted by all those other than Sinn Fein-IRA and the parties and groups dedicated to attaining political objectives by violent means.

12 midnight

That element of consent must be totally distinguished from the question of receiving the views of the people of Northern Ireland in a referendum about the outcome, in this context, of any package or agreement arrived at by negotiations in the negotiating body that is being organised. The two issues are very distinct, and that should always be borne in mind. As the hon. Member for North Antrim pointed out, it would seriously undermine the whole basis on which any pro-Union party in Northern Ireland would enter any negotiations if there was the slightest suggestion that that guarantee would be interfered with in any way. I speak for myself as an independent, but I am sure that I reflect the views of all pro-Union parties in the House. No one will go into those or any other negotiations against a background of that constitutional guarantee being in any wise called in question.

A distinction must be drawn between the proposals for a referendum before us and the proposals in the Northern Ireland Constitution Act 1973. They are two completely different issues. The referendums to which the amendments refer would be, I assume, only about such matters as may evolve from any negotiations. In no manner can they affect the constitutional position of Northern Ireland in the United Kingdom, because if they do that will be the death knell of any prospect of any success whatever emerging from the negotiations that follow the Bill.

Mr. Cash: Does the hon. and learned Gentleman agree with the point that I have made that the inconsistency

[Mr. Cash]

between clause 4(1) and 4(6) must be resolved? We cannot have a situation in which section 1 of the Northern Ireland Constitution Act 1973 requires consent but clause 4(1) of the Bill requires merely the expression of views. Must not that be resolved and, therefore, must we not look, as a matter of critical importance and for the very reason the hon. and learned Gentleman has mentioned—the death knell of the negotiations—look to the Minister to try to resolve that problem?

Mr. McCartney: I agree entirely with what the hon. Gentleman has said, because under the present proposals any party can raise any issue that it wishes. That would entitle Sinn Fein, if it participates, or the SDLP or any other nationalist party to raise the constitutional issue in the course of the negotiations.

Some people think that it should be a precondition for any party entering the negotiations that it should accept that constitutional principle, which has been accepted by everyone else. Indeed, many think that the only reason why that acceptance is not a precondition is that, if it were made a precondition, the only party which does not accept it—Sinn Fein—would not turn up for or participate in the negotiations. Since the Government's fundamental objective is so clearly to have Sinn Fein at the talks, it is necessary to make every conceivable concession to Sinn Fein, including that of the guarantee of the Union. That is why it is not a precondition, and that is why—as the hon. Member for North Antrim, pointed out—it is so important to resolve an anomaly that will otherwise inevitably lead to difficulty.

Mr. Ancram: Until the last few moments of his speech, I thought that the hon. and learned Member for North Down (Mr. McCartney) was delivering my reply for me rather well, but I am afraid that in that final part he diverted from it slightly.

Subsection (6) deals with the fears of both the hon. and learned Gentleman and the hon. Member for North Antrim, making it clear in relation to the constitutional guarantee that nothing in the clause will alter the effect of schedule 1 to the Northern Ireland Constitution Act 1973.

Mr. Cash: My right hon. Friend is digressing from the main point. He refers to schedule 1 to the 1973 Act, but fails to relate his points to the phrase

"in relation to the matters dealt with in section 1 of that Act"

in clause 4(6). Those matters necessarily include the notion of consent.

Mr. Ancram: I shall come to that. It is an important point.

Let me repeat that the constitutional guarantee is protected under subsection (6). That is why it is there.

Speaking to amendment No. 100, the hon. Member for Falkirk, West began to undermine his own argument about the language that he wanted to be replicated in the two referendums, realising that the purpose of the referendums might be somewhat different. I am not sure whether he was present earlier, when we discussed referendums; if he was, he will have heard me make it clear that they are two separate referendums in two separate jurisdictions, and that—for the very reasons that he gave in relation to the Irish constitution—their specific purposes could well be different.

A process that will involve consultation in the reaching of agreement between a series of parties—including the two Governments—will obviously involve some consultation about the purpose of the two referendums, but I see no point in putting that in statute any more than I see any point in putting in statute the need for me to consult the hon. Member for Upper Bann and the hon. Member for North Antrim—although I would certainly feel the need to consult them on an essential matter such as this.

Mr. Canavan: The Minister says that he and the Secretary of State are committed to continuing consultations, but they may not be in power when the referendum is held.

Mr. Ancram: I am interested to learn that other parties may not believe in consultation, given that we are discussing the reaching of agreement through negotiations. Negotiations tend to require consultation between those who are holding them. Perhaps the hon. Gentleman knows of another means of negotiating which I have yet to discover; no doubt he will enlighten me one day.

I agree with much that was said by the hon. Member for East Londonderry (Mr. Ross). If his purpose was to protect the situation spelt out in section 1 of the 1973 Act, however, the amendment is unnecessary: that matter is covered in subsection (6). The 1973 Act states:

"in no event will Northern Ireland or any part of it cease to be a part of Her Majesty's dominions and of the United Kingdom without the consent"—

I stress the word consent—

"of the majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1".

The protection is firmly there and, as the hon. and learned Member for North Down pointed out, it is not just there in the Act; it has been accepted in many different forms, such as the Downing street declaration and the forum in Dublin. Consent is an essential part of that protection, and it is underwritten. Far from protecting, the amendment might become unduly restrictive because it refers to any agreement between the Government of the United Kingdom and that of the Irish Republic.

Although the amendment may be intended to cover matters such as the Anglo-Irish Agreement of 1985, the variation in agreements between the two Governments can be considerable. Some of them have nothing to do with Northern Ireland, and it would obviously be wrong—and certainly not the intention—to make agreements between the two Governments which have nothing to do with Northern Ireland subject to a referendum in Northern Ireland.

Mr. William Ross: The present legislation is merely permissive—the word "may" is used. I was trying to make it binding on the Government to hold a referendum if concern was being expressed in Northern Ireland. The Minister is correct in terms of the words on the amendment paper, but in the light of his expanded

remarks I would be perfectly happy to table another amendment on Report to allay the concerns that he has expressed.

Mr. Ancram: I must develop my reply further. By tabling his amendment, the hon. Gentleman is saying that

"The Secretary of State shall, from time to time by order direct the holding of a referendum for the purpose of obtaining the views of the people of Northern Ireland on any matter relating to Northern Ireland."

The hon. Gentleman is making that mandatory without explaining its purpose and in what circumstances he expects the measure to be applied. I sympathise with many of his arguments, but his amendment is not only flawed but unnecessary. I suspect that his main concern is to ensure that the constitutional guarantee is protected, and I can give him that firm assurance.

I shall now deal with the amendments that were tabled by my hon. Friend the Member for Spelthorne, to whom I listened carefully. The word "views" is used in clause 4 (1) because, while a referendum under the clause might be held to assess agreement or consent, and that would be set out in the question, a referendum might be held on a matter that was not suitable for such a response. The hon. Member for Foyle (Mr. Hume) suggested a question that might be part of a referendum to be held simultaneously with the election. In declaratory questions, consent would not be an issue, whereas the views of the people of Northern Ireland would. Where agreement or consent is required, that has to be made clear in the question, and the form of the question would ensure that consent was a factor.

I listened to my hon. Friends the Members for Spelthorne and for Stafford (Mr. Cash). None of us is trying to avoid the question of consent because we have made it clear that any outcome of negotiations can proceed only if it has the consent of the majority of people in Northern Ireland. If a question were framed in relation to the outcome of negotiations, it would have to cover that point or it would not match the firm commitment that has been given many times.

My hon. Friend the Member for Spelthorne made much of the amendment's request that the referendum should receive the support of the majority of people who are entitled to vote. In the Northern Ireland Constitution Act 1973, to which my hon. Friend the Member for Stafford rightly drew our attention, "consent" is the consent of the majority of the people of Northern Ireland voting in a poll. It would be strange if a change in the constitutional status of Northern Ireland could be secured by a majority of those voting in a poll when a higher threshold would be required for the implementation of any agreed outcome of negotiations. My hon. Friend the Member for Stafford said that we should be consistent. I take his words seriously, and I suggest that, in the context of the 1973 Act and the Bill, consistency is important.

Mr. Cash: I am glad that my right hon. Friend says that there should be consistency and that that is important. All I am saying is that it would be important also to have a period of reflection between now and Report to make certain that there is no inconsistency. Clearly, there are two conflicting provisions—one in the 1973 Act and the other in the Bill—with respect to the point that I have made already. If that is so, and it turned out that the Secretary of State for Northern Ireland was not authorised to make the order in the terms prescribed under the Bill, that would cause considerable disquiet. I therefore ask my right hon. Friend simply to give an assurance that, between now and Report, he will consider the matter and, furthermore, if necessary, table an amendment on Report.

12.15 am

Mr. Ancram: I certainly give an undertaking that I shall consider the matter, but, in the light of what I said, I would not expect to find that inconsistency.

Mr. Peter Robinson: Why does the right hon. Gentleman distinguish between the requirement to have a simple majority as the view or consent of the people of Northern Ireland as expressed in a referendum and the much higher requirement for a majority in both communities for propositions in the Command Paper?

Mr. Ancram: I think that the hon. Gentleman realises that the referendum is there to test the opinion of the people of Northern Ireland. We have been through that in some detail. It is part of the triple lock. We have talked about the way in which agreement is come to in negotiations, which is obviously a different matter, but it is important that, in terms of the two pieces of legislation, the proportion of voting required is consistent. On that basis, I hope that my hon. Friend the Member for Spelthorne will withdraw his amendment.

Mr. Wilshire: I am grateful to my right hon. Friend for giving way before he finally sits down. He has raised an important point about amendment No. 83 and I accept the contradiction between the two pieces of legislation. He has not, however, dealt with the spirit of amendment No. 83, if it did not have that defective point about a majority of people entitled to vote. Is he willing to reflect on the spirit of my amendment to find out whether he can find a form of words that will write in the respect for the consent of the majority, however he tries to define it, either before Report or when the Bill is before another place, in which case it may be possible to make progress?

Mr. Ancram: Again, I shall consider what my hon. Friend has said, but in moving in that direction, there is an inevitable restriction of what referendums can be used for in this context. That must be taken into account, especially in the light of the fact that representations have been made that there may be occasions when referendums would be a useful way of assessing people's views rather than necessarily always having to seek consent on a particular issue. Given what I have said, I hope that he will withdraw his amendments.

Amendment negatived.

Mr. Trimble: I beg to move amendment No. 31, in page 2, line 20, at end insert—

'(a) setting out the wording of the question to be put;'.

The Second Deputy Chairman: With this, it will be convenient to discuss also the following amendments: No. 126, in page 2, line 21, leave out

'as to the persons entitled to vote'

and insert,

'that the persons entitled to vote shall be those on the current register of electors for parliamentary elections.'.

No. 86, in page 2, line 25, leave out subsection (4).

Mr. Trimble: This is a simple amendment and a simple issue. I hope that we will have a straightforward answer. The amendment would require that the order that is to be made under clause 4 with regard to the conduct of the referendum contains the wording of the question that is to be put in the referendum. The order must be approved by a resolution of the House—an excellent provision: it is right that, before a referendum takes place, there should be parliamentary approval.

It would be improper for the House to be asked to approve any referendum when it is not aware of the wording that is to be put to the electorate.

There is an interesting analogy with polls under the Northern Ireland Constitution Act 1973. Schedule 1 of that Act, which is referred to in clause 4(6), sets out the statutory form of wording. It is not a matter of an order made under the Act; it is set out in primary legislation. It is therefore not asking too much to ensure that we have the exact wording in the secondary legislation providing for the referendum.

Mr. Cash: I shall ask one simple question. Is there the slightest possibility in the mind of the Secretary of State or of any Ministers that a referendum held under clause 4(6) could deal with questions relating to the treaty on European union? It is clear that the intention is to confine the provision to Northern Ireland, but clause 4(1) states that a referendum can be held to obtain the views on

"any matter relating to Northern Ireland."

Furthermore, having read schedule 1 to the Northern Ireland Constitution Act 1973, it seems that it is just possible that a referendum dealing with questions relating to the treaty on European union could be held at the same time or separately.

I want it on the record that I have raised this issue but, most emphatically, that the possibility of a referendum relating to the treaty on European union being held under this provision is ruled out.

Mr. Canavan: I shall speak briefly to amendment No. 86, which is a probing amendment. It would delete subsection (4) of clause 4. Subsection (4) states:

"Where an order under subsection (1) applies an enactment which empowers a person or body to make any provision or to do anything it may modify that enactment by substituting the Secretary of State for that person or body."

What on earth is the point of giving a person or a body the powers to do something presumably concerned with the organisation of a referendum but, at the same time, saying that the Secretary of State may act instead of that person or body and take over the powers of that body or person? What are the circumstances in which the Secretary of State envisages giving powers for the holding of a referendum to a person or body but then taking them back and using them himself?

Mr. William Ross: Amendment No. 126, which stands in my name, is merely a probing amendment. Later in the Bill, the Government state that people on the local election register will be eligible to vote, whereas I suggest in the amendment that the Government should use the parliamentary register. I should be grateful if the Minister would explain why the Government have chosen one register rather than another. We should be aware that, in Northern Ireland, there is considerable interest in who votes in a particular election, and the reason why the Government have chosen the parliamentary register will be of great interest to many people.

I wholly support amendment No. 31, which demands the setting out of the question to be put in a referendum. Over the years we have become familiar with how words can be twisted and how questions can be construed in different ways because of the ambiguous language that is used. I am sure that the Secretary of State will understand that, in such an important matter, absolute precision of language is needed so that folk are under no illusions about what they are voting for and so that there is no doubt in their minds as to the question that they are being asked. The Government should accept this simple and straightforward amendment because it is central to the whole referendum question. If it is not accepted, there will be grave suspicion that, somewhere along the line, someone will try to use vague, woolly wording, which would be totally unacceptable to the people of Northern Ireland, especially those on this Bench.

Mr. Dowd: We may get through this batch of amendments in record time, certainly compared with the proceedings heretofore.

I know that on Second Reading the Minister went through the point that the hon. Member for East Londonderry (Mr. Ross) has just made. He quoted the figures involved and the differences between the registers. The Secretary of State also addressed the point in his Second Reading speech. We understood the numbers, but I do not think that we elucidated precisely the reason for the preference. If the Secretary of State reiterated it now, I am sure that it would allay the qualms of the hon. Member for East Londonderry.

To reiterate the query raised my hon. Friend the Member for Falkirk, West (Mr. Canavan), under clause 4(4) it looks as if the Secretary of State can assume powers from other individuals. We would like to know in what circumstances that would take effect and to what purpose.

On amendment No. 31, the point made by the hon. Member for Upper Bann (Mr. Trimble) about the wording of any referendum that may be held is extremely valid. The notable referendums on the border in 1971 and the European Community in 1975 were introduced through primary legislation and went through the normal processes in the House. The opportunity was therefore given to hon. Members to amend the question therein. Under subsection (4), not only would the question to be put be implemented by secondary legislation, under which, as the hon. Member for Upper Bann says, Members would not have the chance to reconsider or amend the wording, but there would not even be an opportunity to know what the question was.

If an order were laid before the House that maintained that a referendum would be held but the question was not set out in it, would it be laid before the question had been decided or would it be passed and the question decided subsequently? Under either of those two permutations, what process of consultation would the Government undertake in attempting to determine the precise wording of the referendum question?

The hon. Member for East Londonderry said that words are important. They clearly are. The answer to referendums across the world—we are not that used to them here in the United Kingdom—has often been almost totally determined by the question asked. The question of the words to be put on any ballot paper is critical.

12.30 am

Sir Patrick Mayhew: I shall first deal with amendment No. 31. The question that I have been asked is simply whether the order will contain the words of the question. The answer is yes, it should do. I am advised that under the existing wording in the Bill it would be so required, but in case there is any doubt, I am very happy to accept the amendment. So that is that out of the way. I am glad that the hon. Member for Upper Bann was sitting comfortably.

Mr. William Ross: Will the Secretary of State give way?

Sir Patrick Mayhew: I must have shaken the hon. Gentleman. I am coming to his amendment; I cannot do quite the same in respect of him. On amendment No. 126, I can understand the hon. Gentleman's case that there is no real need for the Secretary of State to have discretion in the area and that it would be as well to put the issue beyond doubt on the face of the Bill. However, the provision is common. Schedule 1 to the Northern Ireland Constitution Act 1973 also confers such a discretion on the Secretary of State in respect of border polls.

The House of Commons would have the opportunity to vote down any order under clause 4(2) that applied any improper franchise for any referendum. The hon. Member for East Londonderry asked why a selection was made of the parliamentary franchise. We went into this on Second Reading. There is a very slight difference—about 70—in the number of electors. The difference is accounted for by the fact that the parliamentary franchise includes 79 registered overseas voters, but excludes nine peers resident in Northern Ireland, which seems rather a pity. [HON. MEMBERS: "Why?] Exactly. Why?

In principle, it might be thought more appropriate for the franchise for any referendum to reflect the potential implications for local residents. On that basis, the local government register rather than the parliamentary franchise would be more appropriate, which perhaps illustrates the value of leaving the issue to be dealt with by order rather than on the face of the Bill.

I can also accept amendment No. 86, tabled by the hon. Member for Falkirk, West. Subsection (4) was put in as a safety net, but as the drafting of the elections order has proceeded, it has become clear that it is unnecessary. I do not wish to prolong matters at this stage of the evening. Two out of three is not bad.

Mr. Cash: Would my right hon. and learned Friend be good enough—

The First Deputy Chairman of Ways and Means (Sir Geoffrey Lofthouse): Order. Is the Secretary of State giving way?

Mr. Cash: Would my right hon. and learned Friend be kind enough—

Sir Patrick Mayhew: I have accepted amendments Nos. 31 and 86.

Mr. Cash: Would my right hon. and learned Friend be kind enough to address the point—

The First Deputy Chairman: Order. The Secretary of State has not given way.

Sir Patrick Mayhew: If I may have the indulgence of the Committee, I shall answer my hon. Friend the Member for Stafford (Mr. Cash). My hon. Friend asked whether clause 4 would enable the Secretary of State to hold a referendum on any matter, including a single currency or any matter connected to the European Union. The strict answer to that is yes, as drafted, it would. It would have to be said that such a matter would be a matter relating to Northern Ireland. However, the power is time limited, expiring in May 1999, and the power to direct a referendum rests with the Secretary of State. I am in no position to give any binding undertaking, but I can give a very firm expectation that a referendum, if any, connected with any European matter would be introduced on a United Kingdom basis and not on a Northern Ireland-only basis.

Mr. Canavan: I thank the Secretary of State for accepting my amendment. I hope that it is a portent of things to come.

Amendment agreed to.

Amendment made: No. 86, in page 2, line 25, leave out subsection (4).—*[Mr. Canavan.]*

Mr. Dowd: I beg to move amendment No. 32, in page 2, line 29, leave out subsection (5).

That was one of the most productive 15 minutes since we began our consideration of the Bill. I shall be brief. The elections—

Mr. Ancram: Perhaps I can help the hon. Gentleman—

Mr. Dowd: I did not think that I would be quite that brief.

Mr. Ancram: The hon. Gentleman inspired me by his remarks about being productive. It may help him to know that, although there is nothing untoward about subsection (5), it is clear from the Second Reading debate that there is a broad and possibly sufficient consensus ranged against it. I am prepared to accept the amendment.

Mr. Dowd: I am completely fazed, Sir Geoffrey; one does not even have to work for a living in this place any more. However, I am delighted that our previous rate of progress is being continued, and I accept the Minister's assurance.

Amendment agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5

"NOMINATING REPRESENTATIVE" OF A PARTY

Mr. Peter Robinson: I beg to move amendment No. 141, in page 2, line 39, leave out from 'person' to end of line 41 and insert

'whom that party in Northern Ireland itself determines to be its leader.'.

The First Deputy Chairman: With this, it will be convenient to discuss also the following amendments: No. 92, in page 2, line 39, leave out from 'who' to end of line 41 and insert

'is nominated as such by that party'.

No. 82, in page 2, line 39, at end insert 'chairman or'.

No. 9, in page 2, line 40, after 'party', insert 'in Northern Ireland'.

No. 80, in page 2, line 40, after 'party', insert

'in Northern Ireland or in an individual Northern Ireland parliamentary constituency'.

No. 123, in page 2, line 40, after 'party', insert

'in Northern Ireland in cases where the party has its Headquarters elsewhere in the United Kingdom'.

No. 33, in page 2, line 40, leave out from 'party' to end of line 41.

No. 81, in page 2, line 40, after 'person', insert

'in Northern Ireland or in an individual Northern Ireland parliamentary constituency.'.

Mr. Robinson: Two of the amendments in the group stand in the names of my hon. Friend the Member for North Antrim (Rev. Ian Paisley) and myself. The intention of amendment No. 141 is clear. The Secretary of State, for some reason so far unknown to us, believes that he has a better knowledge and capacity to determine the leadership of political parties in Northern Ireland, and no doubt beyond, than the membership of the parties themselves.

I can think of nothing more absurd than the Secretary of State in the full exercise of the powers that he seeks for himself in the clause, determining that the leader of a political party should be someone other than the leader that the party itself has chosen. Yet under the clause the Secretary of State will be able so to determine.

Can anybody imagine the difficulties that would be presented if the right hon. and learned Gentleman were to exercise that power? I think that the temptation should be taken from him, and that instead we should have within the clause the sensible provision that the party itself should be able to determine who its leader should be at any given time.

Also in connection with the amendment, we should recall the fact that some of the parties that contest the elections in Northern Ireland may not be parties exclusive to Northern Ireland. Some of them may be parties that range over the whole of the United Kingdom, and some may be parties that range over the Republic of Ireland and Northern Ireland. Will the Secretary of State therefore determine who should be designated the leader of parties whose main leadership lies in the Republic of Ireland? If so, should not their leader in Northern Ireland be determined for the purposes of the Bill to be the person properly to exercise the functions of the leader, or "nominating representative"?

I do not want to tread on the Secretary of State's toes, but the provision is there for a specific purpose; it has to do with some local difficulties in the Conservative party. Clearly the Secretary of State is concerned that a "native view" of the Conservative party could be represented by the people who would be elected in Northern Ireland by one means or another—by the constituency lists or through the rigged regional lists—and that those people might present themselves to the negotiating process and put a view that was not in line with the view of Ministers. Indeed, theirs might be a view contrary to that of Ministers—and that might be no bad thing.

Clearly the Secretary of State wants to be able to step in at that stage and say, "Look, you boys can't come. The person I am designating as the 'nominating representative' of the Tory participants in the talks will be the chairman of the Tory party. Although you have been elected to take part in the process, he may determine not to nominate any of you."

Indeed, outside the Chamber the threat has already been made that, although people may win a place in the election in Northern Ireland, they will be barred by the chairman of the Tory party from taking their places in the negotiating process.

That would lead to the absurdity of the Conservative party being represented at the talks by people who had not been elected by the people of Northern Ireland—indeed, I suggest, by people who could not get elected by the people of Northern Ireland—while those who had been so elected were kept outside the door. I am sure that the House would not want to do something so undemocratic.

By this route, the Secretary of State is attempting to overcome problems in his party; but in doing so, he is creating several other problems. Will Proinsias de Rossa, as the leader of one of the other parties, be a nominating representative? Will a Dublin Minister make nominations for parties that would be elected in Northern Ireland and decide whether they come to the negotiating process? Are they to have double representation in the negotiating process? Both the Government and one of the partners in Government in the Irish Republic could be represented twice—locally in Northern Ireland, and through their Government as part of the large team that they wish to bring to the negotiating process.

The basic principle for democrats is that they should accept the democratic decision of political parties as to who their leaders should be. If the Secretary of State interferes with that, it will cause great anger in Northern Ireland, and not only in the party that would be affected by it. I therefore trust that he will, on reflection, recognise that the problems that would be caused by this provision, which is designed to overcome some of his own difficulties, mean that it would be better left out. He has accepted amendments from almost every body of opinion except my party, and this may be an opportunity for him to accept one of ours.

Mr. Trimble: I agree with the principle that underlies the amendment of the hon. Member for Belfast, East because it also underlies amendment No. 33, which I have tabled. I disagree with him about the detail, but the important thing is the principle. Both

amendments attack the attempt in clause 5(1) to reserve to the Secretary of State a power to disregard the leader of any of the political parties in Northern Ireland.

The hon. Member for Belfast, East is right about the origin of the provision. It has been put in because of the structural difficulties that the Secretary of State's party has in Northern Ireland. His local difficulties with the Conservative party cannot justify giving him a discretionary power to select, in effect, who will be the leader of other parties. Other parties have their own procedures for electing leaders, and there is an obligation on the Secretary of State to accept the people who they have elected as their leaders. It is improper for him to give himself a discretionary power to disregard the leadership of a party and select someone else as the nominating representative. He must accept one of the amendments to remove that discretion.

The only question is about the manner in which it should be done. Amendment No. 33 would oblige the Secretary of State to accept as the nominating representative the leader of the party concerned. That means that the Conservatives in Northern Ireland would have to rest content with their party's method of identifying their party leader, who would, of course, be the Prime Minister. I see no reason why he, as the leader of the Conservative party, should not act in the same way as other party leaders.

That is a detail. The detail is one thing; the principle is a matter of considerable importance. It is improper for the Secretary of State to take unto himself a sweeping power that is potentially disruptive of the internal order of all political parties in Northern Ireland. It must be withdrawn.

Mr. Wilshire: I was touched by the concern for my party's welfare shown by the hon. Member for Belfast, East (Mr. Robinson)—so much so that he might care to consider joining my party: his moderating influence within it would be useful to us.

12.45 am

In the past hour, it has become deeply fashionable for my right hon. Friends on the Government Front Bench to leap up and say, "We'll accept it." I have three amendments in this group, and I have carefully drafted a two-hour speech. To get to bed early, I will willingly give way if a Minister wants to leap to his feet and say that he will accept them. Perhaps he will not, so I shall explain that amendment No. 80 defines the word "party" in the Bill as meaning that part of the party that is in Northern Ireland or one of the individual constituencies. Amendment No. 81 defines "leader" in this context as the leader of the party in Northern Ireland or in one of its individual constituencies. Amendment No. 82 clarifies the fact that "leader" does not necessarily mean what the hon. Member for Upper Bann (Mr. Trimble) said. Here it has a small "l", and it could be the chairman or the leader, rather than a specific office holder.

Amendment No. 80 is the key, as far as I am concerned. It makes it clear that it is the party—whichever party—in Northern Ireland that does the nominating. I need to explain why I consider the amendment necessary.

As I read the suggestion, my party is once again having a little local difficulty with the way in which it goes about its affairs in Northern Ireland. There has been a continuing disagreement between the party hierarchy and the grass roots. The party is finding it difficult to decide whether we should fight the elections and, if we should, to sort out who should select the candidates.

Of course we should fight those elections. A political party exists in a country to fight elections. Northern Ireland is part of my country, and we exist to fight elections in that part of it as well as everywhere else. The fact that people might not vote for us is another matter, but it is up to the people to decide, not the party hierarchy.

The justification is that, as a Conservative party, we have decided, for better or worse, to organise in Northern Ireland. It is our right and privilege, and if other people choose not to do so, that is their privilege. On the back of that decision, we have agreed to accept subscriptions from individual citizens living in Northern Ireland to join our party. When I first came into the Conservative party, I was always taught that we owed it to our members to allow them to stand up and be counted if that was what they wanted to do.

We owe it to the people where we organise to give them the privilege of voting for us or rejecting us, once we are an organised party in that area. If that is so—I believe it to be—as I have always maintained, one of the things that we hold particularly dear within the party is that it is a cardinal principle that each constituency association selects its own candidates. I cannot speak for any other party, but all of us on the Conservative Benches owe it to our constituency to decide that it is us and not another Conservative whose name appears on the ballot paper. That principle should be followed in this case.

The Government have chosen to say that the elections will be run in individual constituencies. For me, that shows where the final responsibility for the decision to put forward candidates lies, and who those candidates shall be.

My amendment No. 81 takes that argument one step further. Another difficulty which has been touched on is that, even if local people can decide to fight the elections and are able to select their own candidates, the Bill still says that the leader nominates the negotiating team. The hon. Member for Upper Bann put his finger on the problem exactly. The Bill says that someone on the mainland, not in Northern Ireland, will be the person who puts forward Conservative names for the negotiations. In my judgment, that loophole has to be closed.

Amendment No. 81 says that the person who puts forward the names is the chairman or the leader of the Conservative party in Northern Ireland, if there is such a person, or, if there is not, the leader or chairman in the individual Conservative associations.

There is another loophole, which was touched on a moment ago. It is possible to put forward names from people living on the mainland, not in Northern Ireland. Although it is not in this group, I have tabled another amendment which says that a person cannot be nominated to take part in the negotiations if he or she lives on the mainland. That, I hope, will deal with that loophole.

Amendment No. 82 is technical: it says that a chairman or a leader can do the nominating. My own party prefers to have chairmen within local parties rather than leaders.

Amendment No. 141 says that Northern Ireland elects its own local leader. I agree. I would happily support that amendment instead of my own, if it was necessary. Amendment No. 92 says that the party shall decide who

[Mr. Wilshire]

puts forward names, not the Secretary of State. If I have watched events clearly over time, I have noticed that the Secretary of State gets himself into all sorts of difficulties, tangles and troubles with matters with which he properly has to deal. So why should he be so keen to take on something which is guaranteed to cause even more aggravation—determining who is the leader of a party, when by far the safest way is to spare himself that aggravation by leaving it to the party itself to decide who its leader or chairman is?

The way in which we can put the matters that I have raised to rest is for my right hon. and learned Friend to answer three questions. All he needs to do is to say yes to each one. Can he confirm that the Conservative party will be fighting the elections in Northern Ireland? Can he confirm that the Conservative parties in Northern Ireland will choose their candidates? Can he confirm that the Conservatives in Northern Ireland will nominate their own negotiators for the talks that will follow? All that my right hon. and learned Friend has to do is say yes, and we can all go home.

Mr. Canavan: Unity is breaking out all round. I agreed with almost everything that was said by the hon. Member for Belfast, East when he moved amendment No. 141, and with much of what was said by the hon. Member for Upper Bann. My amendment No. 92 would make clause 5(1) read:

"In this Act 'nominating representative' in relation to a party means the person who is nominated as such by that party."

My understanding of the Bill is that the nominating representative does not have to be an elected delegate. The Secretary of State would have discretionary power over who was to be the nominating representative.

The nominating representative has the important function of, in effect, choosing the party's team of negotiators. In the interests of democracy and decentralised democracy, the parties in Northern Ireland should decide who their nominating representatives and their negotiators are. In this instance, the amendment of the hon. Member for Belfast, East is better worded than mine. Therefore, I am prepared to withdraw my amendment in the interests of his amendment.

Sir Patrick Mayhew: The most reassuring and succinct way in which I can begin my reply to this short debate is to say that there is absolutely no funny business involved in the wording of the provision under discussion. I think that the amendments stem from a misunderstanding of what the provision says and what it intends to achieve.

The Bill does not allow the Secretary of State to decide the leader of a party. Under the Bill, he has to make a sensible judgment—which he will do in consultation with the party concerned, because that is the whole point—as to who is the leader; that is, who has been chosen by the party through its procedures, or, because some parties do not like to have leaders and make a point of not having leaders, who is the most appropriate person to act for the party.

Mr. Corbyn: Will the Secretary of State give way?

Sir Patrick Mayhew: I shall expand on my point and then give way to the hon. Member.

Because we foresaw in the circumstances of Northern Ireland that we might be confronted by assertions that this was to discriminate against a party that did not have a leader, and made a point of not having a leader, which might lead to all sorts of unnecessary complications, in drafting the Bill we sought to approach this point in what I believe to be a sensible way that would enable the Secretary of State to make a choice that is no more than a means to an end.

The Secretary of State will get lists, which can be validated, of negotiating teams from the delegates. There may be perfectly good reasons why a party might want to say, for example, "In making your choice, Secretary of State, please take account of the fact that we want our general secretary to be our nominated representative." We have consulted in this regard, and some parties suggested names that were not their leaders. Some parties may take exception to the concept that they should have a leader. This Bill does not force them to do so, but the amendment would. That is what it is all about.

Mr. Corbyn: The Secretary of State seems to me to be making heavy weather of a ridiculous power that he has taken on himself. Why does he want to get involved in who should be the leader or the representative of a political party? Obviously, if they choose one person and he decides to choose someone else, the person he chooses will have no credibility either within his own party or within any other party. Why does the Secretary of State want to get involved in all of this?

Sir Patrick Mayhew: I do not wish to get involved in who is the leader of a political party—I want to get involved in who shall be a validating nominator for the purposes of the Bill. I want to be able to select someone, to invite someone, who will be able to do the job with credibility. I am very happy when a party says, "We have a chairman or a leader, and we wish them to undertake these functions." Naturally, I am very happy to say, "Of course, that is the person I shall invite."

As I sought to explain, it is where a party has no leader that I wish to be able, within the wording of the Bill, to choose someone who would be the appropriate person to act on behalf of the party for purposes of its own. If it is of any reassurance, I am happy to repeat that that is the sole purpose of the provision.

Mr. Wilshire: Will my right hon. and learned Friend give way?

Mr. Corbyn: Will the Secretary of State give way again?

Sir Patrick Mayhew: I think my hon. Friend got in first.

Mr. Wilshire: I hear what my right hon. and learned Friend said. He has advanced an argument to say why one should not specify "leader", and certainly why one should not accept my amendment to specify "chairman". He has advanced no argument to say why one should not invite a party to specify someone. Will he therefore tell us that he is prepared to table an amendment on Report or in another place that simply says that a person in the party shall put forward the names, and leave it to the party to

describe who that person is? Surely that clears up his worry and does not land him with the difficulties of trying to make choices for independent parties.

I am

Sir Patrick Mayhew: I doubt that that is necessary, because we are dealing with a party and, under the scheme of the Bill, we wish the party to identify to the Secretary of State someone who shall be invited as its nominating representative to perform the functions for which the Bill provides. It is for the party to be consulted on these matters, and I give an undertaking that in every instance I shall consult the party. That is the sole purpose of the wording.

I understand why these points are being taken, but I very much hope that, in the light of that explanation and of my undertaking, hon. Members will be reassured.

Mr. Corbyn *rose—*

Mr. William Ross *rose—*

Sir Patrick Mayhew: I give way to the hon. Member for Islington, North (Mr. Corbyn).

Mr. Corbyn: I am sorry to tell the Secretary of State that I am not in the least bit reassured. He is taking unto himself the sort of powers that Stalin had to decide who was regional secretary of the Communist party of the Soviet Union in whatever republic he happened to remember it was. There are plenty of similar examples throughout the world.

It is nonsense. The amendment tabled by my hon. Friend the Member for Falkirk, West (Mr. Canavan) and me says that the party shall nominate a representative. It does not say leader; it says representative. If the amendment is all to do with the Conservative party, why does not the Secretary of State table his own amendment, saying that he shall nominate the leader of the Conservative party, but all other parties may nominate their own leader?

Sir Patrick Mayhew: Tremendous speculation and a great deal of amusement derive from references to the Conservative party in this. I do not want, at this hour of the night, to delay the Committee by repeating what lies behind the wording.

If I may take up the points—

Mr. William Ross: Will the Secretary of State give way?

Sir Patrick Mayhew: No; I am just about to deal with what my hon. Friend the Member for Spelthorne said.

Amendment No. 82, which my hon. Friend tabled, would define "nominating representative" for the purpose of the Bill as the person who appeared to the Secretary of State

"to be the chairman or leader of the party or otherwise"—

to be

"the most appropriate person".

I believe that that is an attempt to provide a basis in the Bill for the designation of a specific person in connection with the Conservative party. That is not germane to the reasoning behind the wording.

My hon. Friend the Member for Spelthorne asked for three questions to be answered. I shall not recite them. I say only that, under the wording of the Bill, the Conservative party is entitled to stand in these elections. The answers to those questions are the responsibility of those other than myself, and I cannot take the answers to those questions any further.

Mr. Wilshire: I understand my right hon. and learned Friend's reluctance, but, as we know that the Conservative party in Northern Ireland wants to fight, to choose its own candidates and to put forward its own names, surely my right hon. and learned Friend can tell us whether that will happen. Surely there are lines of communication with others in the Government who can answer this; I gave notice some days ago that I intended to ask these questions.

Sir Patrick Mayhew: My hon. Friend has lines of communication with everyone in our party—that is one of the great strengths of our party—and I advise him to use them. I am unable to take the answers to those questions further.

Mr. Wilshire: Will my right hon. and learned Friend give way?

Sir Patrick Mayhew: No; I wish to get on.

Mr. Wilshire: I was asked to raise these questions with my right hon. and learned Friend.

Sir Patrick Mayhew: I shall respond to the points arising from my hon. Friend's amendments before I give way again.

Mr. Corbyn: He is only trying to communicate with you.

Sir Patrick Mayhew: He is managing it extremely well, and very frequently.

I think that the intended purpose of amendments Nos. 80 and 81 is to ensure that someone recognised as the party leader or other appropriate person in Northern Ireland shall be the nominating representative. However, mention of an individual parliamentary constituency involved is an added complication, which would make the election and subsequent naming of teams for negotiations unworkable within the scheme of the legislation.

In light of my comments, and realising the limitations that—poor vessel that I am—I labour under when dealing with his questions, I hope that my hon. Friend will feel able to withdraw his amendments. I end as I began, by saying that there is no funny business involved: the Bill is worded as it is in order to avoid a quite unnecessary complication.

Mr. Wilshire: My right hon. and learned Friend protests again that I am causing him unnecessary grief. I did as he urged, and put my questions to far more appropriate people. Interestingly, they advised me to speak to the Secretary of State for Northern Ireland. I have done that, and I have been pointed in a different direction.

[Mr. Wilshire]

If my right hon. and learned Friend cannot or will not answer my simple questions, would he care to have a stab at telling me whom I should ask?

Sir Patrick Mayhew: I did not realise that I had given way, but evidently I did. The matters do not lie within my field of responsibility. I am always ready and willing to take on new responsibilities in addition to my own, but no one has vested them in me at present.

Mr. William Ross: We have heard some very interesting exchanges while debating this group of amendments. I have tabled a small amendment, No. 123, and I had concluded that the drafting is pretty sloppy, as it is clearly incomplete. I am now convinced of that as one of my manuscript amendments which I suspect would have completed the process has gone astray. Therefore, my amendment must be treated as a probing amendment as it is only part of a whole. In light of the Secretary of State's comments, I think that we are entitled to probe a little further.

For instance, during the to-ing and fro-ing with his hon. Friend the Member for Spelthorne (Mr. Wilshire), the Secretary of State said that he had consulted the parties in Northern Ireland. However, in relation to the Conservatives, he did not make clear whether he had consulted the Northern Ireland branch of the Conservative party, its headquarters in Smith square, the Prime Minister or the right hon. Member for Peterborough (Dr. Mawhinney). The people of Northern Ireland are very interested in that issue and I feel sure that the Secretary of State will want to make clear whom he consulted in relation to the Conservative party in Northern Ireland. Perhaps he consulted his right hon. and hon. Friends in the Northern Ireland Office. We would like to clear up that point.

Although it pains me to do so, I must disagree with my hon. Friend the Member for Upper Bann who said that the leader of the Conservative party—in other words, the Prime Minister—should deal with the problems of that party in Northern Ireland. Earlier this evening when responding to my other amendments, the Secretary of State gave good reasons why the local franchise should apply. If the local franchise applies, the local branches of the party, rather than the national headquarters, should be consulted when necessary. It is plain from the remarks made by members of the Conservative party in Northern Ireland that they are at variance with party headquarters as to the party's Northern Ireland policy.

I am sure that since the Secretary of State is in favour of free speech and the rights of people to put forward an alternative policy , and since the alternative policy on Northern Ireland in the Conservative party is based largely with the members of the party in Northern Ireland, it is but fair and right that those members should be allowed to run on their version of Conservative policy rather than Smith square's version. That is only fair and reasonable, and there is no good reason why the Secretary of State should not say that those members are free, not only to stand for election but to put forward the solution that they, as residents and citizens of Northern Ireland, believe to be right for the Province and the people living there. Since that is so, I cannot understand why the right hon. Member for Peterborough (Dr. Mawhinney) involves himself in the matter at all.

The Tory party is, of course, a very broad church and it is nearly as broad as the Unionist party. The hon. Member for Islington, North (Mr. Corbyn) may laugh, but the Labour party is becoming quite broad as well. If I may say so, the hon. Member for Spelthorne has tabled some neat amendments and he made a powerful and clear speech. His arguments were very clear, and the Government should follow the excellent advice contained in his remarks, which flowed naturally from the amendments. That would allow the people in the Conservative party in Northern Ireland to pass judgment on whether the policy pursued by the party should be that which emanates from the Secretary of State, Smith square and the Prime Minister or that which is set forth by the party in Northern Ireland. That could make the difference whether the Conservative party is represented through being elected in Northern Ireland. If the party went forward with the policies of Smith square, it is unlikely that it would be elected. We do not have that much against the Conservatives and we wish them well, especially in the United Kingdom as a whole at times, but perhaps they should expand into Northern Ireland by adopting policies that are acceptable to the people who live there.

The general thrust of the amendments is fairly clear. I hope that the Secretary of State will accept the amendments tabled by the hon. Member for Spelthorne, because that would be a reasonable course of action.

Mr. Peter Robinson: When a Cabinet Minister comes to the Dispatch Box and attempts to assure the House that no funny business is going on, the alarm bells start ringing. The Secretary of State

"doth protest too much, methinks".

When one considers the wording of clause 5, it is impossible to conceive that any competent draftsman, when tasked with the apologia that the Secretary of State offered to the House, would have produced this result.

It is clear that if the Secretary of State simply wanted to take care of the situation in which a political party may not want its nominating representative to be its leader, he could have worded the clause so that the political party itself would determine its nominating representative. Instead of doing that, he will give himself the power to determine who is the leader or other appropriate person. That does not seem to be the route that any draftsman would have used to secure the end result that the Secretary of State has now told us he wants. I believe that the Secretary of State has plucked a fig leaf to try to cover his nakedness in relation to his problems with the local Conservatives. Nothing that he has said has convinced me that clause 5 should not be amended in the way that has been suggested.

I am willing to give way if the Secretary of State will give an undertaking to reconsider the matter, take into account the views that have been expressed from both sides of the House and deal with the matter on Report. In the absence of such an undertaking, we will take the opportunity to divide the House.

Amendment negatived.

Mr. William Ross: I beg to move amendment No. 121, in clause 5, page 2, line 43, after 'Gazette', insert

'and the Northern Ireland regional press'.

The First Deputy Chairman: With this, it will be convenient to discuss the following amendments: No. 120, in clause 5, page 2, line 44, leave out 'an initial' and insert 'a'.

No. 119, in clause 5, page 3, leave out lines 1 and 2.

Mr. Ross: The amendments are simple and straightforward, and I have no doubt that the Minister will feel able to accept them.

[Mr. Ross]

Here we have the word "shall" again. Clause 5(2) provides that the Secretary of State "shall", not "may", cause the information to be published.

Although it is an admirable publication, I do not think that *The Belfast Gazette* is widely read in Northern Ireland.

1.15 am

Mr. John D. Taylor: The *Ulster Gazette and Armagh Standard* is more widely read.

Mr. Ross: My right hon. Friend is plugging another paper, but I have no interest in it. I have never seen the blooming thing: it is in the wrong part of the country. As for *The Belfast Gazette*, it does not appear on as many tables as the *Belfast Telegraph*, the *Irish News* or the Belfast *News Letter*.

I am merely asking the Secretary of State to make the information available to the widest possible circle of people in Northern Ireland. Perhaps he would be kind enough to tell us the circulation of *The Belfast Gazette*, its print run and how many people read it. If he does that, and then gives us the sale figures for the *Irish News*, the *Belfast Telegraph* and the Belfast *News Letter*, we shall have some idea of the number of households that receive those papers, and it will be clear that the information should be published far more widely. Those who might well object to the nomination of a spokesman for their party would then be able to read what is proposed in the press, and make their objections known.

As for amendment No 120, I feel that the concept of an initial list means saying to the parties, "You can present a name, but we shall not necessarily stick to it. We could go for someone else next week, who might want a different list." Surely, if there are to be no hiccups on the way to the elections, it would be better to accept the amendment and have a fixed list of nominating representatives. If the Government cannot get a simple matter like that right at this stage, they have little chance of getting anything else right as we develop the talks process through the forum and negotiations. Surely, if the Government really want speedy progress, they will accept the amendment.

My third point relates to the two lines at the top of page 3, which refer to

"notice of any change in the nominating representative of any of those parties."

If the Minister accepts the second amendment, amendment No. 119 will follow naturally because there would be no need for the power. I have done a much neater job on these amendments than I did on the last lot. The Secretary of State should accept these, simple, straightforward tidying-up amendments and hasten the process leading to the election and negotiations.

Mr. Ancram: My right hon. and learned Friend has delegated me to respond to the amendments. I am a little surprised at their tenor because the hon. Member for East Londonderry has been chastising us for some time for undemocratic methods in the electoral process that we have proposed. We have successfully refuted those charges, but the hon. Gentleman suggests a process that is at least questionable because his amendment would require us to force our will on a free press. We would obviously resist that. He would require us to publish in newspapers that have to decide whether to publish advertisements or material, and they are not at the command of the Government. The amendment suggests that they are.

The hon. Gentleman fears that no one reads the *Belfast Gazette*. I am fairly certain, as I suspect is the hon. Gentleman, that the regional press in Northern Ireland will get copies and will reproduce the lists because they will have considerable news value. But that would be their choice: we could not make them publish anything.

Mr. William Ross: The Minister can cause them to be published in the Northern Ireland regional press if he takes advertisements. None of the newspapers will refuse an advertisement.

Mr. Ancram: The right hon. Member for Strangford is nodding sagely at that. A free press is entitled to make its own decisions, but the hon. Gentleman suggests that the Government should require newspapers to act irrespective of their views. It would create a risk of challenge to the whole process if someone thought that we had got it wrong. We intend to put all the necessary information in the public domain. In practical terms, the amendment is unnecessary.

In the light of our last debate, I do not think that the hon. Member for East Londonderry realises the effect of his subsidiary amendment. The point of referring to an initial list for publication of changes is to allow the Secretary of State to respond to a party's democratic wishes. For example, it would be ridiculous to have a nominating representative who no longer enjoyed the confidence of his or her party or who might have been voted out of office but could not be changed by the Act because of the amendment.

The amendment would place an undesirable block in the Bill. I am certain that the block is not intentional, given what the hon. Gentleman said about the other amendments. I hope that he will withdraw his amendment.

Mr. William Ross: Somewhat unwillingly, because the Minister has only to write to the parties and ask them who their nominating representatives should be, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 5 ordered to stand part of the Bill.

Clause 6

ALLOWANCES AND SECRETARY OF STATE'S EXPENSES

Mr. McGrady: I beg to move amendment No. 34, in page 3, line 5, after 'otherwise', insert

'and may provide other assistance for the negotiating teams'.

The amendment is not earth shaking and I shall not dwell on whether a word should be "may" or "shall". I leave that to the discretion of the Secretary of State. Clause 6 (1) gives the Secretary of State power, permissive rather than mandatory,

"to pay allowances to delegates returned in accordance with Schedule 1, whether by reference to days on which they attend the forum or participate in negotiations or otherwise."

The amendment simply extends the "otherwise" to suggest that the Bill should

"provide other assistance for negotiating teams".

It is a simple matter. The amendment enlarges the Secretary of State for Northern Ireland's ability to provide, where necessary and appropriate, some support for the parties, especially the smaller parties, in relation to secretarial back-up, research facilities or other matters that would enable them better to fulfil their function at the negotiating table. It is no more than that. It allows the Secretary of State to consider any problems in the matter and to have, therefore, provision in the Bill to extend additional aid or assistance.

Sir Patrick Mayhew: I can deal with this matter promptly and, I think, shortly and satisfactorily. The hon. Member for South Down (Mr. McGrady) has made a valid point that, to ensure an effective negotiation, negotiating teams must be properly supported. We acknowledge that and are keen to make whatever financial arrangements are reasonably necessary to enable that to happen.

We propose to pay allowances to delegates for attendance at either the forum or for the purpose of the negotiations and to pay travel and subsistence allowances, including for support staff and research grants. We have asked for comments on what would be an appropriate level of research grant to make available to the parties.

That would all be in line with the payments made to the parties in the previous talks in 1991 and 1992. Additionally, however—I think that this is of particular interest to the hon. Gentleman—in response to representations, we are considering whether it would be appropriate to make payments to parties participating in the negotiations to help to defray the cost of additional support staff and to meet the expenses of people who may, under paragraph 11 of the ground rules, support their party's negotiators without themselves being elected delegates. We will also consider what other practical assistance might be feasible.

Such allowances and payments would be in line with what the hon. Gentleman has in mind in his amendment. He can be reassured that our thinking is already on the right lines. It will be informed as it develops by what he has said. In the light of that, I hope that he will withdraw his amendment.

Mr. McGrady: In view of what the Secretary of State has said—that the ambit and purpose of the amendment are covered—I am happy to beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 6 ordered to stand part of the Bill.

Clause 7

DURATION OF SECTIONS 3 AND 4

Mr. William Ross: I beg to move amendment No. 118, in page 3, line 9, leave out 'Section 3' and insert 'this Act'.

The First Deputy Chairman: With this, it will be convenient to discuss also the following amendment: No. 135, in page 3, line 10, leave out 'Section 3' and insert 'this Act'.

No. 124, in page 3, line 11, leave out 'or'.

No. 39, in page 3, leave out line 12.

No. 38, in page 3, line 13, leave out '1998' and insert '1999'.

No. 35, in page 3, line 13, after 'order', insert

'but only if such provisions have the support of a clear majority of members of parties representing respectively the nationalist and unionist communities as defined in accordance with paragraph 24 of Command Paper 3232'.

No. 133, in page 3, line 14, leave out subsection (3).

No. 131, in page 3, line 19, leave out 'section 3' and insert 'this Act'.

No. 130, in page 3, line 20, leave out subsection (5).

Mr. Ross: This is a fairly interesting group of amendments in that it tries to tidy up the legislation to some extent. Instead of dealing just with "section 3", we should be dealing with "this Act" because, as soon as a job that has been set up under the Act is completed—or fails, as the case may be, although we certainly hope that it will be completed successfully—the Act will cease to have any force and should not be left cluttering up the statute book. At that stage, it should disappear.

The amendment is simple and straightforward and I should be grateful if the Secretary of State will give a clear and detailed explanation as to why we should not go down that route. My hon. Friends will deal with the other amendments. The aim of my amendments is plain and I hope that the Secretary of State will accept them, or at least give me a clear explanation as to why he cannot.

Mr. Trimble: I want to comment on the amendments that I tabled. They deal with two particular issues, but unfortunately amendment No. 36 has been separated from amendments Nos. 39 and 38. Amendment No. 36 has been selected for debate in the next group whereas, in terms of drafting, amendments Nos. 39, 38 and 36 all hang together. I hope that the Minister will take that on board.

1.30 am

Amendments Nos. 39, 38 and 36 endeavour to deal with two inconsistencies. The first clear inconsistency relates to dates. Clause 7(5) states:

"Section 4 shall cease to have effect at the end of May 1999",

whereas the last possible operation of clause 3 is May 1998. Like my hon. Friend the Member for East Londonderry, I think that the whole Act should hang together and operate on the same lifespan. We should not be dropping some parts of it before others. There needs to be consistency in the dates.

Amendment No. 38 seeks to replace "1998" with "1999", but I would be content if the Secretary of State preferred it the other way around and limited the date in clause 7(5) to 1998. I see no particular reason why we should envisage a three-year process—two years is quite sufficient—but there must be consistency, which I hope the Secretary of State will provide in his answer. That consistency should apply to the entire Act, and one part should not be separated from another.

Other amendments were directed to the coming into force again of the legislation. My concern is that the way in which clause 7(2) is drafted may mean that if, for some reason, clause 3 ceases to have effect before May 1997,

[Mr. Trimble]

it would not be possible to revive it until after May 1997. Clause 7(2) is drafted in a way that limits it. In the rather unlikely event of clause 3 ceasing to have effect before May 1997 under the discretion provided in clause 7(3), amendment No. 36 would provide an unfettered discretion to bring clause 3 back into force.

My two aims are, first, to get the dates rationalised and, secondly, to ensure that the power to revive clause 3 is always available to the Secretary of State and that he does not find himself unable to revive it before 1997.

Mr. McGrady: I shall speak to amendment No. 35, which relates to section 7(2). Subsection (2) gives power to the Secretary of State to continue the forum beyond May 1997 or, it having lapsed, to bring it back into force. Amendment No. 35 provides that such action can be taken by the Secretary of State only if it has

"the support of a clear majority of members of parties representing respectively the nationalist and unionist communities as defined in accordance with paragraph 24 of Command Paper 3232."

Obviously, we are anxious that the principle of consensus be applied to the continuation or the reinvigoration, as it were, of the forum. That consensus is essential for the good order of business. The matter should not be left solely to the personal judgment of the Secretary of State. Those two important and potentially far-reaching powers should at least have the consent of the majorities of the two groups of parties that will be participating in the forum. I therefore urge the Secretary of State to accept the amendment as a reasonable expression of the democratic right of that body to exercise, as it were, its own existence.

Mr. Ancram: This group of amendments is complicated.The hon. Members for East Londonderry and for Upper Bann have done a valuable service in explaining their intentions so clearly and highlighting the main features of the amendments, which are fairly difficult to understand. I shall take the points one by one.

The hon. Member for East Londonderry argued that in his view it was inappropriate for clause 7 to focus exclusively on clause 3 and that, effectively, if I understood his argument, the whole exercise—the forum and the negotiations—should stand or fall together. In fact, the amendments would fail to achieve the effect that the hon. Gentleman seeks. Clauses 1 and 2 deal only with the elections and the entry to negotiations, so they will, in effect, become spent provisions—if I may use that expression—at a very early stage.

Thus, the only effects of amendments Nos. 118, 135 and 131 would be to provide that, if the Secretary of State needed to terminate the forum, he would also terminate the power to hold referendums under clause 4—a power which, earlier, the hon. Gentleman wanted to be made a permanent feature of the statute book, but which would be removed by these amendments—and to bring to an end the Secretary of State's power to pay allowances to delegates in respect of participation in the negotiations.

The negotiations might not last much longer if allowances were not paid, but that might not be the strict intention of the hon. Member for East Londonderry in moving the amendment. In practice, however, it is clear that his objectives have already been met. The life of the forum and the negotiations will be closely bound together. The forum will continue in existence while the negotiations continue.

I can assure the hon. Members for East Londonderry and for Upper Bann that there is no intention that the Secretary of State should use the power in subsection (3) to bring the forum to a close while allowing negotiations to continue. Regardless of the Government's views on the matter, I imagine that certain parties which are represented in the House and which are likely to be represented in the forum and the negotiations would be bound to protest vigorously and effectively if such an attempt were ever made. In practice, therefore, it is not a danger. Given those points and reassurances, I hope that the hon. Members will not press amendments Nos. 118, 135, 124, 39, 133 and 131.

I also listened with interest to the arguments for extending the maximum life of the forum by a further year to May 1999. The Government are not persuaded that that would be sensible or appropriate. May 1999 refers to the referendum clause, which in practice we all appreciate may have an effect and may require to have an effect after the negotiating process has ceased. It is for that reason that the extra time is allowed.

We believe it right at this stage to set a realistic deadline for the completion of the process. If agreement is not reached within a maximum of two years, it would be necessary to question the utility and value of keeping the process in being. If the participants were on the brink of a settlement at the cut-off date, I am sure that the House would, if necessary, look favourably on extending the life of the process. I do not think that we would be justified in creating an expectation at this stage that the process could not be completed by May 1998 at the latest. Again, I ask the Committee not to support the amendments, but I hope that they will not be pressed.

The hon. Member for Upper Bann raised a concern that I think is covered by the proposed legislation. Clause 7(2) gives the Secretary of State power to revive the forum at any time before May 1998. That should satisfy his concern. He has raised it with me before, and I have said to him on a previous occasion that that was certainly my understanding of the construction of the clause.

The hon. Member for South Down referred to amendment No. 35. In his statement to the House of Commons on 21 March, my right hon. Friend the Prime Minister made it clear that the life of the forum would be time limited to 12 months, renewable up to a maximum of a further 12 months. He also stated that the forum would not continue in existence if the negotiations were no longer in process. The clause expresses that policy position.

Subsection (2)(a) empowers my right hon. and learned Friend the Secretary of State to extend the life of the forum from its initial expiry date at the end of May 1997 up to a maximum period to the end of May 1998. Subsection (2)(b) enables him to revive the forum up to the maximum period if it has already ceased to exist at the end of May 1997 or if an earlier extension order has expired. The purpose of the provision is to ensure that while negotiations continue, the forum also continues.

If the negotiations end, the forum also ends. For example, clause 7(3) requires the Secretary of State to terminate the forum earlier than the date in an extension order made under clause 7(2) if it appears to him that the

negotiations are concluded or suspended. I hope that that in terms satisfies the concerns of the hon. Member for East Londonderry. I hope, again, that on that basis he will not press his amendment.

Mr. William Ross: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Trimble: I beg to move amendment No. 37, in page 3, line 18, leave out 'or suspended'.

The Chairman of Ways and Means (Mr. Michael Morris): With this, it will be convenient to discuss also amendment No. 36, in page 3, line 19, at end insert—

'4(A) If Section 3 ceases to have effect at any time before May 1999, the Secretary of State may by order provide that it shall come into force again.'.

Mr. Trimble: I do not propose to associate amendment No. 37 with amendment No. 36, because it is quite different. I am speaking solely to amendment No. 37 which would remove from clause 7(4) the words "or suspended". It is merely a tidying-up provision which achieves the object that the Government have in mind in a much more effective way.

Under clause 7(4), there is an obligation on the Secretary of State to provide that section 3 shall cease to have effect; in other words, there is an obligation on the Secretary of State to wind up the forum. Under the clause, he "shall" make such an order. Subsection (3), however, gives him discretion to wind up the forum. Looking at the two possibilities mentioned in subsection (4)—that the negotiations are concluded or that they are suspended—I believe that one should draw a distinction between the two.

The negotiations may be suspended. That suspension could be for a short period, with an expectation that the negotiations were about to be resumed, or it could be more serious. It would be appropriate, as the term "suspension" can cover a range of possibilities, for the Secretary of State to exercise discretion in respect of a suspension rather then being under a duty to wind up the forum. There is a distinction to be drawn between the negotiations being concluded, in which case it might be reasonable for the Secretary of State to be under a duty, and a suspension covering a range of situations, in which case the exercise of discretion would be more appropriate.

My proposal achieves the object the Government have in mind by giving them discretion in the matter. They can then decide matters in the light of the circumstances that obtain rather than being under a duty.

Mr. Ancram: I have listened with care to the comments the hon. Member for Upper Bann. Although he is right in saying that the provision could apply in a separate and different scenario, I am not certain that the point of principle to which he refers has not already been covered. It is the Government's view that if the negotiations are not taking place, for whatever reason, including a suspension, the forum should not continue during that period. My understanding was that the hon. Gentleman's original concern was that, following the end of such a suspension, for whatever reason that suspension had taken place, the forum would not be capable of being revived. I had hoped that I had satisfied him on that point in my remarks on amendment No. 118.

Mr. Trimble: What happens if there is an adjournment for a week or two, for some reason?

Mr. Ancram: My right hon. and learned Friend would have to be satisfied that there had been a suspension, and obviously an adjournment is not a suspension in those terms. Subsection (4) makes it clear that it would have to appear to the Secretary of State that the negotiations were suspended. He would have to take such factors into account in reaching a view. Having come to a view, if he regarded the interruption as an adjournment rather than a suspension, or vice versa, he would base his decision on that judgment.

I ask the hon. Gentleman to accept that what is important is the fact that there is the ability to ensure that the forum and the negotiations are run at the same time, but that neither runs without the other. On that basis, I ask him to withdraw his amendment.

1.45 am

Mr. Trimble: In view of the lateness of the hour, I do not wish to push the matter further. In the light of the clear undertaking that the two will run together, and that no attempt will be made to use the provision to separate the forum from the negotiations, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 7 ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

New clause 1

SPECIAL REGISTRATION DRIVE

'The Secretary of State shall take such measures as he sees fit to maximise the number of people entitled to vote under paragraph 4 of Schedule 1 to this Act by means of a special registration drive before the electoral roll is finalised.'.—*[Ms Mowlam.]*

Brought up, and read the First time.

Ms Mowlam: I beg to move, That the clause be read a Second time.

The Chairman of Ways and Means (Mr. Michael Morris): With this, it will be convenient to discuss amendment No. 79, in page 4, line 28, leave out from 'who' to end of line 33 and insert

'would be entitled to vote at a General Election.'.

Ms Mowlam: The new clause stands not only in my name but in that of the right hon. Member for Berwick-upon-Tweed (Mr. Beith), who cannot be with us at this time. Its subject—increasing the rate of voter registration—has been close to both our hearts since the days when we both taught at the university of Newcastle.

The particular problem in Northern Ireland that we hope that the new clause addresses is the low registration rate, especially the rate among young people, which is lower there than anywhere else in the United Kingdom. We want to support and encourage higher participation in the coming election, just as in any other.

[Ms Mowlam]

Is it possible for the Secretary of State to take any steps now to allow registration for those who have not yet prepared themselves for the election? If not—it seems from our discussions with the chief electoral officer in Northern Ireland that it is not—we are bound to ask why no action on the issue has been taken before now.

Mr. William Ross: Does the hon. Lady understand the measure of surprise caused not only in my party but among the SDLP Members by her allegation about a low level of registration in Northern Ireland? It is my understanding from the chief electoral officer that the quality, standard and rate of registration in Northern Ireland is far higher than in many other parts of the United Kingdom.

That is because of the methods used to ensure that the maximum number of people are on the electoral register there. The chief electoral officer takes great care each year to employ many registration officers and to ensure that the household forms are collected. He also takes care to use the various opportunities under the law to apply for a vote if someone has been missed. There are opportunities to object to names that appear wrongly on the list.

In my own household, one of my sons was left off the register this year, despite the fact that he had formerly had an entry under the household, and I had to attend the registration court myself to have his name placed on the list.

Not only does the chief electoral officer take care to have an accurate register but individuals in Northern Ireland take an interest in the matter. The political parties, too, take a keen interest, and I am astonished—I am sure that this astonishment is shared beyond my party—that the hon. Member for Redcar (Ms Mowlam) should have made such an allegation. In any case, citizens and parties can examine the electoral register and place names on it. I suspect that it is too late to do that for the election on 30 May, but people have known that it has been coming for a considerable time. I am sure that parties, or the individuals concerned, have looked into the cases of people who were missed.

Ms Mowlam: The amendment is no reflection on the work of the chief electoral officer in Northern Ireland. That office informed us that voter registration in certain parts of Northern Ireland among young first-time voters was very low, and we wanted every effort to be made to allow the people whose future much of this debate is about have the maximum chance to have their voices heard.

Mr. Ancram: I applaud the spirit in which the hon. Member for Redcar (Ms Mowlam) moved new clause 1, because I know the purpose behind it. Equally, I agree with the hon. Member for East Londonderry. The hon. Lady will be delighted to know that Northern Ireland's electoral registration is the highest in the United Kingdom, routinely running in excess of 90 per cent., according to the chief electoral officer's statistics. That is probably due to postal canvassers collecting registrations from households, but the CEO is also empowered by law to apply a process of continuous registration.

Anyone who wishes to be on the electoral register in Northern Ireland must be resident there for three months from 16 June until the registration date of 15 September. The draft register is published around 20 November so that claims and objections can be made. The final register is published by 15 February. Throughout that time, additional names may be added.

Every year, the CEO prepares a timetable for the next 12 months that shows the cut-off date each month for the receipt of claims and the later date scheduled for hearing claims. The CEO provides the political parties with copies of that timetable and the continuous process of claim and hearings is widely used. That facility, coupled with the Northern Ireland parties' awareness of the forthcoming election—and, I suspect, the public's awareness of it—renders a special registration drive unnecessary.

Mr. Peter Robinson: What is the last permissible day for registration for the 30 May election?

Mr. Ancram: I cannot tell the hon. Gentleman offhand, but if I get the chance, I will try to let him know tomorrow.

Rev. Martin Smyth: I generally agree with the Minister about the registration rate, but at least one person in my constituency was told that he could not be on the register because he was not living there on 28 September. Surely that was wrong in the light of the information that the right hon. Gentleman has given?

Mr. Ancram: Perhaps I could look into that matter. I have been told that the last date for registration was in mid-April, so it has passed.

Ms Mowlam: In view of the reassurances given by the Minister, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

To report progress and ask leave to sit again.—*[Mr. McLoughlin.]*

Committee report progress; to sit again tomorrow.

PETITION

Canvey Island

1.53 am

Dr. Robert Spink (Castle Point): Canvey Island has suffered from chronic overdevelopment for many years. I have consistently fought against the local council and the developers who threaten and spoil our environment. Mr. Blake, Eileen Gough and many others have collected 1,500 signatures for a petition to fight off the latest threat. The petition states:

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled. The Humble Petition of the residents of Canvey Island and the surrounding area,

Sheweth

That we, the undersigned, are deeply concerned by the overdevelopment of Canvey Island and, in particular, by the proposed inappropriate development of land around Thorney Bay Road and East and West of Craven Avenue, Canvey Island. We call on the Councillors of Castle Point Borough Council to resolve to make an immediate application to the Secretary of State for the Environment for the extant 1951 planning permission relating to the said land to be revoked forthwith. That, in any event, the original planned density of housing for the said land should be considered a

maximum for any future development on any part of the said land and that the total number of houses built on the whole of the site, will not exceed the total number of units approved in the original 1951 permission.

Wherefore your petitioners pray, that your Honourable House do urge the Right Honourable John Gummer MP, Secretary of State for the Environment, to use his powers to revoke the 1951 planning permission and to restrict further house building on the said site.

And your petitioners, as in duty bound, will ever pray, etc.

To lie upon the Table.

Hospital Services (Thanet)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. McLoughlin.]*

1.55 am

Mr. Jonathan Aitken (South Thanet): Even at this late hour, I am grateful for the opportunity to raise the subject of hospital services in Thanet. Unlike most Adjournment debates, the purpose of tonight's debate is not to air a grievance, complaint or criticism, or even to cajole the Government into righting some wrong or remedying some defect.

Instead, my purpose is simply to express appreciation and gratitude for a great national health service achievement in Thanet and to pay tribute to the doctors, nurses, managers, staff and others who have played their part in bringing that achievement to fulfilment. Their combined efforts have made a dream come true for the people and patients of Thanet in my constituency and that of my hon. Friend the Member for North Thanet (Mr. Gale), who I am delighted to see in his place and who is hoping to catch your eye, Mr. Deputy Speaker.

The dream come true that I am talking about is the opening of the new Queen Elizabeth the Queen Mother hospital in Thanet. It happened only a few days ago, when the first patients moved into its dazzling new facilities, which consist of a £20 million investment in state-of-the art medical technology and the new wards, operating theatres and buildings that go with it. With the medical and managerial innovations that I shall describe, the new hospital complex marks the beginning of a new era in high-quality hospital care for Thanet.

For more than 25 years, Thanet has been campaigning for its own properly equipped and resourced district general hospital. The campaign has been a long and, at times, arduous struggle, sometimes against forces of obstruction within our own NHS district and region.

Thanks in no small measure to the long-term tenacity of the local campaigners and to the more recent success of the Government's NHS reforms, the new Thanet Healthcare NHS trust has been able to match the local vision with an appropriate allocation of more than £20 million of nationally funded resources. The result is the finest hospital in east Kent and one of the finest in the United Kingdom.

The Queen Elizabeth the Queen Mother hospital has no fewer than eight operating theatres on site, four of them high-tech theatres, including two laminar flow rooms for orthopaedics. Those new facilities will give the patients of Thanet the lowest waiting list time for operations in the South Thames region and some of the best post-operative care.

One of the most notable features of the new hospital, to which I draw the attention of my hon. Friend the Under-Secretary of State for Health, is the critical care floor. It is a specialist complex consisting of four theatres, an intensive care unit, a cardiac care unit and a high-dependence unit, all in close proximity on the same floor and managed as a single medical unit.

I am told that the facilities on that floor are matched by only one other hospital in Britain—Addenbrookes in Cambridge. We are proud in Thanet to be one of the pioneers of that relatively new hospital concept.

[Mr. Jonathan Aitken]

However good the facilities of any hospital may be, they ultimately depend on the skills of the men and women who work in them. In that respect, we are highly fortunate in Thanet because our new hospital, under the enlightened clinical leadership of its medical director, Brian Cocking, has a first-class team of 40 consultants and nearly 500 trained nursing staff. The collegiate spirit of the hospital showed itself to excellent effect the weekend before last, when almost everyone on the staff worked round the clock to move patients into the new complex from the older wards and from the venerable Royal Sea Bathing hospital in Margate, which will be closing after just over 100 years of fine service.

Our local paper, the *Thanet Gazette*, captured the mood of this massive operation with the headline:

"Hospital switch is a moving experience".

I thought that that was a rather clever headline, because it subtly recognised that emotions as well as logistics were involved, the principal emotion being pride that, at long last, Thanet had a hospital ready for the 21st century.

Last Friday, my hon. Friend the Member for North Thanet and I walked round the gleaming new wards, theatres and recovery rooms of the Queen Mum hospital, as it is already becoming popularly known. We both felt that it was a joy to share in that emotion of local pride. He and I know as well as anyone that the battle to build the new facilities was won, not just after the usual financial infighting in Westminster and Whitehall—important as those skirmishes were—but as a result of the tremendous support given to the project by the local community. Perhaps the most symbolic element of that support was the backing given so wholeheartedly to the fund-raising campaign in Thanet for the hospital's new accident and emergency department which, under its dynamic consultant, Alan Jones, will open its doors in July. It is the focal point of the hospital's range of acute services.

Neither the accident and emergency department nor even, possibly, the new complex itself would be coming into service this year were it not been for the momentum provided by what was known as the Tear appeal. The campaign, masterminded by an inspirational Broadstairs resident and community leader, Mrs. Maureen Greig, raised more than £650,000 for the accident and emergency department's equipment budget. More important, it gave a kick start to the final phase of the campaign to create a truly modern district general hospital. I pay a particularly warm tribute to Maureen Greig for her pivotal role in making the dream come true.

If I were to single out one other individual from an earlier era who made a vital contribution to this hospital development, it would be Dr. Margaret Voysey. She held the torch aloft in some of the darkest moments in the, at times, faltering struggle to get the new hospital built, and at various moments combined the role of doctor, campaigner, consultant, advisor, NHS manager, general headbanger and inspirer-in-chief. Both she and Mrs. Greig deserve the congratulations that are flowing to them from all sectors of our community.

Looking ahead, all thoughtful observers of the medical and hospital scene in Thanet know that the opening of the Queen Elizabeth the Queen Mother hospital is not a moment for looking back or for resting on laurels. This is the beginning of a new era of steadily improving quality health care for the people of Thanet. Success in that new era will depend on three elements of continuity for the future: good medical staff, good management and good government.

I have already praised the medical and nursing team at the hospital, but it must be acknowledged that the recruitment of their successors, their juniors and their future leaders is crucial to the hospital's future. In recent years, hospitals in Thanet have suffered from two unjustified difficulties, which are closely linked. They are, first, manipulations by some of the consultants in neighbouring hospitals in misguided attempts to downgrade Thanet hospitals and, secondly, withdrawal of recognition by the royal colleges of some junior doctor posts. I believe that the royal colleges have been led astray by rival consultants' gamesmanship in this regard and I hope that they will swiftly restore recognition now that all their criteria for recognition have been so well met by the standards, facilities and procedures in the new hospital complex.

The prospects for recruitment and retention of consultants are bound to be enhanced by a new £3 million development at the hospital, which is expected to be signed and formally announced in the next few days. I refer to the development of a postgraduate medical centre and a 23-bed private patient unit, which will be adjacent to the hospital and able to use the new facilities in the hospital. Construction is expected to start this summer.

Another development will be the building of new accommodation on-site for junior medical staff and nursing staff. Both of these projects are going forward under the private finance initiative—a successful Government reform in which I played some part when I was with the Treasury—which allows private capital to be invested in the national health service and other public sector developments.

I wish that there was time to say more about the other management initiatives that will come on stream in and around the hospital in the next few months, but the hour is late and I am anxious to make way for my hon. Friend the Member for North Thanet, who has been a doughty campaigner over the years for the new hospital complex that serves our constituents, but which is located in his constituency.

As I said at the beginning of my speech, the hospital development has been possible only because of the success of the Government's NHS reforms, which unlocked both the resources and the management skills that made it happen. Huge credit is due to the chairman and the chief executive of the Thanet Healthcare NHS trust, respectively Mr. Glenn Stone and Mr. Barry Page. Their stewardship of the project and of the hospital has been a beacon of managerial excellence—and long may it and they continue to shine.

The star that shines brightest of all over this splendid new hospital complex is the simple fact that it is not only a flagship of medical excellence, but that it is a people's hospital that has been built because of popular—indeed, passionate—local support. It is a great NHS achievement

and a great local achievement. I am sure that the new Queen Elizabeth the Queen Mother hospital will serve Thanet long into the 21st century.

2.2 am

Mr. Roger Gale (North Thanet): I congratulate my right hon. Friend the Member for South Thanet (Mr. Aitken) on securing the debate and I thank him for allowing me to share it with him. It is more than 200 years since the distinguished John Coakley Lettsom founded the Royal Sea Bathing hospital in Margate. Since that time, it has become internationally famous for its position at the forefront of the treatment of the once prevalent tuberculosis and of orthopaedic cases. Even Mr. Lettsom would be astonished if he were to see the new orthopaedic and other operating theatres at the Queen Elizabeth the Queen Mother hospital.

As my right hon. Friend said, the theatres, with their laminaflow ventilation systems, represent a state-of-the-art facility that is unrivalled anywhere in the south-east. The investment—well in excess of £20 million—has produced a hospital that can offer our constituents a standard of treatment and conditions that are quite simply superb. That this is so represents an achievement in the teeth of some medical-political opposition.

In the 1960s, there was a plan and a scale model for a 1,000-bed hospital on the Margate site. No doubt that model is now collecting dust somewhere on a shelf as the result of the opening of an accident and emergency unit at the Kent and Canterbury hospital, and a campaign in the mid-1960s to close Margate and to centre treatment on Canterbury. It was the fierce opposition of the local council, under Conservative control, that preserved Margate district hospital, as it then was, to fight another day.

In the 1970s, there were further grand plans for development, which came to nothing as the debate over whether to rebuild or to downgrade the hospital continued. It is largely due to the determination of the local medical team, with the support of superb staff, and considerable foresight that the Queen Mum hospital—as it is already known—is now open for business.

As my right hon. Friend said, no recognition of this work would be complete without naming Dr. Peggy Voysey, who joined Margate hospital as a consultant anaesthetist in the 1960s and, on the first of several retirements, became the first unit general manager. Peggy Voysey almost literally laid the foundation of the new hospital when, on the back of some works on one ward, she renewed the drainage system and upgraded an antiquated pharmacy. Dr. Voysey's endeavour was continued, and the dream realised, through the hard work of the present management team under Glenn Stone and Barry Page, and as a direct result of the creation of the hospital trust that released local people to make local decisions.

Local people voted with their mouths and, through their tremendous response to the Tear appeal, through their pockets, and donated generously to demonstrate local support for the 24-hour accident and emergency unit that is needed to serve the population of the large and expanding Thanet catchment area.

Throughout a time of uncertainty and turmoil, as medical-political opinion was overcome, the consultants and staff of the Thanet district hospital kept their faith and determination. My right hon. Friend and I have been privileged to work with them to bring to an end the days when Thanet patients have had to be transported many miles to receive the treatment that in some cases they needed as a matter of life or death.

I shall never forget the day when Ann Richardson, then the sister on Cheerful Sparrows ward, pointed out of the ward window and told the visiting then regional health chairman, Peter Barker:

"That's where I want my new hospital".

"Well you'd better have it then, hadn't you?"

he said.

We have had tremendous support also from his successor, William Wells, and Chris Spry at the new regional health authority, from the Secretary of State and the Department of Health and from many other people in addition to those named by my right hon. Friend. I hope that they will forgive me if I do not name them all because of time constraints.

When my right hon. Friend, who is now the Secretary of State for National Heritage was Secretary of State for Health, laid the foundation stone, we believed that we were at last on our way to delivering the hospital service that Thanet and the coastal towns need. Now, as one of our most prominent orthopaedic consultants told me at the weekend, we have a hospital that has, in only four years, made a quantum jump from the original Margate hospital of the 1930s to the health service of the 21st century, and the X-ray unit, once one of the most antiquated in South East Thames has, following the creation of the trust, been developed into one of the finest.

As all our services are consolidated on the Margate site, those at the now closing Royal Sea Bathing hospital will be sad that that chapter in their history is ending, after more than 200 years. They will miss the fine old building and the sea views that were the province of John Coakley Lettsom, but I hope that they will be proud to continue to enjoy their reputation for dedication and fine medicine in the Sea Bathing wing of the Queen Mother hospital.

The rest is not, as they say, history. The Queen Elizabeth the Queen Mother hospital now seeks to play a still greater role in care in the community through its outreach clinic, and it has plans for the construction of a general practitioner service alongside the 24-hour accident and emergency unit. That development will extend the waiting space, provide GP surgeries with a triage centre at the core to deal with "walking wounded", keep more patients out of hospital and free accident and emergency beds to handle emergency admissions.

A programme of refurbishment of the vacated Margate hospital wards will commence once plans have been agreed and finalised, and with that extra space the hospital should be able to handle even the worst winter epidemic flood of admissions. Like the Windmill theatre, it will never close.

With the review of pathology services in east Kent, the Queen Mother hospital is well placed to offer biochemistry for the whole of east Kent. With histopathy and cystology concentrated at the William Harvey hospital in Ashford, and the haematology services located at the Kent and Canterbury hospital, the area will be provided with much-needed first-rate pathology facilities. I believe that the plan, if adopted, will make the best use of the talents and equipment available at the three major hospitals now serving east Kent.

[Mr. Roger Gale]

My wife and I have good cause to be grateful to our hospital. I have been an in-patient on Hicks ward and my wife's mother was a patient on Viking and Venner wards during her dying days last year. We have experienced personally a standard of medical care, nursing attention and compassion in a hospital, then bursting at the seams, and from a staff whose numbers were depleted by illness, that was and is outstanding by any yardstick. I am delighted that the loyalty and dedication of those nursing professionals has been, and will continue to be, recognised by this investment in their future.

I hope that I have said enough to make it plain that the work of providing for the needs of tomorrow goes on. I feel honoured to have helped, with my right hon. Friend the Member for South Thanet, to bring about the changes that we have already seen, and I am dedicated personally to seeing those changes through to completion. I am confident that my hon. Friend the Minister will, in turn, be able to pledge the support of his Department, through Government policy and, when appropriate, financial backing, to that continuing process of development and dramatic improvement.

2.13 am

The Parliamentary Under-Secretary of State for Health (Mr. John Horam): I congratulate my right hon. Friend the Member for South Thanet (Mr. Aitken) on his success in securing the debate, and on its timeliness. As he said, it takes place only a few days after the new extension of the Queen Elizabeth the Queen Mother hospital in Thanet opened for its first patients. He, together with my hon. Friend the Member for North Thanet (Mr. Gale), who has also taken part in the debate, have always been stalwart supporters of local health services. That we are able today to celebrate the opening of a new extension is in no small part thanks to their efforts in championing the development from the start.

I welcome the opportunity to respond to the comments about hospital services in Thanet generally. Hospital services are provided to the people of Thanet principally by Thanet Healthcare NHS trust. Many services are now centralised at the Queen Elizabeth the Queen Mother hospital, which is the new name for the Margate hospital. The renaming earlier this year marks the realisation of the considerable restructuring that has taken place recently, and heralds what I am sure will be a most successful future for that important hospital.

The £20 million extension to the hospital is a welcome development. It significantly increases the capacity of the hospital, improves the quality of the fabric and the environment, and creates a fully 24-hour accident and emergency department in that part of east Kent which has the densest population and therefore needs it the most.

The extension includes in a new block four operating theatres, six wards, a medical imaging department, coronary care, intensive care, and high dependency units, and physiotherapy and occupational therapy facilities. The first patients were admitted to the new block on 14 April, and new accident and emergency and associated trauma services are scheduled to start very soon.

Construction work on the development began just two years ago, and has been completed virtually on time and on cost—a tribute to the project leadership and to all those involved with the work. The majority of the £20 million cost of the development was funded from the NHS capital budged, and I am grateful for the tributes that my hon. Friend the Member for North Thanet (Mr. Gale) paid to successive Secretaries of State in that regard.

There was also a welcome contribution from local public donations in response to the Tear appeal, which was set up in March 1993 by the hospital league of friends to finance a 24-hour accident and emergency department at Margate—clearly showing the determination of Thanet residents to obtain the benefits that such a local service could bring.

The new development also signifies a very positive commitment to the trust and to the hospital by East Kent health authority on behalf of local residents. The new development represents a significant investment and is the outcome of successful discussions between the health authority and the trust. The new development is but the latest and the most prominent of various capital investments at the hospital in recent years.

As well as restructuring and the continuous spending on maintenance and minor works that is necessary for any building, I should like to mention particularly the day surgery theatre and endoscopy suite costing £320,000, which my right hon. Friend the Member for South Thanet opened in September 1993. That facility has helped the trust to achieve a remarkably high level of day surgery—last year 63 per cent. of elective surgery was done on a day-case basis—and dramatically reduce waiting times, which is quite unusual in light of the trend across the country.

Of course, high-quality health care is based not only on excellent facilities but on excellent staffing—both clinical and managerial—and on robust and constructive relationships with general practitioners and with other trusts. There is considerable evidence of the excellent health services provided by the trust, to the credit of the 1,100 or so doctors, nurses and other staff who work for the organisation.

The trust made quality of care a top priority from the outset. Nowhere is that demonstrated more clearly than in its recent success in being awarded full accreditation under the King's Fund organisational audit scheme. That is a most commendable achievement, requiring a high level of performance across a comprehensive range of exacting quality standards. I am pleased to report that it is one of the few hospitals in this country to achieve that level of accreditation.

There is much other evidence of quality and professionalism. The trust continues to develop laser and laparoscopic surgery. Surgeons at Thanet introduced the first Holmium Yag laser outside the United States to Europe, and their expertise now draws surgeons from overseas to study at Thanet and hone their techniques. That is good for local residents too, because the techniques being used mean that, even after major surgery, such as a hysterectomy operation, patients spend less time in hospital, recover more quickly and return to work and other activities that much sooner.

The trust is also at the leading edge in radiography. Its breast screening unit uses the latest high-sensitive, low-dose equipment, and the trust is also equipped with a state-of-the-art X-ray unit, incorporating the latest computerised imaging system—one of the first in Britain—at a cost of more than £400,000. Being perhaps

rather remote geographically has clearly been no barrier to the trust's achieving excellence at the forefront of technology. It has a tomography scanner on site, and a fully equipped investigative cardiac and lung function laboratory which provides a quick, local, high-tech service with direct access to local GPs.

During 1995-96, the trust provided more than 18,000 in-patient treatments and almost 9,000 day-case procedures. It saw some 96,000 out-patients, and dealt with some 43,500 accident and emergency cases. That represents a substantial work load, and the trust is committed to a further growth in activity this year of 8 per cent. That is excellent news for my right hon. Friend's constituents, who will also be heartened to learn that waiting times have reduced substantially and the trust is now well below the 12-month target in all specialties. Indeed, 75 per cent. of patients are treated within nine months.

Finally, I am glad to say that that has all been achieved with relatively modest management costs. That has meant more money for direct patient care and is reflected in the management cost reduction target, which has been set at 3 per cent. for the trust this year.

The new development at Thanet is just one of the 70 or so schemes, each costing more than £1 million, that we expect to see completed in the NHS this year. Those are in addition to the 700 such schemes completed over the past 10 years, in a programme worth many billions of pounds. In fact, we have seen the largest sustained programme of capital investment in the entire history of the NHS. By modernising and renewing the existing building stock and building new facilities, the environment in which health care is delivered up and down the country is being continuously improved.

I am glad for my right hon. Friend the Member for South Thanet and for my hon. Friend the Member for North Thanet (Mr. Gale), who have campaigned so hard and for so long with their constituents for that facility, that such a striking example of a new hospital should be opened in Thanet. I wish the new hospital, its staff and the patients who use it every success.

Question put and agreed to.

Adjourned accordingly at twenty-two minutes past Two o'clock.

House of Commons

Tuesday 23 April 1996

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

SOCIAL SECURITY

Habitual Residence Test

1. **Mr. Pike:** To ask the Secretary of State for Social Security how many outstanding appeals there are under the habitual residence test; and if he will make a statement. [24669]

The Parliamentary Under-Secretary of State for Social Security (Mr. Roger Evans): Statistics on appeals are collected by the Independent Tribunal Service which does not record the reason for the appeal.

Mr. Pike: Does the Minister agree with the view of the National Association of Citizens Advice Bureaux that, because there is no straightforward definition of the habitual residence test, many cases have to go to the adjudication officer and are ultimately revised? Is that not an absolute waste of money and time, and does the Minister agree that it prevents people who are entitled to benefit from getting it as speedily as they should? Should not there be an urgent review to remedy that?

Mr. Evans: It is not a waste of time: it is an important measure to save public money and to prevent the kind of abuse that happened when Spanish holidaymakers were claiming income support in England. The habitual residence test is well founded in European law and we are entitled to introduce it to protect the British taxpayer. Nobody has come up with a better alternative suggestion, and I can only conclude from the hon. Gentleman's words that his party proposes to abolish this necessary protection for the British taxpayer.

Mr. John Marshall: Does my hon. Friend accept that most people believe that ending benefit tourism is a great bonus for the taxpayer? Is it because of a desire to help benefit tourists that the Labour party proposes to get rid of child benefit for those who are over the age of 16?

Mr. Evans: My hon. Friend speaks on St. George's day for England, as ever. The second part of his question contains a most interesting challenge, and we wait to see what Labour Front-Bench spokesmen can possibly give by way of an explanation.

Mr. Bradley: May I press the Minister a little further on the figures that are contained in the excellent report by the National Association of Citizens Advice Bureaux? Is he aware that well over 5,000 British nationals have been left without financial support because of the habitual residence test—a test that the Government said was meant to root out only benefit tourism? Is it not clear that the test is not rooting out those who do not genuinely deserve such benefits, but that only British nationals who are returning home are being hit by the policy? Will he again review the test to ensure that such British nationals receive income support and other benefits to which they are genuinely entitled?

Mr. Evans: All aspects of policy are always under review, but this policy appears to be working. Between August 1994 and February 1996, 91,424 British nationals passed the test and 9,191 failed it; 13,392 European economic area nationals passed it while 13,487 in that category failed it. The system protects British interests, and nobody has yet produced an alternative that is acceptable in European law.

State Pension

2. **Mrs. Lait:** To ask the Secretary of State for Social Security what is the cost of the state pension (a) at present and (b) in 1979 in real terms. [24670]

The Secretary of State for Social Security (Mr. Peter Lilley): Since 1978-79, expenditure on state pensions has increased in real terms by about a third—from £22.6 billion to £30.1 billion in 1995-96.

Mrs. Lait: Does my right hon. Friend agree that if the earnings link was restored that figure would be increased by about £8 billion a year, which is equivalent to some 5p on the basic rate of income tax or to an increase in VAT to 22.5 per cent? Is it not a cruel hoax on pensioners to suggest that that earnings link could be restored, as was promised by the Labour candidate in Hastings and Rye?

Mr. Lilley: My hon. Friend makes a good point. It will be interesting to see whether Labour Front-Bench spokesmen repudiate the promises that have been made by Labour candidates in Hastings and Rye and elsewhere which would cost the British taxpayer the equivalent of several pence on the basic rate of tax. Until they repudiate that policy it will hang round their necks like an albatross.

Mr. Sheerman: What does it say about poverty in our country when, in 1979, the state pension was 23 per cent. of average earnings and is now 17 per cent? That represents something chilling for elderly people in our country.

Mr. Lilley: The hon. Member seems to think that pensioners should and do rely solely on the basic pension. I am happy to say that an increasing proportion have additional resources on top of that. As a result, pensioners' incomes as a whole have risen more rapidly than those of the population as a whole. We have made extra provision for those at the bottom: we have provided £1.2 billion a year extra through income-related benefits for people who, by misfortune, do not have any resources of their own on top of basic pension. Our record stands in good comparison with anything that the last Labour Government achieved.

Pensioner Incomes

3. **Mr. Butler:** To ask the Secretary of State for Social Security what percentage of the bottom tenth of incomes was accounted for by pensioners in 1979; and what is the equivalent figure for the latest year for which figures are available. [24671]

The Parliamentary Under-Secretary of State for Social Security (Mr. Oliver Heald): In 1979, pensioners represented 31 per cent. of the bottom 10th of the income distribution, after housing costs. By 1992-93, that figure had fallen to 8 per cent.

Mr. Butler: That shows that not just in absolute, but in relative terms, under this Government, the treatment of pensioners has been far better than under the preceding Government and far better than pensioners could hope for under any succeeding Labour Government, were such a disaster to hit the elderly population again. When my hon. Friend and I come to draw our pensions, will they be funded substantially by private pension funds, which exist in Britain, but not elsewhere in Europe? Can he put a figure on that?

Mr. Heald: I am grateful to my hon. Friend for making those points. The Government's policy is to maintain the basic state pension's value, to encourage the private sector and to target help on people most in need. The amount targeted has already increased by £1.2 billion since 1988. The number of pensioners with occupational pensions is up from 43 per cent. in 1979 to 66 per cent. among the recently retired, with an average £75 per week for that occupational pensioner. My hon. Friend can do the mathematics himself, but, on such a rate of increase, the Conservative Government have given pensioners a better future than they would have had under Labour.

Mr. Frank Field: Which poor people have stepped into the shoes of pensioners who have left the lowest decile?

Mr. Heald: There are those who say that a pot is half full and those who say that it is half empty. These days, the hon. Gentleman is obviously putting himself in the latter category. That is rather a change of heart—he used to be a bit more optimistic. During the 1980s, pensioners have improved their position. Their average incomes are up by 50 per cent. That is an answer in itself. The pensioners have done better under the Conservatives.

Mr. Waterson: Does my hon. Friend agree with me that one of the greatest contributions that a Government can make to pensioners' real incomes is to keep prices low? Will he remind me at what point in recent years inflation reached a level of over 27 per cent?

Mr. Heald: I am happy to remind my hon. Friend that the last Labour Government put this country in that parlous position, robbing pensioners of their savings through high inflation. The Government have had the longest period of sustained inflation—*[Interruption.]* Sorry, low inflation—for 50 years. Opposition Members may laugh, but it would be the longest period of sustained inflation if they ever had a chance to run the country.

Ms Lynne: Is the Minister aware that approximately one third of eligible pensioners are not claiming income-related benefit to which they are entitled and that, of those, 114,000 are in the north-west? Will he join Age Concern and other pension organisations in an awareness campaign so that pensioners take up their rights?

Mr. Heald: I am grateful to the hon. Lady. This morning, I met Age Concern and was able to discuss that issue, among others. The Government are spending about £25 million on giving information about benefits. They are providing information to 80,000 outlets about the benefits that are available to people. Obviously, it is important that the information on the new benefit payment cards is clear and helpful to pensioners. We discussed that. Taken together, the measures represent a substantial commitment to telling pensioners what benefits are available to them. The Government are committed to that.

Mr. Wicks: Is not the Minister deliberately ignoring the facts about the poorest people in Britain? Is it not true that in Tory Britain poverty now wears a young face, often a child's face? There are 3 million families with children—*[Interruption.]* I shall repeat; there are 3 million families with children in the bottom tenth of income distribution. Would the Minister care to bring up a child on income support levels? Why have the Government deliberately created mass child poverty?

Mr. Heald: The hon. Gentleman puts his argument at the most exaggerated level possible, but that is typical of the Labour party. Only the other day the shadow Chancellor explained his ideas about child benefit for 16-year-olds and said that 80 per cent. of the children of unskilled parents leave school at 16. That information is 20 years old. Under the Conservatives, 50 per cent. or more of those children go on to further education. That just shows that the Labour party does not get its facts right. On poverty, under Labour—*[Interruption.]*

Madam Speaker: Order. The hon. Gentleman must be responsible for Government policy.

Mr. Heald: I was asked about poverty and the hon. Gentleman said that there was poverty in Britain. It is worth making the point that there is a difference between income support levels and absolute poverty. One of the points that is made constantly by Opposition spokesmen, as it was a moment ago, is that poverty can be measured against income support levels. That is ludicrous because it would mean that every time we increased income support, we increased poverty.

Reforms (Savings)

4. **Mr. Whittingdale:** To ask the Secretary of State for Social Security what annual savings will result from his reforms by the end of the century; and what estimate he has made of savings by 2020. [24672]

Mr. Lilley: The major reforms I have announced to date are expected to reduce public spending by £5 billion a year in today's prices by the turn of the century. The level of savings will increase to £11 billion a year by 2020, and to £15 billion in the longer term.

Mr. Whittingdale: I congratulate my right hon. Friend on those extremely impressive figures, but will he confirm

that when he seeks to find further savings in his budget, he will only consider reforms in child benefit that would result in leaving more money in the hands of families by reducing their taxes? Will he confirm that he will not adopt any policies that would simply result in the money saved being spent on other public expenditure programmes, as is proposed by the hon. Member for Dunfermline, East (Mr. Brown)?

Mr. Lilley: I can certainly give my hon. Friend that assurance. Our policies, unlike those of the Opposition which are based on attacking and trying to curb areas of growth, leave money in the pockets of the taxpayers where it can fructify, reward them for work and enable them to look after themselves. The Labour party puts forward proposals only to finance higher spending by Labour Governments. It bases those policies on false facts.

I reiterate that the recent proposals by the hon. Member for Dunfermline, East (Mr. Brown) were based on his claim that only 20 per cent. of the children of unskilled parents stayed on at school. That figure is over 20 years out of date. It relates to the period 1974-78 when there was a Labour Government and when it was true that only 20 per cent. of such children stayed on at school. Now, substantially more than half such children stay on. The Labour party's proposals would cast us back to the dark ages by penalising to the tune of £560 parents who let their children stay on at school. The Labour party does not like it but I challenge the Opposition spokesman to withdraw the false figures given by his colleague.

Mr. Ashton: The Secretary of State complained about figures being 20 years out of date. What sort of figures can they possibly be for the year 2020? He is using figures that could be said to be more than 20 years out of date. When he produced those estimates, what figures did he include for women having to work beyond 60 before receiving the old age pension? That is where many of the savings come from.

Mr. Lilley: The hon. Gentleman may find it difficult to distinguish between the future and the past, but most of us do not. He is quite right that if we equalised the state pension age at 60, which is effectively what the Labour Front-Bench team proposes, instead of 65, which is what we propose, the difference in cost would be £13 billion a year. If he wants up-to-date figures, I should tell him that the other extraordinary mistake made by the hon. Member for Dunfermline, East was to say that 25 per cent. of 17-year-olds staying on at school were in private education. He said:

"child support is a subsidy for the school fees of the wealthy rather than an incentive to assist the education of the very poor."

That is nonsense. If child benefit were taken away from school leavers, there would be every likelihood that the proportion of less well-off children staying on at school would be greatly enhanced. Will the hon. Member for Islington, South and Finsbury (Mr. Smith) repudiate the bogus figures given by his hon. Friend the Member for Dunfermline, East?

Sir Norman Fowler: Is my right hon. Friend aware that, when I was Secretary of State for Social Services, I was told by a long succession of Labour spokesmen how wrong and evil it would be to change, alter or abolish any part of child benefit? In view of the Labour party's change of policy, is it not therefore right for those spokesmen to consider their positions?

Mr. Lilley: I entirely agree with my right hon. Friend. For once I entirely agree with the hon. Members for Hackney, North and Stoke Newington (Ms Abbott) and for Brent, North (Mr. Livingstone), who point out in *The Guardian* today the fallacy of the hon. Member for Dunfermline, East's figures, and agree with us that we should be encouraging people to stay on at school to get the qualifications that will enable them to support themselves and get good jobs, rather than discouraging them from doing so and costing the taxpayer more in the long run by being on the dole.

Mr. Wigley: Will the Secretary of State acknowledge that his reform of the invalidity benefit system and the introduction of incapacity benefit has so far cost £55 million in bureaucracy? In order to recoup that, 85,000 disabled people who would otherwise have been eligible for invalidity benefit have already lost out. Disabled people are paying the price for the changes. Will he also acknowledge that the introduction of the form for the all-work test and the requirement to return it within six weeks has led to 6,000 people losing the benefit to which they are entitled because they are unable to deal with it? Is that not totally disgraceful?

Mr. Lilley: I have great respect for the hon. Gentleman, who has had a long-standing concern for issues that affect disabled people, but he must recognise that it is right that we try to focus the immense amount of help that we give in incapacity benefit, the cost of which exceeds the entire amount spent on further and higher education, on those who are genuinely unable to work due to their medical condition. That is the test's objective. We want to help back to work those who are fit enough through the back-to-work benefits. I cannot see how the Gentleman can disagree with that principle.

Mr. Robert G. Hughes: While my right hon. Friend searches for benefits to target in order to ensure that we pay social security to people who really need it, does he agree that it is an absolute disgrace that the Labour party wants to target the less well-off and to rob 16-year-olds who want to stay on in education of more than £500 a year? Is it not notable that the Labour Front-Bench team will not stand up to defend that today?

Mr. Lilley: My hon. Friend is right. It is very significant that Labour Back-Benchers will not stand up to defend the proposal either. They look extremely embarrassed. Some of them have already voiced publicly their opposition to it. It is a major blunder by the Labour Front-Bench team because it is saying that if parents encourage their children to stay on at school, just one child will cost them £560 a year, and two children in that age bracket will take £1,000 out of their net income. That is a huge penalty for bettering oneself, but it is what the Labour party stands for.

Mr. Chris Smith: Will the Secretary of State accept that his figures are bogus? In citing figures for young people who stay on in full-time education, he is conflating unskilled families and semi-skilled families. He should

get his figures right before he starts swinging insults across the Dispatch Box. Does he also accept that my hon. Friend the Member for Dunfermline, East (Mr. Brown) is interested in ensuring that more people, rather than fewer, from families with low-income backgrounds can stay on in full-time education?

In the so-called savings that the Secretary of State is trying to make, will he tell us whether the freeline service that provides advice to claimants will be axed? Will that not be utterly counter-productive, like so many of his other measures? There will be greater difficulty and distress for claimants, and less accurate applications will cause greater difficulty and expense for the Department.

We know from last week that the Secretary of State believes that poverty exists only in the third world and not here in Britain. The Opposition know how wrong he is. Is it not the case that by closing the advice line, the right hon. Gentleman is not only again ignoring the needs of the poor, but trying to ignore their very existence?

Mr. Lilley: Oh dear. The hon. Gentleman does need help with the facts. Afterwards I shall be happy to give him a copy of the table from which I obtained my information, and one of the table from which the hon. Member for Dunfermline, East obtained his information. He will see that the Opposition figure relates to children who left school between 1974 and 1978, whereas mine comes from the youth cohort study of children dated 1994, which shows that a significant majority of children over 16 whose parents were unskilled manual workers were staying on at school. Things have improved dramatically since the Labour Government were in power.

As for the helpline, I shall give the hon. Gentleman a copy of the questionnaire that we are sending to individual branches as we examine whether changes should be made in our helpline arrangements. We study such matters and examine them; we get the facts and then we make our policy. I shall not tell the hon. Gentleman what the policy outcome will be until we have assembled the facts.

If the hon. Gentleman is concerned about poverty, and believes that the basic safety net provided by income support is inadequate, will he tell the House, either now or before the general election, by how much he intends to increase it?

Fraud

5. **Mr. Jacques Arnold:** To ask the Secretary of State for Social Security what priority he attaches to tackling fraud in his social security reforms. [24673]

Mr. Lilley: Tackling fraud remains my top priority. We are stepping up the fight against fraud with the spotlight on benefit cheats campaign. My hon. Friend the Under-Secretary of State has already announced month-long anti-fraud campaigns in Croydon, Haringey, Enfield, Edinburgh, Glasgow, Westminster and Camden. More areas will be announced soon.

Mr. Arnold: My right hon. Friend will be encouraged to know that he has the full support of my hard-working constituents, who resent their hard-earned tax going to support spongers and other people who break the law. Can he assure us that increasingly staff will get out of their offices and visit claimants' homes so that they can check out and root out the fraudsters?

Mr. Lilley: I can give my hon. Friend that assurance. We are increasing the number of home visits and other checks. There were about 1.5 million last year, including fraud visits, and there will be substantially more next year. My hon. Friend is right that the greatest resentment caused by fraud and abuse is felt by hard-working people and honest claimants, who constitute the majority both of workers and claimants. We represent them, because we are the party of the hard-working class.

Mr. Barry Jones: With the campaign against fraud in mind, will the Government resist the temptation to close yet more benefit offices? Does the right hon. Gentleman realise that such closures lead to the prospect of more fraud? In particular, will he consider the Government's plans to close the benefit office in Rhyl in north Wales? Bearing in mind the distress of the staff and the many thousands of people who do not want that office to be taken out of operation, does he agree that if he wants less fraud he needs more offices to tackle the problem locally?

Mr. Lilley: I shall certainly look closely when and if a decision has to be made about the office in the hon. Gentleman's constituency. He has always treated me fairly; I shall happily treat him and his constituents fairly on that issue. We try to make proper judgments about deciding locations. We are trying to get more officers out visiting people in their homes and making more checks to ensure that we are giving the right money to the right people at the right time. We do not automatically assume that a given number of offices has to be maintained in perpetuity.

Mr. John Greenway: When will my right hon. Friend introduce a benefit payment card to end the abuse of multiple social security benefit applications?

Mr. Lilley: We hope to start the introduction of a benefit payment card this autumn. I hope to be able to make an announcement about the consortium selected for its introduction under the private finance initiative in a month or two's time. I know that there will be great interest in that and that there is much support for ensuring that we eliminate fraudulent abuse of our present payments system.

Child Support Agency

6. **Mr. Sutcliffe:** To ask the Secretary of State for Social Security what further plans he has to reform the Child Support Agency; and if he will make a statement. [24674]

The Parliamentary Under-Secretary of State for Social Security (Mr. Andrew Mitchell): I have recently announced a new independent complaints adjudicator, improvements in the agency's compensation scheme, and interest on maintenance payments not passed promptly to parents with care. All those measures build on major legislative changes introduced over the past year.

Mr. Sutcliffe: Is not the Child Support Agency still a discredited agency that has lost public confidence? We

want people to be treated sensibly. What proposals has the Minister for ensuring that CSA personnel treat people sensibly? I have several constituents who, when they ring up to try to find out what is going on, are treated appallingly. Will he ensure that the CSA improves?

Mr. Mitchell: The hon. Gentleman will be aware that there has been a considerable increase in the training that all child support officers undergo. I hope that he will also have seen today's announcement of the Child Support Agency's results for the past year, which show that it has made a massive, clear and significant improvement in virtually all aspects of its work. I hope that he would wish to join the whole House in paying tribute to its chief executive and all its staff. In the light of the figures, they deserve a pat on the back, not least in view of the vile abuse—and worse—that they have had to put up with from organised resisters.

Mrs. Roe: Can my hon. Friend spell out how much extra maintenance would be required if Labour's plans to deprive parents of pupils aged 16 or over of £500 a year in child benefit were implemented? Would that not mean that children from broken homes would be the least likely to stay on at school to gain essential qualifications?

Mr. Mitchell: My hon. Friend makes her point most eloquently. Last year, the Child Support Agency was set a target to arrange or collect £300 million and get it through to the children. It has exceeded that target. In the past month alone, it collected more money than in the whole of its first year of operation. That is a sign of the huge improvement in the performance of the CSA.

Mr. Hain: Despite the attentive replies that the Minister gives me on many of the cases that I put to him, does he agree that the CSA still acts very oppressively to many ordinary couples who have been become the victims of a monster that was designed to chase errant fathers? It is still not chasing them, let alone catching them. Instead, it leaves many honest couples at their wit's end as they grapple with the enormous maintenance payments that are forced on them by the agency.

Mr. Mitchell: I have examined several of the cases that the hon. Gentleman has brought to me. Much of what he says is no longer accurate. In some 77 per cent. of the cases that are taken on by the Child Support Agency, the parent with care is receiving nothing—not a penny. The tremendous strides that have been made by the agency in the past year are getting the funds through to the children. Since the agency began, it has traced 133,000 absent parents, principally fathers. In the past year alone, it managed to trace 55,000 of them. In the key areas where the agency has been required to improve, last year's figures show that it certainly has.

Pensioner Incomes

7. **Mr. Simon Coombs:** To ask the Secretary of State for Social Security what proportion of pensioners had incomes in the top half of the national income distribution in (a) 1979 and (b) the last year for which figures are available. [24675]

Mr. Heald: In 1979, 25 per cent. of pensioners were in the top half of the income distribution, after housing costs. By 1992-93, that had increased to 35 per cent.

Mr. Coombs: Can my hon. Friend confirm that now more than 20 million people receive income from an occupational pension scheme and 66 per cent. of recently retired pensioners receive money from such a scheme, compared with 55 per cent. in 1979? Can my hon. Friend confirm that the Pensions Act 1995 provides a still more secure framework for the regulation of occupational pension schemes?

Mr. Heald: I can confirm those things. It is worth noting that others have searched the world for a system that would be better, but still have not found one.

Mr. Denham: While it is true that the wealthiest pensioners today are significantly wealthier than their predecessors—I do not begrudge them their good fortune—the poorest pensioners are not wealthier than their predecessors. Does the Minister have no positive response to Age Concern's "Your Rights Week"? More than 600,000 pensioners do not receive even the income support to which they are entitled. They are going without an average of £14 per week. Why, under this Conservative Government, is it left to charities such as Age Concern to tell Britain's poorest pensioners how they can get the help to which they are entitled?

Mr. Heald: The bottom 20 per cent. of pensioners have seen their incomes rise in real terms by 20 per cent. under the Conservatives and their savings have not been robbed by inflation as they were under Labour.

Pensions (Updating)

8. **Mr. Leigh:** To ask the Secretary of State for Social Security what estimate he has made of the savings to public funds arising from the decision to update pensions in line with prices rather than earnings. [24676]

Mr. Heald: If pensions had continued to be increased in line with the higher of earnings or prices since 1980, the additional cost to public funds would be £7.4 billion in 1996-97.

Mr. Leigh: With the Transport and General Workers Union urging my hon. Friend to restore the earnings link—something which is still Labour party policy and would cost £7.4 billion—does my hon. Friend agree that the advice that he is receiving from the Opposition is not so much to think the unthinkable as to spend the unaffordable?

Mr. Heald: I certainly agree with that. It is true that Bill Morris has recently written to my right hon. Friend the Secretary of State on behalf of the TGWU calling for the restoration of the earnings link. On a historical note, Jack Jones recently visited me and advocated the same

thing. So the TGWU, past and present, is united. We ought to bear in mind that the Labour party and the unions are linked, and that that is an unaffordable link for Britain.

Mr. Cousins: How much has been saved by uprating the allowance for the over-85s not with prices, not with earnings, but with thin air—nothing at all—during the entire period of the Conservative Government?

Mr. Heald: As the hon. Gentleman will know, the Government's policy is to target help on those most in need and, through the income support system, the Government have done that. Indeed, £1.2 billion extra has been provided and the pensioner premium for the over-80s is £37 per week for a couple. That provides real help to those who need it.

Mr. Anthony Coombs: Will my hon. Friend remind the House that taxpayer spending on basic pensions is at a record level even in real terms and that, as a result of the Government's reforms, not only do 66 per cent. of pensioners retire with an occupational pension but 75 per cent. of them retire with savings which are protected against inflation? Will he remind the House that the average income of pensioners has risen faster than the average rate of inflation—and, indeed, earnings—over the past 15 years?

Mr. Heald: My hon. Friend is right to say that the position of pensioners has been improved because incomes have increased by more than 50 per cent. on average since 1979 and as a result of a change in the living standards of pensioners. Let us take consumer durables as an example. In 1979, only 57 per cent. of pensioners had a telephone; the figure is now up to 93 per cent. In 1979, 46 per cent. had central heating; now almost 80 per cent. do. The proportion who have a fridge freezer has increased to 99 per cent. and those who have a washing machine has increased from 64 per cent. to 82 per cent. So it goes on. The living standards of our pensioners have been protected under the Conservatives.

Funeral Expenses

9. **Mr. O'Hara:** To ask the Secretary of State for Social Security what recent changes have been introduced to the social security funeral payments fund scheme; and what effects these will have for those bereaved who have need to claim support for funeral expenses. [24677]

Mr. Roger Evans: The scheme introduced in June 1995 covers the reasonable costs of a dignified funeral where someone has good cause for taking responsibility but has insufficient funds to meet such a large expense. The allowable costs provide up to £500 for the funeral director's charges, plus all the necessary disbursements for either a burial or a cremation.

Mr. O'Hara: Does the Minister recognise that £500 is not enough to fund a decent funeral? The funeral directors association, in a wide-ranging survey of 658 of its members, found that the lowest cost at which a funeral could be provided was £568 and that the average cost was £700. Is that not the final indignity inflicted on the destitute by the Government? Is the Minister not ashamed of that? Will he give a commitment to the House urgently to review funeral costs and the arrangements for funding them through the social fund?

Mr. Evans: The social fund is paying for one out of every 10 funerals, which is an enormous market share. The cost of funerals financed by the social fund has increased substantially, from £18 million in 1988-89, to £63 million for the year before the one in which we reformed the scheme. Funeral directors were charging fees that were rising considerably faster than inflation. The reformed scheme gives the funeral director a reasonable rate of remuneration, and ensures that the deceased's family can elect for a burial—which generally costs much more than a cremation—if they so wish and that the cost of it will be met in full.

Old People

10. **Mr. Brazier:** To ask the Secretary of State for Social Security what plans he has to provide for the effects of the increasing number of old people and declining number of people of working age. [24678]

Mr. Lilley: The number of people over current pension ages is set to rise from 10.4 million now to 15.8 million by 2030. That would have placed an excessive burden on the working population, with a ratio of one pensioner for every 2.1 people of working age. By equalising the state pension age at 65, we shall have ensured a more sustainable ratio of 2.6 workers for each pensioner by 2030.

Mr. Brazier: Is not the United Kingdom in vastly better shape to meet this challenge than other parts of Europe because of the £600 billion that we have invested in private sector pension schemes? I urge my hon. Friend to look hard at the Goode recommendations and other possible measures to protect those precious funds from the Robert Maxwells of the world.

Mr. Lilley: My hon. Friend is right: we are better placed than most other countries in Europe to meet the pensions burden of the next century because we have invested some £600 billion in occupational and personal pension schemes. That is not just more than any other country in Europe, it is more than all the other countries in Europe put together. It means that we can face the future without the crippling burden of taxation that they will have to put up with. We have tried to strengthen confidence in occupational schemes, which was damaged by Robert Maxwell—a Labour Member of Parliament and the only socialist who has ever taken a serious interest in private pension schemes. *[Interruption.]*

Madam Speaker: Order. The House must come to order, as it is much too noisy. That is unfair to hon. Members who are putting questions.

Child Support Agency

11. **Mrs. Clwyd:** To ask the Secretary of State for Social Security what estimate he has made of the length of time taken by the Child Support Agency to process assessments in each year since 1994. [24679]

Mr. Andrew Mitchell: Assessments will inevitably take longer if one or other parent raises queries, but

almost 50 per cent. of maintenance assessments are currently completed within 26 weeks. If both parents co-operate, the agency expects to complete the process in six to 12 weeks.

Mrs. Clwyd: I believe that the agency deserves a kick up the backside for the way in which it has treated my constituent, Mr. Philip Jones. He has waited for over six months to have his case reassessed. At the moment, he is expected to live on £8.27 a week after he has paid his bills. His house was threatened with repossession because he could not pay his mortgage; he lives in one room because he cannot afford to pay the fuel bills; his parents, who are elderly and on a pension, feed him; and he suffers considerable stress. If anything happens to Mr. Jones, I shall blame the Government.

Mr. Mitchell: I have looked specifically at the case of Mr. Jones, the hon. Lady's constituent, in view of her concerns about it. I understand that it is currently the subject of an appeal, and I believe that it will not be many days now before she receives the result of the appeal. I shall take a close interest in the facts of the case for her.

About 90 per cent. of outstanding appeals to the CSA are less than 13 weeks old. That is partly the result of the centralisation of appeals at the end of 1994, and it also demonstrates improved performance. The agency cleared twice as many appeals in the second half of 1995 as in the first.

Dr. Spink: Bearing in mind the fact that the average maintenance assessment under the CSA has increased from £23 a week to £40 a week, what would be the effect, especially on 16-year-olds who might have their child benefit removed by the Labour party, if the Government were to follow the possible policy of the Labour party and abolish the CSA?

Mr. Mitchell: My hon. Friend is right to expose the wholly spurious figures on which the proposal by the hon. Member for Dunfermline, East (Mr. Brown) was based—a proposal that would attack the very people whom the Labour party claimed that it was attempting to help. My hon. Friend is also right to emphasise that an increased amount of money is getting through to children as a result of the work of the Child Support Agency, but he will remember, with me, the reforms made by the House last year, which ensured that no one will be assessed to pay more than 30 per cent. of their net income. That delivers a fair level of maintenance, and I am grateful to him for his support for the agency's work.

PRIME MINISTER

Kashmir

Q1. **Mr. Madden:** To ask the Prime Minister when he intends next to meet the Prime Minister of India to discuss Kashmir. [24659]

The Prime Minister (Mr. John Major): I have no plans at present to meet the Indian Prime Minister. I look forward to an early opportunity to do so following the Indian elections, which begin later this month.

Mr. Madden: Does the Prime Minister share the growing international view that the conflict over Kashmir presents the gravest threat to international peace today, given that India and Pakistan have gone to war over Kashmir previously, and that both countries now have a nuclear capability? Against that background, will the Prime Minister and Her Majesty's Government do everything possible to persuade the next Government of India to enter into serious and urgent negotiations with the Government of Pakistan on the basis of UN resolutions, to find an acceptable settlement on the basis of the right of the people of Kashmir to decide their own future?

The Prime Minister: That is an important matter, as the hon. Gentleman says. We are in touch with our friends and colleagues in India and in Pakistan. We have said consistently to those friends and colleagues that we are prepared to help in the search for a solution, either at the UN or in any other forum, provided that the parties concerned wish us to do so. That remains our position, but there must be simultaneous progress on several fronts—first, self-evidently, bilateral dialogue; secondly, the development of a genuine political process in Kashmir, with an improvement in the human rights position there; and, thirdly, a clear cessation of external support for militants, which has poisoned the atmosphere in Kashmir for far too long.

Mr. Whitney: Does my right hon. Friend agree that recent developments in Kashmir have caused many UK citizens of Kashmiri origin much anxiety? His statement that the British Government will continue to press for a stable democratic solution of the Kashmir problem will therefore be most welcome.

The Prime Minister: I am grateful to my hon. Friend, and I know from my experience that what he says about citizens here in the United Kingdom is true. Our policy is to advocate the development of a genuine political process in Kashmir.

Engagements

Q2. **Ms Armstrong:** To ask the Prime Minister if he will list his official engagements for Tuesday 23 April. [24660]

The Prime Minister: This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

Ms Armstrong: As we once again see Tory Members of Parliament queuing up to express their differences—one with another—over European policy, is not the Government's real problem the widely held view of the Prime Minister, which was vocalised this morning by Sir James Goldsmith when he asked how people could be expected to follow a man who zig-zags so much?

The Prime Minister: I can think of some prominent politicians who, in the past two years, have made it their life's work to deny everything that they stood for previously. So far as I recall, those politicians enjoy the strong support of the hon. Lady.

As to Europe, the hon. Lady might care to look at the comments of some of her hon. Friends in response to recent statements that I have made about Europe which

expose clear differences on the Opposition Benches. She might also care to look at some of the pamphlets that have been produced, in which many tens of Labour Members demonstrate their sharp differences with the Labour Front-Bench policy. They are as split on Europe as they could be.

Q3. **Mr. Jacques Arnold:** To ask the Prime Minister if he will list his official engagements for Tuesday 23 April. [24661]

The Prime Minister: I refer my hon. Friend to the reply I gave some moments ago.

Mr. Arnold: Will my right hon. Friend reaffirm that British beef is best and that that remains the case despite the scaremongering by the hon. Member for Peckham (Ms Harman) which has done so much damage? Will he tell our European colleagues that, until the ban is lifted, there will be no more co-operation from this country, nor any more British money?

The Prime Minister: I am happy to confirm to my hon. Friend that British beef is best. I am also happy to confirm to him and to others that it is entirely safe, and that has been verified by British scientists, by the World Health Organisation and by Commissioner Fischler. There is no justification whatever for the European ban, but I believe that my right hon. and learned Friend the Minister of Agriculture, Fisheries and Food has made some progress this morning and I am delighted with that. We are seeking to get the ban lifted as soon as possible, and I hope and expect that that will happen.

As to withholding resources, I must tell my hon. Friend that that would be illegal under United Kingdom law, quite apart from European law. I am not sure that either the House or my hon. Friend would wish the Government to behave illegally.

Mr. Blair: I suspect that the hon. Member for Gravesham (Mr. Arnold) speaks for many tens on the Conservative side. Will the Prime Minister clarify whether it is the Government's policy to threaten retaliation against Europe over beef, so that the confusion and incompetence at the heart of Government policy may be removed once and for all?

The Prime Minister: The right hon. Gentleman once threatened to leave Europe, as I recall—it was part of his election manifesto. As the hon. Member for North–West Durham (Ms Armstrong) might put it, he has clearly zig-zagged from that policy since then.

Our policy is as I described it a moment ago: to try to seek, by agreement, the lifting of the ban. I hope that the ban will be lifted but, if that is unreasonably withheld, our position is—as it has been—that we shall look at other options.

Mr. Blair: What does that mean? I suggest to the Prime Minister that a strategy based on the Grand Old Duke of York is not a very good one. The Foreign Secretary is hinting at retaliation, the Deputy Prime Minister contradicts him and he calls his European partners a bunch of something-or-others while the Minister of Agriculture, Fisheries and Food is negotiating with them. Will the Prime Minister kindly take a grip on the situation? If he does not, he will find that his Government are taken seriously neither at home nor abroad.

The Prime Minister: The right hon. Gentleman and some of his hon. Friends played a part in creating this problem. There is not a beef farmer in this country who does not know that the problem has been worsened by the way in which the Labour party has behaved. I am surprised that the right hon. Gentleman has the gall to continue to behave in that way. I set the matter out perfectly clearly for the right hon. Gentleman a moment ago and I am sorry that he was unable to understand it. We are discussing the lifting of the ban, and we are making progress on that. That is the right way to proceed but, at the end of the discussions, if the lifting of the ban is unreasonably withheld, we shall consider other options for action. I hope that is clear enough for the right hon. Gentleman this time.

Mr. Blair: If the Prime Minister is to threaten retaliation, he should be clear about what he is saying. At some point, the Prime Minister will have to admit the brutal truth to himself—that the business of his Government is less designed to run an Administration than to appease the factions in the Conservative party. Until that changes, he and his Government will be divided, weak and incompetent.

The Prime Minister: If the right hon. Gentleman is so keen on being clear, perhaps he will be clear about his tax plans. Perhaps he will be clear about why, if children stay on to do A-levels, their parents should lose £500 a year in benefit. Perhaps he will recognise that we operate in Europe in the national interest while he seeks party interest. It is in the national interest to seek, as we are doing, the lifting of the ban on beef, and it is equally in everyone's interest to remind the beef industry which party played a role in worsening the crisis.

Q4. **Sir Wyn Roberts:** To ask the Prime Minister if he will list his official engagements for Tuesday 23 April. [24662]

The Prime Minister: I refer my right hon. Friend to the reply I gave some moments ago.

Sir Wyn Roberts: Will my right hon. Friend confirm that there has been a dramatic increase in the number of young people staying on in full-time education since 1979? Does he agree that that considerable achievement, on which our future depends, is put at risk by the plans that we have heard from Opposition Front Benchers for chopping the funding for 16 to 18-year-olds?

The Prime Minister: My right hon. Friend is entirely right. Even among the children of unskilled parents, more than half now stay on in education beyond their 16th birthdays. The claim by the shadow Chancellor, who is probably absent because he is checking his figures, that only 20 per cent. of children stay on at school is years and years out of date. It is based on figures from between 1974 and 1978, under the Labour Government. The fact that the figures are so wrong shows the vast increase in educational opportunities since then. The reality for working-class and other parents is that, if their children

stay on at school beyond GCSE to A-level, the Labour party will charge them £500 for each child by taking away their child benefit—so much for Labour's concern for opportunities for the poor.

Mr. Ashdown: We can always tell when the Government are in a real mess—they start to blame everybody else. Given the urgent necessity to get the ban on British beef lifted, have not the past 24 hours been all too typical of the five weeks of fiasco over BSE? The Foreign Secretary launches gunboats over breakfast, Tarzan sounds the retreat over lunch and, by dinner, the poor old Minister of Agriculture, Fisheries and Food, on his way to Brussels, is shot in the foot again. How on earth can we persuade Europe to believe the Government when the Government cannot even agree among themselves?

The Prime Minister: I suppose that, one day, it is just possible we might hear something from the right hon. Gentleman about what he would do in any given circumstances. We never hear that: we just get the usual carping criticism. The matter was carried forward in Moscow, when I met Heads of Government on Saturday; my right hon. and learned Friend took it further in the Foreign Affairs Council yesterday; and my right hon. and learned Friend the Minister of Agriculture, Fisheries and Food is pursuing it today. Each and every day, there are further meetings and more progress is made towards getting the ban lifted. It would be helpful if, just once, the right hon. Gentleman were to think of the interests of the beef industry and of the country, rather than produce the carping criticism that we usually get from him.

Q5. **Mr. Robert G. Hughes:** To ask the Prime Minister if he will list his official engagements for Tuesday 23 April. [24663]

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Hughes: Does my right hon. Friend agree that Church-aided schools have a long and proud tradition of providing good quality education? Therefore, is he, like me, shocked to see the specific attacks on Church schools by the Liberal Democrats? Is that not another example of the Liberal Democrats attacking parental choice and the right of parents to make their own choice? Does he agree with the hon. Member for Liverpool, Mossley Hill (Mr. Alton) that parents must take that into account when they vote at the next election?

The Prime Minister: I agree with my hon. Friend about the importance of moral and spiritual education, and I share the views of the hon. Member for Liverpool, Mossley Hill (Mr. Alton). What the Liberal spokesman said was a silly and ill-considered attack on religious education and I can assure my hon. Friend that it will never form part of our policy.

Mr. Donald Anderson: What further measures of appeasement do the Prime Minister and the chairman of the Conservative party have in mind to placate the patriot across the water, Sir James Goldsmith?

The Prime Minister: The answer to the hon. Gentleman is quite clear—none.

Q6. **Mr. Congdon:** To ask the Prime Minister if he will list his official engagements for Tuesday 23 April. [24664]

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Congdon: Will my right hon. Friend assure the House that he will press ahead with the objective of achieving a 20 per cent. rate of basic income tax? Given the reports in the press at the weekend, is it not absolutely clear that, while the Government are rightly moving towards a 20p rate, the Labour party is moving towards a 30p rate?

The Prime Minister: As my hon. Friend will know, one quarter of taxpayers already pay tax at only 20 per cent. and I confirm that, as soon as it is affordable, we shall move further towards a 20 per cent. tax rate for everyone. There is no doubt that taxes go up under Labour Governments. The Labour party does not like to admit that. Today, the shadow Chancellor is trying to gag the City, but the fact is that, because Labour wishes to spend more, it will always tax more at national level, as it is doing today at local level.

DELEGATED LEGISLATION

Madam Speaker: With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 101(4) (Standing Committees on Delegated Legislation).

NATIONAL HEALTH SERVICE (CHARGES)

That the National Health Service (Optical Charges and Payments) Amendment Regulations 1996 (S.I., 1996, No. 582) be referred to a Standing Committee on Delegated Legislation.

That the National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1996 (S.I., 1996, No. 583) be referred to a Standing Committee on Delegated Legislation.—*[Mr. Ottaway.]*

Question agreed to.

European Communities (European Court)

3.32 pm

Mr. Iain Duncan Smith (Chingford): I beg to move,

That leave be given to bring in a Bill to amend the European Communities Act 1972 so as to provide by Order in Council for the disapplication within the United Kingdom of judgments, rules and doctrines propounded by the European Court.

The Bill that I present today is a simple one. It would amend the European Communities Act 1972 and provide for a mechanism of an Order in Council which had been approved by the House to disapply specific judgments which this Parliament decided were not in the national interest.

I drafted the Act more than a month ago and, at the time that I raised it, we were on the receiving end of a bizarre European Court judgment on Spanish fishermen. But since then, we have seen the European Court throw out our painstakingly negotiated opt-out from the social chapter by imposing the 48-hour working week. I am sad to say that the terrible ban on British beef, which is tearing an excellent industry apart, will not be affected by the Act.

But European integration and the rulings of the European Court now have far-reaching implications, enabling British courts to overturn Acts of Parliament on which we in the House have no say. Yet despite all that, British citizens do not understand the driving ethos of the court. The European Court is a political court, and it sees its role as the architect of European integration. That fact has enabled our courts to throw out such legislation as that on part-time workers—which they did more than a year and a half ago.

In making its judgments, the European Court of Justice often divines the intentions of the Governments who signed it into being many years ago, which gives the court huge licence to make legislation that national Governments must obey. It so often does all of that by guessing at previous political intentions. In so doing, the court has changed general statements on such issues as sex equality or health and safety at work into powerful doctrines, and dramatically extended the power of Community institutions.

We are therefore witnessing a process of judge-made law that goes far beyond the traditional scope of the British national courts and cuts across the vital concept that law makers should be fully accountable to the electorate. Furthermore, once the court makes such a ruling, it has decreed that the relevant power is for ever lost to national Governments by the insidious doctrine of the occupied field.

The recent fishing decision is an excellent example of how this Act would operate. The European Court not only previously overturned a British Act of Parliament—the Merchant Shipping Act 1988—but went further. In the recent European case—Frankovitch—the court created yet a new doctrine: national Governments could be directly liable for damages caused by those who live and work in the Union.

The court applied that doctrine to the Spanish fishermen, yet the doctrine had not been agreed by Governments at an intergovernmental conference or written into the treaty. The court had simply decided that the doctrine was inherent in the treaty's scheme, and, as a result, the British Government may have to pay up to £30 million of taxpayers' money in compensation.

[Mr. Iain Duncan Smith]

The doctrine adds to a common fisheries policy that now allows the Spanish to take a huge proportion of our fish quota, resulting in the demise of a once great British fishing industry. It is ironic that many of our European partners whose implementation of the judgments is much less thorough than ours have constitutional court mechanisms, yet we in Britain are without any such mechanism.

It is high time that this Parliament—which is to be and has always been the guardian of our constitution—was able to review those judgments, and, where necessary, seek to change them politically.

The Government have recently determined to get the fisheries decision changed at the IGC. Although I understand that we have not yet tabled any proposals, I expect—I am sure that we all do—that they will do so very soon. In the meantime, however, we cannot stop British courts ruling on the claims brought by Spanish fishermen. Thus, when the Government succeed—as succeed they must—in getting this judgment overturned, taxpayers' money will already have been spent unnecessarily, not to mention paying the costs of court time.

Parliament should act now to stop those cases going in front of the British courts. It should give itself the power to review not only the fishing judgment but other judgments as they arise, and to decide in each case the relevant course of action.

An Act such as this one would pass swiftly through the House, because hon. Members who oppose it would have to explain to the great British public why they prefer to have British taxpayers' money spent on ridiculous projects in which the British never acquiesced.

The constitutional court in Germany, for example, regularly reviews European Court judgments. It has even confirmed the German Bundestag's authority to decide whether it abolishes the deutschmark and enters a single currency at the turn of the century. That would, of course, breach European law, yet I do not remember anyone on the continent or over here murmuring defiance about the German constitutional court. The Germans had no opt-out in the treaty, but they gave themselves one.

The Germans are not alone. The French, under article 55, have the same power, as do other countries. Those constitutional courts have, in fact, gone even further, ruling in many cases that, when there is a dispute between European law and their own basic laws, their laws will prevail.

The British people have the right to ask why we should not at least be able to choose to exercise similar powers of revision.

Yet there is one thing that the Bill would do which seems to have caused even greater concern—the fact that I am proposing to amend the European Communities Act 1972. Although they will not do so publicly, some people—many of them judges—are saying quietly behind their hands that Parliament cannot amend that Act. They are even beginning to say that Parliament could not repeal the Act without first clearing it with our European partners. They argue that we sacrificed that power when we signed the 1972 Act.

I seem to recall, however, that, at the time of the referendum, the Father of the House, my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath), made it quite clear that there was no question of handing over those sovereign powers. I prefer, as I am sure the House does, to be guided by the Father of the House. At the heart of the matter lies a serious misunderstanding of the 1972 Act, because nothing in the treaty we signed then defines our relationship with European law to that extent. It is the European Court, through its various judgments, that has widened its scope through a set of doctrines.

One doctrine is that individuals may invoke Community directives before national courts. That was the judgment in the Van Duyn case.

Another is that national courts cannot question the validity of Community instruments such as directives. That doctrine was set out during the Fotofrost case.

It also said, in the Van Gend En Loos case, that Community law had direct effect in creating individual rights.

Most remarkably, it said in another judgment that the Commission, when creating a directive, must choose an article covered by qualified majority voting, because that now takes precedence over any other article.

Those doctrines are propounded by the court; they are not in the 1972 Act or the amendments to it. It is the court that has legislated. That is not the rule understood since the Restoration in the United Kingdom, where laws have been made and crafted by Parliament, scrutinised line by line, opposed by an official Opposition and then handed to the judiciary for application.

At stake is whether Parliament can make, break or amend its own Acts of Parliament, and whether, entrusted with British rights and freedoms, we are content to do that, or hand over those powers bit by bit to Brussels. We now have an opportunity to put a political court, and what has become political law, in context.

There is a growing realisation among our constituents that we have become supine and powerless because we have chosen to be so. We have before us a mechanism that perhaps enables us at last to question and challenge that. If we do not, how much respect should our constituents afford us? Why should they believe us when we shed crocodile tears for the detrimental effects on their livelihoods, but do nothing? I therefore urge all hon. Members to stay to vote for the Bill. There is no time to act but now—let us seize the moment and pass the Bill.

3.42 pm

Mr. Charles Kennedy (Ross, Cromarty and Skye): I oppose the Bill, and begin by referring to the position of the Executive. I see that the Minister of State, Foreign and Commonwealth Office, who is representing our interests—God help us—at the intergovernmental conference, is here, which I welcome.

The hon. Member for Chingford (Mr. Duncan Smith) failed to deal with the Government's rather sensible proposals in respect of the European Court of Justice and what line the Government will pursue in the context of the intergovernmental conference discussions in the coming months. In this instance, I support the position of the Government and the Minister, not that of the hon. Gentleman. Clearly, the Government themselves will want to oppose the Bill, as it goes so clearly and categorically against their own position as outlined in the White Paper that we debated only a few weeks ago.

The hon. Gentleman made a characteristically cogent and fair-minded case. None the less, there is a sense in which the Conservatives are bad losers, and we are seeing that in the Conservative party's domestic track record as much as in its European track record. These days, there is a more widespread attack on the judiciary generally. The Government have only themselves to blame, because, since 1979, legislation has repeatedly given more power to Ministers, and that power has been subject to judicial review. The result of that judicial review has often gone against the decisions of the Ministers in question.

The Conservatives are nothing if not consistent. They are showing dismay not only because they are being caught out by the courts in this country but because, increasingly, they are also being caught out by the courts at European level. That is what this attack is all about, and that is why the House should reject it.

First, what about the position of the companies that would be victims of protectionist legislation from the rest of Europe if we passed the Bill, and if we enjoyed no right—no guaranteed say—in the influencing of European law? Two companies, Ladbroke and British Petroleum, currently have important cases before the European Court. They have taken up those cases on the basis of competition policy. If they win—I hope they will—they will expect the rules to stick, but the rules would not even have a chance of being implemented in our favour or interpreted legally if the Bill were passed. Where British interests and British companies are concerned, the legal framework of the European Union is a strength rather than a weakness.

Then there is the charge of hypocrisy. I might not level that charge at the hon. Gentleman, but it can certainly be attached to the Government. The Government are rightly making the case against the European Union ban on British beef—we heard about that again from the Prime Minister this afternoon—but how are they pursuing that case? Via the European Court of Justice. That is a classic example of wanting to have your cake, or your beef in this instance, and eat it. When it suits them, the Government are willing to use the facilities available to them from the European Court; when it does not suit them, they are willing to tear up the entire basis of it, as the hon. Gentleman wants to.

Both in his speech and in a newspaper article published today, the hon. Gentleman has argued that the rulings and legal interpretations of the European Court are somehow at fundamental variance with the British approach. I think that he is wrong, and that his interpretation is misguided. In fact, the European Court's rulings conform to exactly the same pattern as those of the British courts. For example, British courts' rulings can be retrospective if the courts so wish. Moreover, the European Court has shown sensitivity in stating that in, for example, the Barber case involving pensions, the ruling should be prospective.

Attacks such as this suggest that the European Court has nothing to do with us—that it is composed of a bunch of people over there that does not include us. Here is the curriculum vitae of Francis Geoffrey Jacobs, appointed by the British Government to the European Court of Justice.

He was a lecturer in jurisprudence at Glasgow university between 1963 and 1965, a lecturer in law at the London school of economics between 1965 and 1969, a member of the secretariat of the European Commission of Human Rights and the legal directorate of the Council of Europe between 1969 and 1972—*[Interruption.]* I do not know why Conservative Members are heckling. Their Government made the appointment; it was nothing to do with the rest of us.

Mr. Jacobs was Legal Secretary at the European Court of Justice between 1972 and 1974, professor of European law at London university between 1974 and 1988, and Advocate-General at the European Court of Justice between 1988 and 1995, and has been First Advocate-General since 1995. Clearly, he is someone who just does not know what he is talking about in regard to the rule of law.

So many of the decisions that are not to the liking of the present Administration are unanimous, and have the endorsement of both the learned gentleman to whom I have referred and his predecessor, Lord Mackenzie-Stuart, who served as President of the European Court. That in itself should prompt us to ask why, if we do not take it seriously—as the hon. Gentleman does not want us to do—we are appointing someone of such legal distinction to the office in the first place.

The Conservatives should come clean. If they want us out of Europe, to which the passing of the Bill would be tantamount, they should say so. They do not have the guts to say that, and if they are not prepared to come clean with the House, the House should not be prepared to give this nonsensical Bill a Second Reading.

Question put, pursuant to Standing Order No. 19 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business):—

The House divided: Ayes 77, Noes 83.

Division No. 103] **[15.49 pm**

AYES

Arnold, Jacques *(Gravesham)*
Baker, Rt Hon Kenneth *(Mole V)*
Beggs, Roy
Bendall, Vivian
Biffen, Rt Hon John
Booth, Hartley
Boyson, Rt Hon Sir Rhodes
Brazier, Julian
Budgen, Nicholas
Butcher, John
Carlisle, John *(Luton North)*
Carrington, Matthew
Carttiss, Michael
Cash, William
Clark, Dr Michael *(Rochford)*
Coombs, Anthony *(Wyre For'st)*
Dover, Den
Duncan Smith, Iain
Dunn, Bob
Field, Barry *(Isle of Wight)*
Forsythe, Clifford *(S Antrim)*
Gale, Roger
Gardiner, Sir George
Gill, Christopher
Gorman, Mrs Teresa
Greenway, Harry *(Ealing N)*
Hamilton, Neil *(Tatton)*
Harvey, Nick
Hawksley, Warren
Hunter, Andrew
Jessel, Toby
Lamont, Rt Hon Norman
Lawrence, Sir Ivan
Legg, Barry
Lennox-Boyd, Sir Mark
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Marland, Paul
Marlow, Tony
Marshall, John *(Hendon S)*
Martin, David *(Portsmouth S)*
Mills, Iain
Moate, Sir Roger
Molyneaux, Rt Hon Sir James
Montgomery, Sir Fergus
Neubert, Sir Michael
Nicholls, Patrick
Nicholson, David *(Taunton)*
Paisley, The Reverend Ian
Pawsey, James
Porter, David *(Waveney)*
Redwood, Rt Hon John
Riddick, Graham
Roberts, Rt Hon Sir Wyn
Robinson, Peter *(Belfast E)*
Rowlands, Ted
Rumbold, Rt Hon Dame Angela
Shaw, David *(Dover)*
Shepherd, Richard *(Aldridge)*
Shore, Rt Hon Peter
Skinner, Dennis
Spearing, Nigel
Spicer, Sir Michael *(S Worcs)*
Steen, Anthony
Sweeney, Walter
Tapsell, Sir Peter
Taylor, Rt Hon John D *(Strgfd)*
Tracey, Richard

Tredinnick, David
Trimble, David
Twinn, Dr Ian
Walker, A Cecil *(Belfast N)*
Walker, Bill *(N Tayside)*
Wardle, Charles *(Bexhill)*
Wilkinson, John
Wilshire, David
Winterton, Mrs Ann *(Congleton)*

Tellers for the Ayes:
Mr. Nicholas Winterton and Mr. Michael Brown.

NOES

Allen, Graham
Anderson, Donald *(Swansea E)*
Ashby, David
Ashdown, Rt Hon Paddy
Barnes, Harry
Barron, Kevin
Beith, Rt Hon A J
Bottomley, Peter *(Eltham)*
Brown, N *(N'c'tle upon Tyne E)*
Bruce, Malcolm *(Gordon)*
Burden, Richard
Chidgey, David
Chisholm, Malcolm
Clarke, Eric *(Midlothian)*
Corston, Jean
Cunningham, Jim *(Covy SE)*
Dafis, Cynog
Darling, Alistair
Davidson, Ian
Davies, Chris *(L'Boro & S'worth)*
Donohoe, Brian H
Dowd, Jim
Dykes, Hugh
Etherington, Bill
Ewing, Mrs Margaret
Faulds, Andrew
Flynn, Paul
Foster, Don *(Bath)*
Foulkes, George
Godman, Dr Norman A
Golding, Mrs Llin
Griffiths, Win *(Bridgend)*
Henderson, Doug
Hendron, Dr Joe
Hill, Keith *(Streatham)*
Hodge, Margaret
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Hughes, Kevin *(Doncaster N)*
Hughes, Robert G *(Harrow W)*
Hughes, Simon *(Southwark)*
Hutton, John
Jackson, Helen *(Sheffld, H)*
Jamieson, David
Jones, Barry *(Alyn and D'side)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd, SW)*
Kennedy, Charles *(Ross,C&S)*
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Kirkwood, Archy
Knox, Sir David
Llwyd, Elfyn
McCartney, Ian
McGrady, Eddie
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
MacShane, Denis
Maddock, Diana
Mahon, Alice
Maxton, John
Meale, Alan
Michael, Alun
Miller, Andrew
Monro, Rt Hon Sir Hector
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Pickthall, Colin
Pike, Peter L
Pope, Greg
Prentice, Bridget *(Lewisham East)*
Radice, Giles
Rendel, David
Roche, Mrs Barbara
Rooney, Terry
Sedgemore, Brian
Steel, Rt Hon Sir David
Tipping, Paddy
Wareing, Robert N
Wicks, Malcolm
Wigley, Dafydd
Worthington, Tony

Tellers for the Noes:
Mr. James Wallace and Mr. Nigel Jones.

Question accordingly negatived.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley): On a point of order, Madam Speaker. Is it in order to point out that the Secretary of State for Defence and the Secretary of State for Scotland sat through the entire speech of the hon. Member for Chingford (Mr. Duncan Smith), obviously wishing desperately that they could join him in the Lobby?

Madam Speaker: That is not a point of order for me.

DELEGATED LEGISLATION

Madam Speaker: With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 101(6) (Standing Committees on Delegated Legislation).

Dangerous Drugs

That the draft Misuse of Drugs Act 1971 (Modification) Order 1996, which was laid before this House on 21st March, be approved.

Commissioner for Complaints (Northern Ireland)

That the draft Ombudsman (Northern Ireland) Order 1996, which was laid before this House on 25th March, be approved.

Ombudsman (Northern Ireland)

That the draft Commissioner for Complaints (Northern Ireland) Order 1996, which was laid before this House on 25th March, be approved.

Farm Waste

That the Farm Waste Grant (Nitrate Vulnerable Zones) (England and Wales) Scheme 1996 (S.I., 1996, No. 908), a copy of which was laid before this House on 25th March, be approved.—*[Mr. Streeter.]*

Question agreed to.

Deregulation (Long Pull)

Motion made, and Question put forthwith, pursuant to Standing Order No. 14A(1)(a) (Consideration of draft deregulation orders),

That the draft Deregulation (Long Pull) Order 1996, which was laid before this House on 18th March, be approved.—*[Mr. Streeter.]*

Question agreed to.

Orders of the Day

Northern Ireland (Entry to Negotiations, etc) Bill

Considered in Committee [Progress 22 April].

[SIR GEOFFREY LOFTHOUSE *in the Chair*]

Schedule 1

THE ELECTIONS

4 pm

The Minister of State, Northern Ireland Office (Mr. Michael Ancram): I beg to move amendment No. 176, in page 4, line 12, leave out sub–paragraph (3).

This is a technical amendment, which removes a part of the order-making power, which, as it transpires from the drafting of the election order, is no longer necessary. It had been thought that the power to make rules of court in respect of electoral petitions would be transferred from the authority having power to make such rules to the Secretary of State. The power is unnecessary, because the elections order will apply the parliamentary election petition rules with modifications.

Amendment agreed to.

Mr. Peter Robinson (Belfast, East): I beg to move amendment No. 15, in page 4, line 20, leave out

'and twenty for Northern Ireland as a whole'.

The First Deputy Chairman of Ways and Means (Sir Geoffrey Lofthouse): With this, it will be convenient to discuss also the following amendments: No. 17, in page 5, leave out lines 1 and 2.

No. 47, in page 5, line 1, leave out 'one constituency list' and insert 'three constituency lists.'.

No. 18, in page 5, leave out lines 5 and 6.

No. 157, in page 5, line 5, leave out from 'must' to end of line 6 and insert 'not exceed eighteen'.

No. 19, in page 5, leave out lines 9 and 10.

No. 20, in page 6, leave out lines 3 to 12.

No. 12, in page 6, leave out lines 6 and 7 and insert—

(2) Three candidates from the regional list of each of the three parties with the largest aggregates shall be returned as delegates along with two candidates from the regional list of each of the next four parties with the largest aggregates and one candidate from the regional list of each of the next three parties with the largest aggregates.'.

No. 21, in page 6, line 14, leave out the words 'or regional'.

No. 22, in page 6, line 22, leave out the words 'or regional'.

No. 23, in page 6, line 32, leave out from 'delegate' to end of line 34.

No. 24, in page 6, leave out lines 35 and 36.

Mr. Robinson: There are a number of amendments in this group, and several of them are consequential.

There are two principal amendments in the group, and I freely admit that this is very much a belt and braces operation. I am sure that the Government recognise that the thrust of the amendments is an attempt to democratise the electoral process that they have attempted to rig.

The two principal amendments are Nos. 15 and 12. Amendment No. 15 seeks to leave out the words

"and twenty for Northern Ireland as a whole",

which is a reference to the regional list that the Secretary of State has attached to the 18 constituency lists where elections would be held.

If, in the view of the Committee, it is not considered appropriate to remove the regional list in its entirety, there is clearly an argument for some scaling within that list. Amendment No. 12 allows some democracy to enter the system. It is not as democratic as some of the other amendments, but given that the purpose of the regional list in the Government's view was to give some weighting to the votes of very small parties, the amendment at least makes a gesture towards the Government's purpose, while at the same time acknowledging the strength of political parties' support in the electorate as a whole.

The process that gave rise to the Government putting forward a regional list commenced when the Prime Minister said on 28 February:

"The issues still to be settled include, first, the nature of the electoral system to be used in the elective process. There are strong views for and against different systems. Although the decision is for us, the British Government, we first intend to explore and test all the options in discussions with the parties before coming to our decision on what seems most broadly acceptable."—[*Official Report*, 28 February 1996; Vol. 272, c. 900-1.]

I emphasise those words, because the Prime Minister set Northern Ireland parties a test to establish the most broadly acceptable process.

After a period of consultation, for which the Government called, parties emerged with two principal available options. The political parties did not express the view that there were only two options—that was the Government's view. They issued a discussion paper on 8 March, in which they said:

"The two main realistic options appear to be:

(a) STV 18 x 5 Member Constituencies

(b) Party List, Northern Ireland single constituency".

The Government recognised on the foot of consultations arising out of the process they had set up that two main options were open, and only two.

The Ulster Democratic Unionist party, the SDLP and all the small parties, with the exception of the Alliance party, agreed that the party list system was the best way forward. The Ulster Unionist party and the Alliance party favoured the single transferable vote in a multi-member constituency. It was clear from the criteria set down by the Prime Minister that the list system, under which the whole of Northern Ireland would be a single constituency, was the most broadly acceptable, yet the Government were not prepared to accept it.

[Mr. Robinson]

On 21 March, the Prime Minister said that three different electoral systems had been put forward during the consultation process. That was after his own Government representatives in Northern Ireland had already provided a document that said there were only two. To provide an excuse and a cover so that the Government could change their criteria, they decided that there were three systems.

The Government attempted to magnify the minutiae of the difference between the SDLP version of a list system and my party's version in order to divide and conquer. The Government could quite easily have said that the list system was favoured and was the most broadly acceptable, and that some minor areas needed to be clarified, but they decided not to do so, and instead went for a hybrid system.

The reason why the Government decided on a hybrid system was that, in the background, on 15 March, they had produced another document, which was again to inform and assist parties on the ground rules for substantive all-party negotiations. Paragraph 8 of that document said:

"The two Governments may agree, following consultations with the political parties who have obtained representation at the negotiations, that a political party which has failed to obtain a mandate in the elective process may be offered observer status at the negotiations. Such observer status would involve participation in negotiations subject to the same conditions applying to other political parties".

That proposition was manifestly absurd; those who had lost the election and been rejected by the electorate would be able to present themselves in the negotiating process on exactly the same terms as those who had been successful in the elective process. I am not sure what the other political parties' reaction to the Minister of State was, but I know what ours was—that the paragraph was clearly unacceptable.

So a hybrid system was born, with a regional list intended to give an entrée to the talks process to those who would have been rejected under any other electoral system. The only way in which the Government could get the unacceptable face of the Unionist community through the door was to provide those people with a free ticket, by allowing the top 10 parties into the talks process with two representatives each from the list.

Of course, the Government had done their calculations beforehand, and determined that the two loyalist parties from the paramilitary fringes would be able to scrape themselves up sufficient votes across the country to qualify as one of the top 10 parties. That was the means by which the Government sought to secure representation at the table for those loyalist paramilitary parties. There was no reason for the regional list other than to provide a ticket for them.

I do not doubt that some in the House will say that it is a good thing that those people should be there. Many of us, even those who do not like the elective system, would say that, if people can obtain a mandate, it is a good thing that they should be there; but if they cannot secure a mandate, they should not be there. It would be rather demeaning for those representatives, or for those of any other political party, to find themselves in the negotiating process having come through as second-class politicians under the proposed system. It would not give them the same credibility as those who can secure a proper mandate.

The effect of the schedule, and thus of the regional list that it says is necessary for Northern Ireland, can be explained as follows. If we transferred the votes cast at the most recent election held in Northern Ireland, the European election, into the proposed new system, the top three parties would have secured 81.6 per cent. of the vote, for which they would get 30 per cent. of the places, while the bottom three parties in the list of 10 suggested by the Secretary of State would have secured 1.3 per cent. of the vote—yet for that they too would receive 30 per cent. of the places.

To put that another way, the top three parties would have to secure 76,450 votes for one place, whereas the bottom three would require only 1,213 votes for one place. No one can suggest that there is the least degree of democracy in such a system. If the Secretary of State is not prepared to wipe the regional list out entirely and rely on the list system within the constituencies, he could at least attempt to introduce some scaling within the system.

Mr. David Wilshire (Spelthorne): The hon. Gentleman is making a powerful and compelling case against the unjust arrangements before the Committee, and I agree with him. Does he agree that an even more significant point about the rag, tag and bobtail of thugs whom the mechanism will let in, is the fact that, because the system requires agreement by consent of everybody, the minority of terrorist apologists will have a veto over the 80 to 90 per cent. of properly democratically elected people?

Mr. Robinson: The hon. Gentleman's point is sound. Further, having jumped through all those hoops for the sake of these groups, it could well be that they would not be entitled to be part of the negotiating process under the rules that the Secretary of State has outlined. We would have distorted the democratic process to try to get a result that cannot be produced.

Dr. Joe Hendron (Belfast, West): I accept much of what the hon. Gentleman has said, and agree that there was broad support for the top three parties at the European election. The votes cast in that election for his party and for my hon. Friend the hon. Member for Foyle (Mr. Hume) make a high percentage, but the Government ignored that.

We must consider the present situation and what can be done. I listened carefully to what the hon. Gentleman said about the regional list. It sounds like a farce, but it is important that the representatives of the paramilitaries should be there. It would be unrealistic if, on 10 June, no representatives of the loyalist paramilitaries and, through Sinn Fein, the Provisional IRA, were there. I believe that they should be there, but I take his point.

4.15 pm

Mr. Robinson: Of course, if the electorate were to support them, those groups would be there. If the hon. Gentleman feels that it is important that they should be there, he can go out and canvass for them. He can go up and down the Falls road and Andersonstown saying, "Vote Progressive Unionist party or Ulster Democratic party." In a democratic society, that option is open to anyone who believes that those are the parties that should be in the talks process. Everyone has the option of supporting them.

At the end of any argument, a vote is taken by the people. The ballot box verdict must be the final judgment. If people cannot secure sufficient votes to get through the gateway into the process, they do not deserve to be there. They certainly do not deserve to be there on the argument that I think is at the back of the hon. Gentleman's mind—that they can cause destruction. As soon as one accepts that argument, one says that it is important to ensure that those who are prepared to kill have a place at the negotiating table. That only encourages more people to take up the gun and to place the bomb.

Mr. Robert McCartney (North Down): Does the hon. Gentleman accept that I, as the leader of a minority party, endorse his sentiments about the undemocratic nature of the elections, and agree that there can be no basis for these strange electoral arrangements, other than the inclusion of parties that would otherwise be incapable of obtaining a mandate from any representative section of the people of Northern Ireland?

Mr. Robinson: I am grateful to the hon. and learned Member. It says much for him that he is prepared to put the interests of democracy above his self-interest and that of people around him.

It cannot be argued that those who receive 81.6 per cent. of the vote should get the same number of representatives at the end of the process as those who receive 1.3 per cent. That does not stand up to argument. The party that topped the poll, with almost 30 per cent. of vote, is to get the same number of representatives as a party that got 0.33 per cent. of the vote. The Secretary of State cannot justify such an outcome. If that is to be the case, I hope that at the very least he will accept a clause that will allow some scaling in the system.

If that is the unfairness of the system, what will be its outcome? Again using the results of the European election, let us see who will be coming through the door to meet the Secretary of State in the talks. At No. 10, he will have the Natural Law party. This is a serious matter. He has provided the system. He wants to ensure that the top 10 parties in Northern Ireland will be at the negotiating table to decide the future of Northern Ireland, its relationship with the Irish Republic and all the issue that he believes are important.

The Secretary of State is providing a system which, on the last election results, would bring through the door the Natural Law party. It is important that we look at something of the parties that will be there. The Natural Law party believes in yogic flying. It believes that yogic flying produces bubbling bliss for the individual, creates maximum coherence in brain function—that might be useful around this place—and increases harmony and positivity in society, leading to reductions in crime and other negative trends. It is a phenomenon known as the Maharishi effect.

We as representatives of Northern Ireland will be spending 12 or perhaps 24 months with such people. If they are given the same amount of time as the rest of us, for at least one or two months we shall have to witness the Natural Law party yogic flying around the conference room, giving us the benefits of its proposals for the future of Northern Ireland. What will that do for the standing of the process with the delegates and the electorate? It will make the whole process a laughing stock.

The Secretary of State has not fully thought out the consequences of the proposal that he has placed before the Committee. It is undemocratic and fatally flawed. Its purpose was to bring in paramilitaries who could not get elected under any other process. It gives rise not only to such vexatious parties as the Natural Law party coming through the door but to an unwieldy conference table.

The proposal ensures that there will be 10 parties from Northern Ireland at the negotiating table. Those parties will be joined not only by Her Majesty's Government in strand 1 but by Her Majesty's Government and the Government of the Irish Republic in strand 2. So there will be 12 parties, each of which will have three representatives as negotiators, and we shall have 36 negotiators. Each of the negotiators for the political parties of Northern Ireland will have the support of three people, and the two Governments will have the support of five. So there will be 76 people around the negotiating table.

What sort of negotiations will take place in the United Nations atmosphere that the Secretary of State is creating? It just is not reasonable. It just would not work. It is clear that, before too long, the Secretary of State—or perhaps the Minister of State, who might understand it better because he has responsibility for sport—will have to set up a premier league. He will have to decide that the yogic fliers can fly elsewhere, and the serious politicians should be in a room to themselves.

The Secretary of State is creating further problems down the line for himself simply through the process in which he has indulged in this schedule. I ask him to consider the system more fully than he has, and either take out the regional list system in its entirety or do some serious scaling down to ensure that democracy is inserted into the process.

The Secretary of State for Northern Ireland (Sir Patrick Mayhew): We have listened to a robust and fluent speech from the hon. Member for Belfast, East (Mr. Robinson), who denounced the proposals for a top-up system as creating a fundamentally unfair system. Of course it is possible on a formalistic view of a democratic system to mount a case in support of that. It is equally possible to mount a similarly argued case when, in reflection of particular political, social or historical circumstances, it is considered appropriate to have a system of a weighted majority.

During the discussions that took place over six months in 1992, we found that there was general consent that there should be a system of a weighted majority in any assembly that may come to be devolved as a consequence of an overall settlement. Therefore, while I acknowledge that the hon. Member for Belfast, East is entitled to make, in formal terms, the complaint that he has made, I meet it by saying that similar complaints could be made about any system of a weighted majority; yet all parties, his own included, acknowledged in 1992 that there was a place in Northern Ireland for a weighted majority.

The hon. Gentleman also said that representatives of parties close to paramilitary organisations ought not to be the subject of this special consideration. Against that, I ask him to consider the reasonably widely expressed view that those who represent those parties—it is acknowledged that they are unlikely to secure a numerous vote of preferences—should be present at and take part in the discussions.

[Sir Patrick Mayhew]

At one stage—the hon. Gentleman mentioned this—the Government believed that there might be quite a bit to be said for having them present on an observer basis. That suggestion was canvassed, but it met with scant support. In fact, it was denounced by the hon. Gentleman, and by his leader, the hon. Member for North Antrim (Rev. Ian Paisley), among others. The Government came to the conclusion that those protests were well founded, and that we ought to look for some other way to achieve this representation within an electoral system.

Mr. David Trimble (Upper Bann): The Secretary of State is in the process of confessing that the only reason why we have this regional list system is to give certain paramilitary parties representation. When he devised the system—which provided representation for the top 10 parties—there were only a dozen or so parties on his list. However, his list has now been expanded to 33—soon to be 34. Is he equally confident that the paramilitary parties, which are the sole object of his attention, will succeed in getting into the top 10? Does he feel it necessary to extend the list of the number of parties who will get guaranteed seats to bring in the parties that he is favouring?

Sir Patrick Mayhew: That is a fair point. There are now more small parties than was the case when the Government published the first list. So be it; let us see what happens. The purpose is to secure that those who will not get a large vote, by reason of small but significant support, will not be excluded from participation in the all-party negotiations.

It would have been possible to legislate in a way that focused this provision only on small parties, but it seemed appropriate and less likely to attract criticisms of unfairness, to allow the representation on a Northern Ireland-wide basis to extend to those who came within the top 10 of the aggregated votes.

The hon. Gentleman referred to the Prime Minister's observations. However, I think that he unwittingly gave a misleading account of the Government's original document, which preceded the Prime Minister's statement of 21 March. He said that that document—the consultation document of 8 March—stated that only two systems of election had attracted support, but if he finds the appropriate place he will confirm that that document said that two main systems had attracted support. It was not accurate to say that that those were the only two systems that had attracted support. The two main realistic options appeared to be single transferable vote and the party list.

4.30 pm

On 21 March 1996, the Prime Minister told the House:

"Whatever the merits of each of the three main systems, it is clear that none, on its own, meets that criterion of broad acceptability.

We have therefore considered how to proceed. We have decided to propose a new system".

He described it. He said in the following paragraph:

"I believe that this is a fair and valid system that will produce a representative outcome. The Province-wide element should help to achieve the widely shared objective of making the negotiating process as inclusive as possible through representation of the smaller parties."—[*Official Report*, 21 March 1996; Vol. 274, c. 497-8.]

Paragraph 8 of the written statement, the paper that was published the same day, contains the following statement of the five factors that the Government have taken into account, in the absence of widespread agreement:

"its overriding obligation is to ensure the start of all-party negotiations on 10 June;

the negotiations should be conducted on as inclusive a basis as is compatible with democratic principles;

it would be wrong to conduct the election, intended to bring all parties together in negotiations, on the basis of any system that was in flat contradiction to the expressed views of one or other of the main communities;

none of the systems identified by the parties meets this test and accordingly none is acceptable;

a fair and balanced system must therefore be identified which should secure broad acceptance across the community."

Mr. Robert McCartney: I am sure that the Secretary of State appreciates that the basic principle of democracy is that people or representatives should be elected on the mandate of the people. Is he aware that some of the representatives of the parties he hopes to include by means of this electoral Caliban, have said that their mandate is the silence of their guns?

Sir Patrick Mayhew: I am not aware of the particular quotation that the hon. and learned Gentleman makes, but if that has been said by someone who may benefit from the process, who is standing, if the hon. and learned Gentleman makes that known, no doubt the electorate will take that into consideration in weighing their claims. One must accept that a great many things have been said in the past by a great many people which are regrettable but which should not necessarily exclude them from all further participation in any democratic process.

I acknowledge that this is not a system of which everyone would say, "This is perfection," but I claim that, by reference to the criteria I mentioned, which the Government have espoused, and by reference to what the Prime Minister has said motivates the Government, the system merits very serious consideration and, in the Government's view, support. I hope that the Committee will take that view if the hon. Member for Belfast, East is not disposed to withdraw the amendment.

Rev. Ian Paisley (North Antrim): Will the Secretary of State give way?

Sir Patrick Mayhew: Of course, in a second.

I wonder, Mr. Morris, whether I might have your guidance as to whether I should conveniently proceed with some observations on the remaining matters that are covered by grouped amendments, as we are allowed one speech only.

The Chairman of Ways and Means (Mr. Michael Morris): The answer is that the right hon. and learned Gentleman should continue.

Rev. Ian Paisley: I refer the Secretary of State to the amendment that gives at least a little democracy to the regional list. Those parties that obtain a large proportion of the vote should have more candidates on the regional list than those that obtain only a tiny percentage. The Secretary of State should inject some democracy into the process.

I do not think that the hon. and learned Member for North Down (Mr. McCartney) needs to go into the constituencies to tell people about the comments of certain men. The loyalist districts—which I represent in another place also—are absolutely disgusted when such men come forward and say, "Our mandate is the silence of our guns." I am reminded of the remarks of the leader of the Social Democratic and Labour party, the hon. Member for Foyle (Mr. Hume), who is in the Chamber. He said that guns should not be on the negotiating table or outside the door: we should get to that table only by the votes of the community.

Sir Patrick Mayhew: I shall come to that point. However, I shall address initially the purpose of amendment No. 47, which is in this grouping.

The amendment would deny parties the ability to submit a regional list unless they have submitted at least three constituency lists. At present, the Bill allows the submission of only one list before a regional list can be handed in.

I can deal with the issue quite quickly, as the Government have considerable sympathy with the amendment. It does not seem unreasonable that those who wish to try to secure delegates via the regional list system should be asked to demonstrate their appeal beyond their traditional areas of strength. I think that it is important that those who seek to secure representatives in that way should be asked to put their case to a wider electorate. Accordingly, the Government are prepared to accept amendment No. 47.

I turn now to the tapering amendment No. 12, which the hon. Member for North Antrim (Rev. Ian Paisley) mentioned. The amendment attempts to skew the forum in favour of those parties that have already received a substantial vote—and, in all likelihood, a large number of seats. The purpose of providing for regional delegates is to seek to reward those parties that have obtained a reasonable share of the vote either across a small number of constituencies or across Northern Ireland as a whole, but which have secured either minimal representation or no representation at all at constituency level.

We feel strongly that the voices of those who have supported such parties should be rewarded also. Those parties that secure a large vote in the constituencies will be rewarded in the constituencies, and will receive regional delegates as well. We believe that that is fair. Therefore, I cannot recommend that the Committee accepts amendment No. 12.

Mr. Tony Worthington (Clydebank and Milngavie): I shall present the Opposition's view on the amendments. The hon. Member for Belfast, East (Mr. Robinson) is correct: there is a lack of logic and, if one wanted to be purist, one could pursue the same route as the hon. Gentleman. He described the electoral system for Northern Ireland as the most absurd democracy in the world—I can only reply that he has not travelled very far. A short stroll down the corridor might reveal a slight democratic flaw in the United Kingdom Parliament.

Mr. Ancram: Shame.

Mr. Worthington: I shall listen with interest to the future comments of the right hon. Gentleman—who, of course, has a vested interest in describing it as a democracy. We support the Government in their assertion that there are small, influential parties that have been immensely important in the past 25 years in bringing about and sustaining a ceasefire.

Mr. Barry Porter (Wirral, South): The difference between the other place and the forum is that the House of Lords, by and large, works. It is difficult to see how a body of 76 people, with disparate and apparently irreconcilable views, can work.

Mr. Worthington: I thank the hon. Gentleman for his contribution, but I would point out that, in this context, the PUP and the UDP, which have been rightly mentioned, are seen as significant in having brought about a Protestant ceasefire and, perhaps much more significantly, they have used their influence after the breakdown of the ceasefire on the IRA's part to maintain the ceasefire by the loyalist community. That is very significant.

The party that might, with justice, complain about giving the PUP and the UDP the opportunity—not a guaranteed place, but an opportunity—to be in the top 10 parties might be the SDLP. In context, the regional list will mean the addition of extra Protestant Unionist parties to the list.

Mr. Eddie McGrady (South Down): The debate about the regional list system seems to have lost the focus on the purpose of the legislation. Does my hon. Friend accept that the purpose of the exercise is to create a negotiating table that will have the best opportunity of succeeding? In the SDLP, we are prepared to accept that mathematics will not provide what is necessary on the basis of democracy, but it is important that those who have an important contribution to make are at the table, be they supporters of the SDLP, nationalists, Unionists, extreme loyalists or whoever.

Mr. Worthington: That is exactly the point that I was making. If one pursued the issue mathematically rather than by seeking to provide the right opportunity for peace, one would set back the chances of a peaceful settlement. I am grateful to the hon. Member for clearing up that matter.

Mr. Robert McCartney: Is the hon. Member really saying, in terms, that people should be at the negotiating table because they have the guns, Semtex and bombs to make a settlement unworkable otherwise? Is that democracy at work in the mother of Parliaments?

Mr. Worthington: No. I am saying that it is important to recognise the contribution that has been made by those small parties and to ensure that the contribution that they have made so far can be continued, if they receive sufficient support to be in the top 10 parties, and only in those circumstances.

Rev. Ian Paisley: Is the hon. Gentleman aware that those parties are linked to organisations that are carrying out beatings? The beatings are not all on the part of the IRA. The most atrocious beating and maiming of people continues, and the hon. Gentleman stands at the Dispatch Box and tells us that those parties are making an

[Rev. Ian Paisley]

interesting contribution. They are. One of their leaders broke the head of a Roman Catholic and killed him with a concrete brick. Should such a person be given the right to sit at the negotiating table?

Mr. Worthington: As the hon. Member knows, all parties to the negotiations will have to face and can be challenged on the Mitchell principles, including the sixth principle. I am sure that the hon. Member will, in his formidable way, put that challenge. It is right that that should be so, but a judgment has been made by the Government, which we support, that we should try to make the talks as inclusive as possible, to ensure that all significant players are there. But the PUP and the UDP will not have a guaranteed place, because only the top 10 most popular parties can be represented at the talks.

The choice of number has been made—it has to be arbitrary—and 10 parties will be there. The hon. Member for Belfast, East is fond, rightly, of quoting the South African experience, which was also an inclusive arrangement. People were invited not simply from the major parties, the big boys of the African National Congress and the National parties, but as outsiders to leaven the mix. Those people may have not have had a huge mandate, but they had to be included if there was to be a successful settlement. That is the point behind the regional list. It is to ensure that those who have met constantly for 25 years—the large parties—will be leavened by others. We support the regional list and are pleased that the Government have resisted the amendments.

4.45 pm

Mr. Trimble: The Downing street declaration set out—importantly, in the context of what we are debating now, and it has been repeated in other documents, including the ground rules—as one of the qualifications for inclusion in the process, the need to obtain a democratic mandate. It referred to democratically mandated parties and set out various conditions for moving into a dialogue with other parties.

The phrase "democratically mandated parties" has some meaning. On no reasonable meaning of the phrase could one regard parties that got only a small percentage of the vote—1 or 2 per cent. at most, and perhaps even less than 1 per cent.—and that could not, under any normal electoral system, obtain a seat, as democratically mandated. As a consequence, we have the elaborate concept of a regional list, which the Secretary of State was unable to defend. He frankly conceded that it is solely to enable paramilitary groups, which could not get elected under a normal system, to be brought in. That in itself is sufficient to condemn the concept of a regional list. Consequently, we would have no hesitation in supporting the hon. Member for Belfast, East (Mr. Robinson), were he to press the amendment to a Division.

Dr. Norman A. Godman (Greenock and Port Glasgow): At what level would the hon. Gentleman set the threshold? Would he set it at 5 per cent.?

Mr. Trimble: The way to set the threshold is to have a normal electoral system, to discover the parties that can obtain seats under that system. The reference to thresholds and percentages obviously relates to the system that operates in west Germany and that the hon. Gentleman proposes to adapt for a future Scottish Assembly. There is some merit in that sort of provision, but if there was a threshold, not all the parties that have been mentioned would be at the table. However, that is not the significant factor, because we have had an admission by the Secretary of State that the regional list is proposed simply in order to bring in paramilitary parties that could not get elected under any reasonable system. That is sufficient to condemn the notion and nothing further needs to be said.

I must, however, record my surprise and pleasure at the acceptance by the Secretary of State of amendment No. 47. I trust that that acceptance signals the beginning of a more sensible approach by the Secretary of State, and we look forward to his reaction to other amendments, especially amendments Nos. 44 and 46, which are linked with amendment No. 47 and which the Secretary of State knows we regard as a group.

Mr. McGrady: The hon. Member for Belfast, East (Mr. Robinson) gave a clear and mathematical analysis of the situation and the likely consequences of the election based on the most recent European election held in Northern Ireland. I can confirm that we have spent many hours in negotiation with the Democratic Unionist party, the UDP and several other parties to try to obtain a consensus about the approach to the elections, which the Government so ardently urged us to do. I must inform the House that seven of the nine parties involved were able to achieve a fairly broad consensus on how to approach the list system and how the results would be apportioned. We thought that that was a fairly good achievement against the backcloth of the disharmony and distrust in Northern Ireland. Yet the Government completely rejected that consensus approach.

I want to explain the position of the SDLP regarding the amendments. I re-emphasise that the purpose of the elections is to enter negotiations in order to find a resolution to our problem. Therefore, we approach the matter from the point of view that the people who have contributed to the problem—that includes all of us—must be at the table in some shape or another.

We have always argued against having any election; against having any forum. We believed, and we still believe, that that was simply a delaying tactic to avoid the negotiating table. That was the precondition of the Ulster Unionist party and the Democratic Unionist party for negotiations.

The legislation is about negotiations; it is not about elections. It would be reasonable for the House to adopt the attitude that the normal requirements of the implementation of the democratic consequences of an election are not germane to this debate.

At the end of the day we are trying to hold a general election, not to elect a representative Parliament but to bring people to a negotiating table. That table must be as all-encompassing as we, with human ingenuity, and even perhaps with some stupidity, can achieve. But at least let us get those people to that table, to give the community that we represent the opportunity of all-inclusive, all-involving dialogue.

That is what the legislation is about. It is nothing more and nothing less than a means of providing a negotiating table to which as many as possible can be brought,

particularly those who have been engaged in violence, having, as a precondition, agreed no longer to support, use or countenance violence for the purpose of achieving political objectives.

These will be new people when they get to the negotiating table. They will be born-again democrats when they get to the negotiating table, because they will not be admitted unless they have eschewed their previous support of violence. That is what we are about today.

That is why my hon. Friends and I are not particularly concerned about the numbers game. Numbers will not be able to impose a solution. The solution will be achieved only by the consensus of those who are there; the consensus within the majority of the individual community representations. That is the only way in which we shall go forward.

No imposition, by way of number or anything else, will resolve our problem. That is why we are not particularly excited about the amendments. We want three or four people around the table from those who are making a contribution to the all-important and final resolution of our problems in Northern Ireland.

Mr. Wilshire: I am attracted to the amendments because, in my naive way, I had assumed at the outset of the process that the parties in Northern Ireland would get together and agree on the system that they wanted, leaving the Government simply having to accept the decision of the parties in Northern Ireland. I now see that that was too much to hope for.

If that is the case, the Government of the day are left with no alternative but to take some sort of a decision. However, I am not over-enthusiastic about the decision that has been taken. If it had been left to me, I would have pursued the ideas of the DUP and the SDLP, and tried to progress those. Nevertheless, the Government have taken decisions.

Therefore, what I need to say this afternoon is that I am deeply suspicious, as I believe are many others, of any electoral system that gives seats to losers and the unelectable, as this system surely does. I am even more suspicious when I hear people, such as the hon. Member for Belfast, East (Mr. Robinson), explain to us that 80 per cent. of the electorate are likely to have something like 30 per cent. of the say, or whatever were the hon. Gentleman's figures. That is a total negation of what I understand as democracy. I am downright hostile to a system that requires unanimity from all the parties, when some of those parties will speak for less than 1 per cent. of the electorate. That cannot be democratic.

Despite those worries, I tried hard to find something positive in the Government's decision. If we keep rubbing away at the margins of who can be on the body, with a bit of luck and a following wind, and provided that Conservative central office behaves democratically when it finally gets to grips with the question whether Conservatives can stand, it may just be that the one positive feature of the system that we are being asked to approve is that there will be Conservative representatives on the negotiating body.

Unfortunately, I cannot say to the hon. Member for Belfast, East that Conservative representatives are any good at yogic flying—I am sure that that will be a disappointment—but I can tell him that Conservative representatives, if they were included, would be good at running the country—*[Interruption.]* Hon. Members should allow me to keep my spirits up on occasions such as this. There is something positive in this. It is an opportunity for us to do in Northern Ireland what we are so good at on the mainland.

But as I said at the outset, whatever the difficulties, whatever the points of view, somebody had to decide. It is crystal clear that the popularity of the decision will be no test of its good sense. Therefore, when we consider the amendments, we must ask ourselves what test we can use for the quality of the Government's decision.

The only test that I can suggest is that the Government will have got it right if they are equally unpopular with all the parties in Northern Ireland. I accept that trying to be even-handed in the offence caused is a novel test, but if one listens carefully to what the parties in Northern Ireland are saying, I suspect that the Government pass that test. It is on that basis that I am prepared to give them the benefit of the doubt and to vote for them.

Mr. Clive Soley (Hammersmith): I had not intended to intervene, but as much of amendment No. 15 and the list relate to the argument about democracy, it is important to make the point that if I and others like me thought that all we had to do was to give the democratic system as we know it here back to Northern Ireland, and violence would never return, I would do it tomorrow morning and we could all go home.

We are here—it is vital to remember this—because the political system in Northern Ireland broke down. It would be entirely out of order of me on this amendment to say why I think it broke down, but in those circumstances the argument is not about simple democracy. One must consider things such as list systems.

I would rather not be in that position. I would rather have handled the situation differently at an earlier stage. But the reality is that we are all here today because the political system in Northern Ireland broke down and successive Labour and Tory Governments decided to impose direct rule. We still have direct rule in Northern Ireland. The system broke down, and we must get it working again. That is difficult.

It is important that, however unpopular politicians may be from time to time—we know that the Government are particularly unpopular at the moment—when all the political veneer is stripped away, the reality is that politics is the alternative to violence. There is violence when political systems break down, and that is what is happening in Northern Ireland. If we want to go back to that violence, we can pretend that this is a simple matter and merely say that whoever receives the most votes can run the show. Political systems do not work like that, however, and such an answer would be a recipe for continuing violence.

There is so much agreement between the Labour party and the Tory party on this issue because hon. Members on both sides of the House are determined to do something about it. That is why the British and Irish Governments are determined to do something about the issue, and it is why the Government have proposed this structure—some aspects of which I disagree with.

I would rather not be in the situation that we are in, but the reality is that the political system in Northern Ireland has broken down and we must replace it, which means getting talks started in Northern Ireland among people

[Mr. Clive Soley]

who would not normally want to talk to each other. That is our problem and, although we cannot solve it, we can help those people talk about issues and return to the practice of conventional politics. If we do that today, I shall be delighted to have participated.

5 pm

Mr. William Ross (East Londonderry): I have listened to the hon. Member for Spelthorne (Mr. Wilshire) in these debates with considerable respect, because he has made a fair number of very powerful, clear-headed and incisive speeches on the Bill—as he has on Northern Ireland in general over the years. But I must tell him to think again and to apply the logic that he normally applies to Northern Ireland, when he expresses the view that it is sensible and nearly right for the Government to take the central position between the competing opinions and positions of the parties in Northern Ireland.

The hon. Member for Spelthorne knows, as we all do, that no political party—not least his party—would simply apply that principle to the policies that the Government have put before the people or promoted and passed in the House. The reality is that, to go down the road that he mentioned—which the Government have followed for many years—would be to desert the need to make a reasoned judgment between what is right and what is wrong. It would also be to desert normal standards of logic and reason. I do not believe that we should accept that option.

The reality is very often that, when we are reaching a reasoned judgment on a question—not least a question such as that which confronts us in Northern Ireland—we must make clear and definite decisions. Such decisions will very rarely be in the middle of the road or in the middle of the competing demands of the parties. Every time another party is brought into the process, of course, the Government's central position changes, which is plainly wrong and cannot be defended.

I say right away that I welcome the Government's acceptance of amendment No. 47 because, when accepting it, the Minister said that one constituency list is not enough and that the parties must jump the hurdle of demonstrating wider support. We have asked for three lists, but one could have required half a dozen and the parties would have had to find one or two candidates to stand in each constituency. This requirement tells the parties in Northern Ireland the first hurdle that they must jump, and I am happy to see that the Government will insist on it.

My name is also attached to amendment No. 15. I did not, however, support it for the reasons that led the hon. Members for Belfast, East (Mr. Robinson) and for North Antrim (Rev. Ian Paisley) to table it. I supported that amendment in conjunction with amendment No. 155, which, sadly, has not been selected. That amendment stated:

"Twenty delegates shall be deemed elected from Northern Ireland"

and then divided proportionately. I think that that matter has been dealt with by a Liberal Democrat amendment, which is in a slightly different but less clear context later on in the Bill.

I take the liberty of touching on that matter—skating lightly over it, you will note, Mr. Morris, because I want to remain strictly in order—to draw attention to the fact that I want to introduce proportionality, as do the hon. Members for Belfast, East and for North Antrim, although in a rather cruder fashion.

I also wanted to introduce the hurdle of 2 per cent., which is low enough to allow anyone who is a serious contender in any constituency to be elected, but not so high as to make it extremely difficult. My hon. Friend the Member for Upper Bann (Mr. Trimble) mentioned a requirement of 5 per cent.; it is a matter of debate and argument.

We believe that there must be hurdles. The Government have introduced and accepted one hurdle. We are simply saying that one cannot drop one's sights so low that the normal standards of democracy and the elective system become distorted out of recognition—yet that is precisely what the Bill does. Everyone in Northern Ireland knows that the only reason for the distortion is to bring into the process the people who have weapons. Those people not only have weapons and explosives, but they have demonstrated by their murders and violence over the years that they are willing to use them in pursuit of constitutional objectives.

So this will not be a real election. It will be an attempt to create a forum in which the gunmen and the murderers will have a reserved place. The Government would be far wiser to tell the people of the United Kingdom that that is exactly what they intend, and the people of the United Kingdom would then realise the extreme difficulties that the Government are creating in Northern Ireland because of that system.

I have tabled amendment No. 157, which I do not intend to press. Under certain circumstances, I believe that there would be merit in changing line 5, page 5 to state that a regional list could comprise up to 18 candidates, without a lower limit. It is a matter of debate and argument as to how one would wish to create a regional list, if at all. I tabled the amendment because it would allow the parties to select one extra candidate per constituency, if they so desired—but I shall not press it.

There are many able and constructive people in each constituency in Northern Ireland. They are busy people who are perhaps not all that interested in the hurly-burly of politics and the elective process, who would not normally take part in an election. If we are opening the doors to the gunmen and providing places for them, I do not see why we should not open the door rather more widely than the Bill does to such constructive people.

Mr. Peter Robinson: There have been a number of very valuable speeches on this issue, which follow on from our very useful debates yesterday.

I must say that I and other hon. Members were very angry at the remarks made by the right hon. Member for Chelsea (Sir N. Scott) on BBC radio this morning, when he suggested that Unionist Members were attempting to filibuster and nit-picking. He said that Unionist Members should not be trying to change the legislation, because the Government have presented a balanced Bill. That should not be the Government's attitude.

Mr. Trimble: Does the hon. Gentleman think that the attitude of the right hon. Member for Chelsea (Sir N.

Scott) to the Bill, which provides for elections, might have something to do with a notorious statement that he made on the eve of an election, when he was a Northern Ireland Office Minister? He told the people of Northern Ireland, "It doesn't matter how you vote; it won't make any difference."

Mr. Robinson: Yes; there seems to be a bit of an echo of that statement. I sat through almost all the proceedings yesterday and recall that there was a very short period in the debate when the shadow of the right hon. Member for Chelsea was in the Chamber. He left it as just as speedily as he left another scene.

However, leaving the right hon. Member for Chelsea to one side for a moment, I deal now with the Secretary of State's remarks about weighted majorities. I wish to make it clear that the weighted majorities that have been approved by a number of Unionist representatives have never in any instance been based on the composition of an elected forum. They have always been allowed for on a controversial or constitutional issue, when it is recognised that a vote of more than 50 per cent. is required.

As for what is broadly acceptable, I noticed that the Secretary of State was wriggling to get out of the criteria that had been established. The truth is that both the Unionists' proposal—the single transferable vote system—and that accepted by the DUP and the SDLP—the list system—were broadly acceptable. Something being acceptable is different from something being preferable.

The UUP would have preferred the STV system, and we would have preferred the list system, but I doubt whether either of our two parties would not have been fighting an election called under the system preferred by the other party. To that extent, both systems would have been broadly acceptable. I suspect that either would have been more broadly acceptable than the system that the Government have devised. As the hon. Member for Spelthorne (Mr. Wilshire) said, their system is broadly unacceptable, which is not a good thing—far from it. The Government's duty is to gain the widest support from representatives in Northern Ireland for the proposals.

He has now left the Chamber, but the hon. Member for Hammersmith (Mr. Soley) said in a brief intervention that we should not concern ourselves too much with this democracy thing, and that what really matters is that we solve the problems. Of course, it is vital that the main aim is a resolution of the conflict. No one doubts that, but we still have to answer the question: who is going to be at the negotiations? What is the test to determine who should sit around the table?

There has to be a criterion on which to make such a decision, and if it is not the number of votes or the level of support within the community, it has to be that which the hon. Member for Hammersmith did not dare mention—the causing of trouble. Those who will sit around the table will be those who, if not mollified in some way, will bomb or shoot. We should never accept that as a criterion for sitting around the negotiating table. As soon as we accept such a criterion, we introduce for the future the proposition that those who, like the paramilitaries, are prepared to shoot and bomb, have found the way to get a ticket to the talks process.

I appreciate the fact that the hon. Member for South Down (Mr. McGrady) was as disappointed as my colleagues and myself about the Government abandoning the criteria relating to broad acceptance. It is an ominous sign for the future that the Government, having set out criteria for broad acceptance, abandon them. It gives no encouragement to political parties in Northern Ireland to pursue broad acceptability—the trendy terminology is now "sufficient consensus"—if the parties do not feel that, if they create that sufficient consensus, the Government will accept and run with it. This has been a bad example set by the Government, and I hope that it will not be repeated in future.

As for the amendments, I harbour no expectation that hon. Members who have not listened to our debate but who will go through the Lobbies to vote will understand the weight of the argument. I satisfy myself that we have won the argument, although I suspect that we shall lose the vote.

Question put, That the amendment be made:—

The Committee divided: Ayes 9, Noes 321.

Division No. 104] **[17.15 pm**

AYES

Beggs, Roy
Forsythe, Clifford *(S Antrim)*
McCartney, Robert
Maginnis, Ken
Robinson, Peter *(Belfast E)*
Smyth, The Reverend Martin
Taylor, Rt Hon John D *(Strgfd)*
Trimble, David
Walker, A Cecil *(Belfast N)*

Tellers for the Ayes:
Mr. William Ross and
Rev Martin Smyth.

NOES

Ainger, Nick
Ainsworth, Peter *(East Surrey)*
Alison, Rt Hon Michael *(Selby)*
Amess, David
Ancram, Rt Hon Michael
Anderson, Donald *(Swansea E)*
Anderson, Ms Janet *(Ros'dale)*
Arnold, Jacques *(Gravesham)*
Ashby, David
Ashdown, Rt Hon Paddy
Atkins, Rt Hon Robert
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Banks, Matthew *(Southport)*
Barnes, Harry
Bates, Michael
Beith, Rt Hon A J
Bellingham, Henry
Bendall, Vivian
Beresford, Sir Paul
Betts, Clive
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & Cl'thorpes)*
Browning, Mrs Angela
Bruce, Malcolm *(Gordon)*
Budgen, Nicholas
Burden, Richard
Burns, Simon
Burt, Alistair
Butcher, John
Butler, Peter
Callaghan, Jim
Campbell, Ronnie *(Blyth V)*
Canavan, Dennis
Carlisle, John *(Luton North)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Cash, William
Channon, Rt Hon Paul
Chidgey, David
Chisholm, Malcolm
Church, Judith
Clappison, James
Clark, Dr Michael *(Rochford)*
Coe, Sebastian
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Couchman, James
Cran, James
Cunningham, Jim *(Covy SE)*
Curry, David *(Skipton & Ripon)*
Davidson, Ian
Davies, Chris *(L'Boro & S'worth)*
Davies, Quentin *(Stamford)*
Deva, Nirj Joseph
Dewar, Donald
Douglas-Hamilton, Lord James
Dover, Den
Dowd, Jim
Duncan, Alan
Duncan Smith, Iain
Dykes, Hugh
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Ewing, Mrs Margaret
Field, Barry *(Isle of Wight)*

Fishburn, Dudley
Flynn, Paul
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Fyfe, Maria
Gale, Roger
Gardiner, Sir George
Garnier, Edward
Gill, Christopher
Gillan, Cheryl
Godman, Dr Norman A
Golding, Mrs Llin
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Peter *(Portsmouth, N)*
Grocott, Bruce
Grylls, Sir Michael
Gummer, Rt Hon John Selwyn
Hain, Peter
Hall, Mike
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hanley, Rt Hon Jeremy
Hargreaves, Andrew
Harris, David
Harvey, Nick
Haselhurst, Sir Alan
Hattersley, Rt Hon Roy
Hawkins, Nick
Hawksley, Warren
Hayes, Jerry
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Henderson, Doug
Hendry, Charles
Heseltine, Rt Hon Michael
Hicks, Robert
Higgins, Rt Hon Sir Terence
Hoon, Geoffrey
Horam, John
Hordern, Rt Hon Sir Peter
Howell, Rt Hon David *(G'dford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Robert G *(Harrow W)*
Hughes, Simon *(Southwark)*
Hunt, Rt Hon David *(Wirral W)*
Hunter, Andrew
Hurd, Rt Hon Douglas
Hutton, John
Illsley, Eric
Ingram, Adam
Jack, Michael
Jenkin, Bernard
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Barry *(Alyn and D'side)*
Jones, Gwilym *(Cardiff N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd, SW)*
Jones, Nigel *(Cheltenham)*
Jones, Robert B *(W Hertfdshr)*
Jowell, Tessa
Kaufman, Rt Hon Gerald
Keen, Alan
Kellett-Bowman, Dame Elaine
Kennedy, Charles *(Ross,C&S)*
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Kirkhope, Timothy
Kirkwood, Archy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Lord, Michael
Loyden, Eddie
Luff, Peter
Lyell, Rt Hon Sir Nicholas
Lynne, Ms Liz
McAvoy, Thomas
McFall, John
MacKay, Andrew
Mackinlay, Andrew
Maclean, Rt Hon David
McNair-Wilson, Sir Patrick
Madden, Max
Maddock, Diana
Mahon, Alice
Malone, Gerald
Marland, Paul
Marlow, Tony
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Martin, Michael J *(Springburn)*
Mawhinney, Rt Hon Dr Brian
Maxton, John
Mayhew, Rt Hon Sir Patrick
Meale, Alan
Merchant, Piers
Miller, Andrew
Mills, Iain
Mitchell, Andrew *(Gedling)*
Mitchell, Austin *(Gt Grimsby)*
Mitchell, Sir David *(NW Hants)*
Moate, Sir Roger
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Moonie, Dr Lewis
Morley, Elliot
Moss, Malcolm
Mowlam, Marjorie
Mudie, George
Murphy, Paul
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Norris, Steve
O'Brien, Mike *(N Wkshire)*
O'Brien, William *(Normanton)*
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Parry, Robert
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Pope, Greg
Porter, David *(Waveney)*
Portillo, Rt Hon Michael
Powell, William *(Corby)*
Prentice, Bridget *(Lew'm E)*
Redwood, Rt Hon John
Reid, Dr John
Rendel, David
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Robathan, Andrew
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Roche, Mrs Barbara
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Sackville, Tom
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Sheerman, Barry
Shephard, Rt Hon Gillian
Simpson, Alan
Sims, Roger
Skinner, Dennis
Smith, Llew *(Blaenau Gwent)*
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Soley, Clive
Spearing, Nigel
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Rachel *(Dunfermline W)*
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steel, Rt Hon Sir David
Stern, Michael
Stott, Roger
Sutcliffe, Gerry
Sweeney, Walter
Sykes, John
Taylor, Ian *(Esher)*
Temple-Morris, Peter
Thornton, Sir Malcolm
Timms, Stephen
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Tredinnick, David
Trend, Michael
Trickett, Jon
Turner, Dennis
Twinn, Dr Ian
Tyler, Paul
Waldegrave, Rt Hon William
Walden, George
Walker, Bill *(N Tayside)*
Wallace, James
Wardle, Charles *(Bexhill)*
Wareing, Robert N
Waterson, Nigel
Watts, John
Welsh, Andrew
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wigley, Dafydd
Wilkinson, John
Willetts, David
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Worthington, Tony
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Gary Streeter and
Mr. Patrick McLoughlin.

Question accordingly negatived.

Mr. Eric Illsley (Barnsley, Central): I beg to move amendment No. 50, in page 4, line 25, leave out from 'on' to end of line 26 and insert '30th May 1996'.

The purpose of the amendment is to insert a definite date for the elections. There has been considerable speculation, but the Government have suggested 30 May as the date, and that seems to have been accepted. We therefore want to know why the Government have not seen fit to specify 30 May in the schedule. Setting a date in the Bill would impart some certainty to our proceedings; it would allow the parties to prepare for the elections, and it would also make it possible to make general preparations in regard to, for example, staffing and the organisation of security forces and police. It would convince the communities in Northern Ireland that elections would take place on that specified date, and would remove the fear that the Government might allow a delay.

Given that the Bill concerns entry to negotiations and that elections are the passport to those negotiations, we want the Northern Ireland communities to be reassured. We want the Government to tell us why the date cannot be included in the Bill.

Sir Patrick Mayhew: I understand what has led the hon. Member for Barnsley, Central (Mr. Illsley) and

others to table the amendment. Let me make it clear that the Government intend the elections to take place on 30 May, so that all-party negotiations can begin on 10 June. There are, however, technical reasons for not including the date in the Bill. Doing so would leave no room for manoeuvre in the event of delay caused by, for example, an election petition. We would be obliged to include a saving provision in the Bill to allow an election court to set another poll date, and that would be very troublesome. For that technical reason alone, I am unable to accept the amendment. In the light of the assurance that I gave the hon. Gentleman earlier, I hope that he will feel that moving the amendment has served its purpose and that he will agree to withdraw it.

Mr. Illsley: In view of the Secretary of State's reassurance, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

5.30 pm

Mr. Dennis Canavan (Falkirk, West): I beg to move amendment No. 94, in page 4, leave out lines 37 and 38 and insert

'All parties may participate in the elections.'

The Chairman: With this, it will be convenient to discuss also the following amendments: No. 74, in page 4, line 37, leave out from 'those' to end of line 38 and insert

'that can produce the written assent of not less than 500 electors'.

No. 14, in page 4, line 38, at end insert

'and those which subsequently register in accordance with arrangements prescribed by an order under paragraph 1'.

No. 67, in page 7, leave out lines 1 to 33.

No. 42, in page 7, leave out line 5.

Government amendment No. 142.

No. 11, in page 7, line 9, leave out '—DUP' and insert '(DUP)—Ian Paisley'.

No. 48, in page 7, line 26, after 'Party', insert '(SDLP)'.

No. 49, in page 7, line 27, leave out 'Robert McCartney'.

Mr. Canavan: Amendment No. 67 has been tabled in the names of the hon. Member for Spelthorne (Mr. Wilshire), my hon. Friend the Member for Islington, North (Mr. Corbyn) and me. What a team! The amendment has a broad church of supporters. Amendment No. 67 is consequential on amendment No. 94, because if all parties are allowed to contest the elections there will obviously be no need for the list of 30 parties in schedule 1.

It is surely a basic principle of democracy that any party, however large or small, should be allowed to contest elections. That has certainly been part of the tradition of British democracy. I do not know of a precedent in UK elections—I doubt that there is one—for a Government drawing up a list of approved parties which can contest an election and, by implication, saying that there are other parties or organisations which cannot.

Perhaps the Secretary of State or the Minister of State will give a reason for the inclusion in schedule 1 of the list of parties, and will also explain how that list was arrived at. I have heard it said, although I do not know whether there is any truth in it, that the Government thought that it was necessary to draw up a list of parties to contest the election because some of the larger Unionist parties were apparently thinking aloud about the possibility of subdividing themselves into various groupings, regional or otherwise, to try to maximise their representation at the negotiating table. If that is true, it would be more reasonable to look at the electoral system that is proposed in the Bill to see whether it could be amended to prevent such abuse—if indeed there was a risk of such abuse. I await with interest the Minister's reply.

In our debates on earlier amendments, suspicion and concern were expressed that, under the Government's proposed scheme, people who are or were associated with paramilitary organisations might get to the negotiating table. In some people's eyes, I suppose that the list in the Bill contains several examples of parties that in the past have been—some people might say, still are—associated with the paramilitaries on both sides of the conflict.

Over the past quarter of a century, many senseless, violent deeds have been perpetrated by paramilitaries on both sides, some of them in the names of the communities that the paramilitaries purport to represent. Like all hon. Members, I absolutely condemn those atrocities. We particularly condemn the murderous acts that have led to the loss of so many lives and to the injury of so many innocent people over the past 25 years or more.

We could adopt a purist approach by saying that none of the paramilitaries or former paramilitaries or their representatives should get to the negotiating table, or we could adopt a more realistic approach and say that if there is to be a lasting peace it is important to bring those people on board, especially if they have an electoral mandate. In that way, they would, we hope, learn to have more faith in the democratic process instead of resorting to violence or to the threat of violence that has been used all too often in the past.

He who is not without sin should not cast the first stone. Not long ago, some politicians crossed the border into the Republic of Ireland to engage in some kind of unlawful sectarian activity. Not long ago, another Unionist politician organised a mass demonstration of people holding gun licences to emphasise the power of the gun. But that is water under the bridge and it is important to look ahead. I hope that those politicians have learnt the error of their ways and that they will come to the negotiating table in the spirit of peace and reconciliation. I hope that they will try to encourage other politicians and people who were, perhaps, formerly engaged with paramilitary organisations to see the error of their ways, and will try to teach them the importance of using exclusively peaceful means to achieve their political objectives.

Any party, large or small, should be allowed to contest the elections. I hope that the negotiating body that will result from the elections will be sufficiently broadly based to ensure a peaceful and lasting solution.

Mr. Wilshire: I should like to speak to amendment No. 74, which stands in my name, and to amendment No. 67 which, as the hon. Member for Falkirk, West (Mr. Canavan) said, is in my name as well as his and that of the hon. Member for Islington, North (Mr. Corbyn). Provided that neither he nor his hon. Friend do what happened last night and mention Stalin in support of their

[Mr. Wilshire]

cause, I shall be grateful for their support. As the hon. Member for Falkirk, West has said, amendment No. 74 seeks to remove the concept of an approved list and would allow all parties or any party to stand. It would provide a mechanism for weeding out what can be described only as the nonsense parties that make a mockery of ballot papers.

Amendment No. 67 is purely consequential in that if one removes the concept of an approved list, the list is no longer necessary. The amendment would simply remove the list of approved parties.

My amendment No. 74 proposes that any party that can gain the support of 500 electors should be able to stand. I freely accept that the mechanism of 500 signatures may not be the best way of curbing nonsense parties, and I would be happy to contemplate a different mechanism. The group of amendments on deposits is clearly an alternative way and that may be more popular with the House than my mechanism.

Mr. Peter Robinson: Just as a matter of clarification so that I can more easily follow the thrust of the hon. Gentleman's argument, when he asks for 500 assentors, does he mean in each of the eight constituencies or in Northern Ireland as a whole? I am not sure whether that is entirely clear.

Mr. Wilshire: Clearly, as the Government will press ahead with two lists and two mechanisms, it would be 500 in both cases, but, again, I freely admit that 500 might not be the right figure. The main point that I wish to make, however, is that, although the mechanism and the number of electors could differ, I am wedded to the principle that it is wrong for any Secretary of State to take power to decide which parties may stand in an election and which parties may not.

In simple terms, it is undemocratic to seek to do that. It is also bound to lead to gratuitous and unnecessary grief for a Secretary of State who sets out to decide which parties he approves of. As I said in the debate last night, the Secretary of State has enough trouble that he cannot avoid. Therefore, it is silly for him to seek to take more trouble unto himself in that way, which he can avoid.

At the heart of this matter is my strongly held view that it is dangerous for democracy if a Government license political parties, which is, in effect, what the proposal amounts to.

Mr. Kevin McNamara (Kingston upon Hull, North): Has the hon. Gentleman considered whether the provision might be contrary to the Northern Ireland Constitution Act 1973, which states that a Government shall not discriminate, and therefore subject to judicial review?

Mr. Wilshire: I understand the hon. Gentleman's point. Any mention of judicial review tempts me down a great avenue that I would rapidly find was unacceptable to you, Mr. Morris. My views on judicial review do not bear printing in *Hansard* at the moment, so perhaps I may just note the point. Others might want to pursue it. I would be interested to hear what the courts might say, and, if they also hold the provision to be undemocratic, on this occasion I say, "Power to the courts."

At the heart of the matter is the concept that it is dangerous for democracy to go down this route. Governments should never forget that they, too, are political parties and that a Government hold power—any power—because of their success as a political party. It follows, therefore, that, whatever a Government may say about their neutrality on these occasions, their input into such talks is the input of a political party as well as of a Government.

That may seem a fairly abstract point, but I suspect that it is not as abstract as it may seem to the Government. It probably starts to explain why the Government, knowing that they are also a political party, are making such heavy weather of handling its members in Northern Ireland. The "A Government is a political party" dilemma might explain why they are nervous about their representatives in Northern Ireland speaking, in effect, on behalf of the same party.

Whatever it might be, it is wrong for the party of Government to decide which parties they will recognise and which parties they will not. The only people who are entitled to decide which parties should be recognised are the electors. That is the essence of democracy: it is the people, not the ruling class, who should take that decision. That is why, therefore, the Bill's provision is fundamentally flawed.

The Government may decide that, when the people make their choice, it will be impossible for the allies of unreformed and unapologetic terrorists to be included in talks, but the correct way to deal with that is not to license political parties, but, as we said at length yesterday, to decide the terms for admission to the talks. Deciding which parties will be recognised and which will not is not the right way.

I accept that using signatories to determine whether there is any basis for support does not appeal to some people and that there are other ways, especially calling for deposits, but, on occasions such as this and even on other occasions, if I had to choose, I would prefer the route of seeking people who are prepared to sign a nomination paper than of allowing people with big bank accounts to put members forward, whether or not they could get any signatures. I do not consider 500 to be too high. Even my own party, when it was allowed to stand, received about 40,000 votes, so 500 does not seem to be an unrealistic target.

If we listen carefully to what the Government say, we note that the purpose of the elections is to establish for all to see who speaks for Northern Ireland's people, so I urge the Government, if they are trying to establish that, to reconsider accepting that it is wrong for them to try to impose control over who may stand to gain the support of Northern Ireland's people. The only acceptable control of the process must, if it is to be genuine, lie with Northern Ireland's electors.

5.45 pm

Mr. Trimble: I understand the argument made by the hon. Members for Spelthorne (Mr. Wilshire) and for Falkirk, West (Mr. Canavan). We are dealing with some strange concepts hitherto unknown in terms of British electoral law, and I understand their distaste for the system that we have. I have every sympathy for the view expressed by the hon. Member for Spelthorne that it is dangerous for Governments to license political parties.

However, that consequence flows inevitably from the choice of a party list system. It is not a desirable or necessary consequence. It is inevitable only in the current circumstances, where a party list system is being introduced quickly, with inadequate time to put the necessary legislation and procedures on the statute book.

In a party list system, the focus is on the party. There must be some procedure to regulate political parties, or at least to regulate the use of their names. In every country where there are party list systems, which are common, there are procedures to regulate the use of names and to provide a regulation scheme for political parties.

Mr. Wilshire: I understand the hon. Gentleman's point, but can he not see that there is a big difference between regulating the name of a party that freely forms itself and regulating the formation of the party?

Mr. Trimble: I take the hon. Gentleman's point. If he would allow me to develop my argument, he will find that we are not that far apart. The essence of my point is that we have arrived at this position because of a decision to introduce a party list system without there being sufficient time to do it properly. Therefore, it is being done in an undesirable way. At that point, the arguments of the hon. Gentleman and myself are probably getting close to each other.

The use of party names should be regulated by establishing a judicial procedure whereby a party that believes that its name is being used improperly can challenge the existence or the use of that name by other persons or parties. Looking at the list, I find that an obvious example is the body that suddenly came into existence in Northern Ireland—if it did so at all, which is not known—calling itself the British Ulster Unionist party. That name is close to that of the Ulster Unionist party. Under a system to regulate the use of party political names, which exists in some countries, it would be open to our party to commence proceedings against that other party for the improper use of its name. So there could be some form of judicial process dealing with the regulation of parties. If that course is taken, it is done outside the political circle. Some form of judicial or quasi-judicial procedure could be set up, which would not have the dangerous implication involved in Governments licensing political parties—a system which, like the hon. Member for Spelthorne, I believe that we should avoid.

Unfortunately, I believe that the decision to adopt a party list system was wrong and that it results in an unsatisfactory situation. Having reached that unsatisfactory situation, we must try to find a solution. That suggested by the hon. Member for Spelthorne was to have a number of assentors, and I am sure that the hon. Gentleman will recognise that that is not far away from one of the suggestions in our amendment No. 46, which has been selected for debate later. I merely want to draw attention to the similarity in principle between that amendment and amendment No. 74. Our amendments Nos. 43 and 44 are directed towards the same issue, and we shall debate them later. All the amendments stem from the problems caused by a party list system. Our amendments Nos. 42 and 49, which are included in this group, draw attention to the problem.

We have no evidence that the British Ulster Unionist party exists, but those associated with it may feel that it is unfair for us to concentrate the ire of our amendment on them. We could easily have selected another body. In the list of 30 persons and parties, there are a number of bodies with which we are not familiar. Consequently, my hon. Friend the Member for Belfast, South (Rev. Martin Smyth) tabled a question to the Secretary of State for Northern Ireland asking what evidence he had as to the existence of those groups and whether they were functioning as political parties. The answer has not yet appeared in *Hansard*, but my recollection of the reply that I saw yesterday evening—I am sure that the Minister will correct me if I am wrong—suggests that the only evidence was that the Northern Ireland Office had received a letter claiming that the party existed and wanted to be on the register.

While the hon. Member for Spelthorne considers it dangerous for the Government to license political parties, they are issuing licences to anyone who writes a letter. That is rather curious. It appears that the Government made no effort—again I look to the Minister to see whether he wishes to respond—to find out whether those who wrote the letters represent genuine parties. Those who write letters have, hitherto, got their name on the list, but those who do not write letters do not have their names on the list. That may cause some interest to various parties and may be behind the comment made by the hon. Member for Kingston upon Hull, North (Mr. McNamara). As the legislation now stands, those who write the letters will not be required to do anything else to prove that they are genuine except to find the names of two persons prepared to be submitted initially to a constituency list and then possibly elsewhere.

That is unsatisfactory, and something needs to be done. We wait to hear from the Minister what that something should be. He knows that we have made various suggestions in later amendments which are directed to dealing with this. Something must be done to alert the public to what are and what are not genuine names.

In normal elections, the ballot paper presents the voter with the names of candidates and the description. In normal British elections, the focus has always been on the names of the candidates and little concern has been taken over the description. I think that I am right in saying that there was an election in England and Wales when six people who claimed to be members of the Social Democratic party, which no longer exists, all appeared on the ballot paper. That occurred because, as I have said, under British electoral practice, the focus is on the names of the candidates who will be active in their constituencies promoting themselves.

There is a potential solution there, and it arises in an amendment that has been selected for discussion later. I shall not discuss the matter further now. We need to move the procedure involved in these elections closer to that of normal elections. That would be a solution. Failing that, something else needs to be done and we want to hear what the Government have to say.

I should make some comment about amendment No. 49, which deals with a specific anomaly which must be cured. The present list refers to parties and independents. For independents, their name is given and for parties, the party name is given, but with one exception. Without any reflection on the person or the party concerned, we need consistency. I wait to hear what the Minister has to say. The purpose of the amendment is to draw attention to the inconsistencies in the way in which the Government are proceeding. That inconsistency is wrong in principle. If we

[Mr. Trimble]

have a party list system—although we disagree with that concept—the focus should be on the party, and if there have to be names, they should be the names of the candidates.

Mr. Peter Robinson: I shall speak to amendments Nos. 14 and 11. I can see at once the difficulties that the Government had in framing legislation around the principles in the Bill, particularly in the schedule listing political parties. There are two factors which suggest that it is not as complex and cumbersome as it might look in the schedule. I rather suspect that there will be very few, if any, constituencies where the 30 names in part II of the schedule will appear on the ballot paper. Some of those parties will not present themselves in various constituencies.

The real test of whether we have produced a difficult system depends on the electors. They have a fairly simple task and have only to scan the list of parties and put a cross beside the party of their choice. So, with one exception, it is not too difficult for the electors. Where there are party names that can cause confusion, the elector can make the wrong choice and vote for a candidate unintentionally. Therefore, we must look at the list on the basis of what principles should determine the parties on it and how they appear. That is the basis of the two amendments in my name.

Amendment No. 14 is similar to that of the hon. Members for Falkirk, West (Mr. Canavan) and for Spelthorne (Mr. Wilshire). I do not think that it is for Parliament to limit the political parties contesting an election. That would be a bad principle to establish. We are saying that, for ease, there should be a list of established parties in the schedule, but there should be a mechanism whereby others can be registered and duly nominated as a political party if they meet the criteria.

Amendment No. 11 is simply an attempt to fulfil the principle, which I intend to outline, of how parties should appear on the list. I can well understand the concern of hon. Members who represent the Ulster Unionist party that a political party called the British Ulster Unionist party might be confused with them. It is altogether reasonable for them to believe that, but the answer is not to wipe out the British Ulster Unionist party before it is born. Nor is the answer to wipe out the Christian name and surname of the hon. and learned Member for North Down (Mr. McCartney).

I would allow any political party to define itself as it wishes and provide the Ulster Unionist party with the ability to put itself on the list in a way that clearly allows the electors to know for whom they are voting. The UUP should be allowed so to do regardless of whether it defines itself through its leader, who has won elections in the past and will therefore no doubt be a vote grabber in future, or by any other way. We have chosen to attach the name of the leader of our party since we believe that there will be very little confusion among voters when they see his name in determining for whom they are voting and what political party they are supporting.

6 pm

Mr. Trimble: I appreciate that the hon. Gentleman is very happy to define his own party by the name of one person, but he should realise that it is not so easy for a party such as ours, which is a broad church.

Mr. Robinson: There are many different definitions that one can use for division, and "broad church" is undoubtedly one of them. I understand that all the members of the hon. Gentleman's party may not be as delighted as he to see his name on the ballot paper. I do not want to go into that or take a vote among those around him on the name on the ballot paper that defines his party. I do not want to provide the Ulster Unionist party with difficulties in determining that, but it does not have to define itself by the name of its leader. It can define itself in such a way that it is clear to electors which party they are voting for.

It would be altogether wrong if we were to disallow the hon. Member for North Down to present himself and his party on the ballot paper in the way in which he chooses. Equally, it would not be right to exclude the British Ulster Unionist party. Equally, the SDLP is entitled to place itself on the ballot paper as its amendment proposes. The party is known as the SDLP, so it would clearly be an advantage to have that name on the ballot paper, to remove confusion among the electorate.

The basic principle is that parties should be entitled to present themselves on the ballot paper in the way in which they choose. The Government might want to set down criteria for appeals against a political party stealing the clothes—even the name—of another political party. That would allow the Ulster Unionist party the right to appeal and be heard if it felt that someone was getting too close to its name. I trust that the Minister will accept that there has to be a principle—rather than simply a mechanism by which the Minister chooses and decides how parties should be defined on the list. That would be an altogether bad way in which to approach the issue.

Mr. McGrady: As many hon. Members have said, amendments Nos. 48 and 49 are an attempt to tidy up the somewhat lengthy and difficult list of parties that have been born recently and not so recently in Northern Ireland.

I am not sure whether I can claim total proprietorship of amendment No. 49, since I see that the name of the leader of the Ulster Unionist party tops it, even though I did not invite his signature to it. Perhaps it is some printing error. I should like to assure the hon. and learned Member for North Down (Mr. McCartney) that there is not a gang of parties to remove his Christian name and surname from the list. The two amendments, and amendment No. 40, which has not been selected, aim to remove the anomaly of independents listed in lines 13 to 18 of part II of schedule 1. Their purpose is simply to clarify matters and to provide an even playing field for the parties in the electoral contest.

The hon. Member for Upper Bann (Mr. Trimble), the leader of the Ulster Unionist party, clearly described the difference between the proposed election and the normal type of election. That difference was brought about by his request and that of his party that there be a test of party strengths in Northern Ireland, not of the strengths of individual candidates, which would in total amount to the strength of a party. The proposed system is because of the request of parties that thought that the electorate should be given a chance to show their support for the party rather than for the individuals who may or may not participate in negotiations.

Perhaps a proposed system could have dealt with that situation most efficiently. Certainly, nothing could be more mathematically accurate than having the entire

Northern Ireland electorate voting for a party of their choice, which would not be influenced either by local personalities or local difficult members of parties, but would be a genuine assessment of the support across Northern Ireland for individual parties.

As the hon. Member for Belfast, East (Mr. Robinson) generously said, amendment No. 48 simply identifies my own party by that which it is commonly known: the SDLP. The Committee will appreciate that the Social Democratic and Labour party is quite a mouthful and would not fit into a soundbite on television or elsewhere.

Although we are not allowed to debate amendment No. 40, which would remove the independents, I should like to refer to it because the independents do not represent parties. I understood from listening to the comments on the radio by, for instance, independent Kerr and independent McMullan—I am subject to correction—that they did not want to be listed as parties for the purposes of the election. They simply wrote to the Northern Ireland Office asking questions about the election and what would happen.

The independent Kerr went so far as to say on radio that he had not made up his mind whether he would participate in the election, but that now he had been given the opportunity, he might consider it. In making that decision, he might be under the shadow of his former party membership, but that is a problem for him, not me.

That shows that, by public proclamation by independents Kerr and McMullan, two parties on the list do not exist. How can we legislate to include parties that do not exist?

Mr. William Ross: Will the hon. Gentleman assist me?

Mr. McGrady: I do not know until I hear the question.

Mr. Ross: Are any of the other parties listed also figments of the imagination of the Northern Ireland Office?

Mr. McGrady: I am not able to advise the hon. Gentleman, but I thank him for his intervention.

I did not contact anyone, I merely listened to radio reports on which the two independent party representatives spoke. There seems to be a No Going Back party. I wish we had a party that was going forward rather than backwards.

Mr. Peter Robinson: There is—the DUP.

Mr. McGrady: Well, perhaps.

Will the Minister tell us whether, if it is proper to do so, the nomenclature in the schedule is statutorily bound to be on the ballot paper, or whether the list is an indication of parties that may describe themselves on the ballot paper as they so wish, as is normal, although the descriptions should be one-liners, without a plethora of names attached to them.

On the basis of simply tidying up, I recommend amendments Nos. 48 and 49. I apologise to the leader of the Ulster Unionist party for the fact that his name has been unwittingly, and perhaps unwillingly, associated with the SDLP in connection with amendment No. 49.

Mr. Robert McCartney: I shall respond to amendment No. 49, as my name has been bandied about. By my presence, I physically demonstrate that I am not a figment of anyone's imagination; as the hon. Member for South Down (Mr. McGrady) is aware, I really do exist. As for the nomenclature to be assigned to the individual parties, I simply submitted to the powers that be a name: "UK Unionist Party—Robert McCartney". Until what I have described as an electoral Caliban was thrust upon me through the medium of the Bill, it had not been my intention to stand as a party at all—*[Interruption.]* No, I had no intention, despite the aspirations of the hon. Member for South Down. If he wants to intervene now, I will give way to him.

I simply submitted the party name under which I wished to contest the election, and the Secretary of State included it in that form in the list in part II of schedule 1. It seems somewhat surprising that using one's own name as part of the basis on which one seeks to be elected should be the subject of even a mild degree of odium from the two largest established parties. It is rather surprising to find the Social Democratic and Labour party in some sort of association with the Ulster Unionist party, saying that it wants a level playing field. Premier league giants are battling with someone who in terms of electoral support is a fourth division minnow. I can conclude only that the fear—

Mr. William Ross: Will the hon. and learned Gentleman give way?

Mr. McCartney: Not at the moment.

I can conclude only that those giants of the electoral circus must think that they have something to fear. However, being a true and proper democrat, I wish to make an offer to them, and to make it clear that I have no objection whatever to their being afforded any indulgence that the Secretary of State may unwittingly or otherwise have afforded me.

Let us take the Social Democratic and Labour party, for example. Incidentally, amendment No. 48 reveals that that party wishes to be described by another title—"SDLP", which is not anyone's personal name. If the Social Democratic and Labour party wished to append a description to its name, so that it read, "Social Democratic and Labour Party (SDLP)—Mr. John Hume", I should be happy to indulge it. And if the Ulster Unionist party wanted to have the name "Mr. Trimble" emblazoned in high colour after its normal title, I should be happy for that to be done.

Apart from those who deliberately try to confuse or mislead, I believe that everyone should be entitled to whatever description he or she wishes. I would certainly want all the other parties to be afforded the right to be described in whatever manner they think will best advance their opportunities with the electors. That seems to me the basis of the democratic principle. I therefore invite the House to oppose amendment No. 49, which seems to be without fairness or principle.

6.15 pm

Mr. Wilshire: Before the hon. and learned Gentleman finishes, may I ask him, as an eminent lawyer, to help me out of a legal difficulty? He appears to be suggesting that in wanting his name to remain, he is really standing as

[Mr. Wilshire]

himself. I am pleased to see that. However, my understanding of a political party is that it consists of more than one person. It seems like a legal conundrum if an individual stands as himself, keeping his name, yet also stands as a party. I am sure that there is a wonderful explanation, and I think that we would benefit from hearing it.

Mr. McCartney: I must take the scales from the eyes of the hon. Member for Spelthorne (Mr. Wilshire), who seems to have an intellectual difficulty. That difficulty should be ascribed to the procedures that the Government have offered for the election, rather than to me. If I am to contest the election I have a twofold function. First, there is the question of being elected as a constituency representative in one's own constituency; then there are the bonus brownie points—the possibility of collecting two additional seats from the 20 freebies that are undemocratically oscillating in the distance, even in my own seat of North Down. It therefore becomes necessary for me to become somewhat diffuse and to form myself into a party, so that I can have listed members in a constituency and people will have the opportunity to vote for me in that constituency. I could then boost my Province-wide vote, creep unwillingly into the top 10, and secure an additional two seats.

Mr. Kevin McNamara (Kingston upon Hull, North): By virtue of the amendment that has been accepted, the hon. and learned Gentleman will now have to stand in more than one constituency.

Mr. McCartney: I accept that under amendment No. 47, I will have not only to bifurcate but to triplicate—*[Interruption.]* I shall try to jump over the four and get into the five bracket, at least.

For the reasons that I have explained, it has become necessary for me to describe myself as a party. But—the hon. Member for Spelthorne has finally tumbled to the fact—because of the format of the election I shall have to have other people in other constituencies. That is why I have, as it were, turned myself into a company.

Mr. Wilshire: A limited company?

Mr. McCartney: Unlimited, for the purpose of the election. I hope that that explanation will assist the hon. Gentleman in his deliberations.

Mr. William Ross: This has been an entertaining debate, but it has been entertaining simply because of the farcical situation that faces us. I was rather sorry that the hon. and learned Member for North Down did not give way to me earlier—we have all been giving way to one another a lot—because if he had I would have tried to assure him that we would not in any way try to down him as a minnow. What we wanted was a system that accurately portrayed the party, so that the electorate to whom he was appealing would know clearly for whom they were voting. We would not want any of his votes to go astray.

Mr. McCartney: Will the hon. Gentleman give way?

Mr. Ross: No, I shall not return the pleasure.

At the end of the day, the farcical situation concerns a very serious subject. The amendments highlight the confusing nature of some of the names now being used. I have no doubt that if the matter is forced to a vote we shall carry the Liberal Democrats with us, because they have the most vivid memories of the "Literal Democrats". I would have thought that, in this case at least, they would want to ensure that a sensible arrangement is made.

The Liberal Democrats, like hon. Members in every other party in the House, are aware that an argument has been raging on the subject at United Kingdom level for several years. A Home Office committee has been trying to resolve the question of party names and the right of individuals to them. The legal position on party names in the United Kingdom was set out by my hon. Friend the Member for Upper Bann (Mr. Trimble). I commend his remarks to the House because this is a serious issue. People are reputed to be changing their names to challenge sitting candidates. There is no end to the ramifications. This is a United Kingdom problem that must be resolved in a sensible fashion so that people know for whom, and for what policies, they are voting.

I was astonished at some of the remarks in the debate. We were told about the system of letters coming into the Northern Ireland office. Hon. Members will know about two parties that are missing: the Ulster Popular Unionist party, whose sole Member of Parliament died some time ago—

Mr. Trimble: It still has two councillors.

Mr. Ross: My hon. Friend tells me that that party still has two councillors, but its name does not appear on this list so it is apparently prepared to give up the ghost. The Ulster Liberals seem to have vanished into the mists of time—there is no sign of them. However, two parties that should have appeared on the list are missing. First, there is that wonderful character who keeps writing to hon. Members and signs himself "anonymous". There is also the writer of unsigned letters. We do not have anonymous or unsigned on the list. I wonder how they come to be missing. I am not too worried because they will probably turn up before we get to the end of this process.

Mr. Peter Robinson: There was a statement in the newspapers a few weeks ago that the Ulster Popular Unionist party has decided to close. I think that there are now two independents, while one member wisely joined the Democratic Unionist party

Mr. Ross: He is no doubt hoping to be elected. Let us see how he gets on.

Mr. McNamara: Has not the hon. Gentleman missed out disgusted of Tunbridge Wells?

Mr. Ross: He does not live in Northern Ireland. We also miss the United Kingdom Labour party.

Mr. John D. Taylor (Strangford): And the Irish Republican Socialist party.

Mr. Ross: We are also missing the IRSP but I do not want to go on with this because I am getting too far from the amendment.

The House will have noticed at least six parties that use the name Unionist in their title in the list in the Bill. That is because of the connotations and attractions of that name in Northern Ireland. It is attractive because it sets out the basic philosophy of the great preponderance of folk who live in Northern Ireland—hence the use of the term "Official Unionist" when there have been quarrels within the body of the Unionist party about who was the correctly selected candidate.

Every party has its rallying banner. For the Unionist electorate, it is the word "Unionist". There might be a blue torch or a red rose overhead. For the DUP, there is not only the word "Unionist" but the name of its leader. The name of the hon. Member for North Down (Mr. McCartney) also features. The SDLP has its preferred option. No doubt the Alliance party would want its name to appear on a yellow background. Those things are used by parties as aids to electoral success. That is why they want to use specific titles and symbols. They should be all treated exactly the same. Whatever is put down for one party should be put down for the others. This debate draws that problem to the attention of the Government and we expect some action from them to ensure that all parties enter the process on a level playing field and that there will be no attempts to confuse the electorate.

Mr. Robert McCartney: Will the hon. Gentleman give way?

Mr. Ross: I shall give way if the hon. and learned Gentleman will allow me to finish this point. I tabled an amendment, which was sadly not selected, saying that the Secretary of State should have the right to refuse a party.

The Chairman: Order. The hon. Gentleman knows that if an amendment is not selected he cannot talk about it.

Mr. Ross: If the Government had considered the possibility of refusing to accept names which might have caused confusion and taken upon themselves the full weight of the burden that they have partially accepted, the merits of the view that I was trying to express would have been apparent. That might have been the way around the problem of confusing names on the list. Some of the names, which I believe are figments of the imagination of certain individuals, would not have appeared on the list. They would have had to appear as independents or under another name.

Mr. Robert McCartney: I am grateful to the hon. Gentleman for giving way. Can he think of anything less than confusing to the electorate of Northern Ireland than a candidate standing under his own name?

Mr. Ross: The hon. Gentleman should examine the telephone book: he would find a dozen other Robert McCartneys.

Miss Kate Hoey (Vauxhall): We are breaking much new ground with the elections in Northern Ireland and their procedures and we are changing the rules as we go. As far as possible, we should try to stick to some basic principles. One basic principle is that political parties of whatever shape or form should have the right to call themselves what they like. That is especially true of the main political parties, which over 25 years have had to face great challenges and deal with problems that mainland parties have not had. To legislate that the Social Democratic and Labour party cannot have SDLP after its name or that the United Kingdom Unionist party, which has admittedly not been going so long but nevertheless has a representative in the Commons in the hon. and learned Member for North Down (Mr. McCartney), should not be allowed to call itself what it likes, amounts to nit-picking.

I hope that the Minister will say that the parties which sit in the House should at least be given the right to put their names on the ballot paper in whatever way they wish. If the Democratic Unionist party wishes to have its leader's name on, or if the Social Democratic and Labour party wants to be known as the SDLP, that should be allowed. I hope that we shall have sense and not nit-picking.

Mr. Trimble: On that principle, would the hon. Lady accept that on the constituency lists the names of the parties' candidates for those constituencies should appear on the ballot papers?

Miss Hoey: I favour the electorate knowing as much as possible about who will represent them at the end of process. It is a pity that we are not able to do that more. I would be happy for that to happen if it satisfies people, but I expect that the Minister will come up with some reason why it cannot happen.

We are getting more and more away from a system of elections that most people understand. This Parliament should not try to legislate against Northern Ireland parties calling themselves what they want. I hope that the spirit of the amendments will be accepted by the Minister so that the matter will not be decided by the votes of hon. Members who have not listened to the debate—few have been listening—and who will vote as their party tells them. I hope that the Minister will accept that parties represented in the House, which have already gone through the electoral process, stood up for the people of Northern Ireland and been democratically elected, should have the right to call themselves what they wish.

Mr. McNamara: We are avoiding considering the position of the electors—the people who are being asked to make the choice. It has to be our duty to give the greatest possible amount of information to the individual elector and to seek to avoid confusion. There have been examples in Great Britain of how confusion has been deliberately caused by candidates. There was the famous case in the south-west of England which affected the Liberals.

Our duty must be to do what will most help the electors. In an ordinary election we have first the name of the candidate and then whatever party description he wants, so that people are generally not confused. However, in this particular case we shall have the names of the parties, some of which can be confusing. We have heard the list of six Unionist parties. All those parties could claim parts of the titles of the other parties. Depending on how they regard the British Unionist party, I am sure that the official Unionists would regard themselves as British and part of the British Isles—

Mr. Ken Maginnis (Fermanagh and South Tyrone): There is no official Unionist party.

[Mr. Ken Maginnis]

6.30 pm

Mr. McNamara: I beg the hon. Gentleman's pardon. I am sure that the Ulster Unionists would object to the use of the word "British" as if it were a description that did not apply to them. I understand that. If we are to help the electorate, we must give them as much information as possible, particularly if we are theoretically electing parties and not candidates.

My hon. Friend the Member for Vauxhall (Miss Hoey) and the leader of the official Unionist party, the hon. Member for Upper Bann (Mr. Trimble), asked correctly why people should not know who is the candidate in their constituency. That was the question that I intended to ask the Minister. If the names are not to appear on the ballot paper, what directions will be given to the electoral registration officer for Northern Ireland to ensure that there is sufficient information in the polling station so that people can be aware who are the candidates for particular parties? The selection of a candidate, especially if he is near the top of the list and may be elected, might be a reason why an elector may not want to vote for a particular party and may switch his vote. He may have a personal thing about the candidate. So it is important that the elector should be given the fullest possible information.

We cannot have the information on the ballot paper, so what will happen in the polling station to ensure that information is brought directly to the attention of the elector in a way agreed by the parties? How will we ensure that the information is not lost in the great mass of close black writing on white paper which people will have to spend hours going through? There is a duty on the Government to take sufficient time and effort to ensure that the individual elector has the fullest possible information.

To return to the point that was originally raised, it should be for the parties to decide the name by which they go. It should not be the decision of the Secretary of State. If sufficient information is readily and easily accessible to the electors at the polling station, in a form which they can easily read, they should be able to distinguish among the names of the candidates which party most meets their needs.

Mr. Ancram: We have had an interesting and, on occasion, entertaining debate. There has been a large number of broad churches floating around the Chamber—rather more than usual—and some strange alliances have been formed. The question that the hon. Member for Kingston upon Hull, North (Mr. McNamara) asked at the end of his speech will arise under amendment No. 43, and I would rather respond to it then than do so out of sequence now.

It is fair to say that my hon. Friend the Member for Spelthorne who is not in his seat, made a strong case on why a Government should not decide who is a party—"should not license parties" was the phrase he used. The comprehensive nature of the list printed in part II underlines the fact that the Government sought not to prescribe or license parties but to put in legislation, for reasons which I shall come to, as comprehensive a list of potential parties as possible, so that people were not prevented from putting themselves forward as parties because a Government had decided that they should not do so.

It was in that spirit that, on 1 April, I sent to a number of parties a consultation document. We also published it so that other parties were aware of it. We made it clear that we were trying to meet the sort of problems that my hon. Friend the Member for Spelthorne has outlined, and to do so in a way that would satisfy the need for parties, in the words of the hon. Member for Vauxhall, to have a say in how they would appear in the legislation, and, as a result—to answer the point made by the hon. Member for South Down (Mr. McGrady)—how they would appear in the election documentation and on the ballot papers.

In paragraph 6 of the consultation paper, we said:

"The Government intends that the list in the legislation should be as inclusive as possible of parties likely to be able to attract a significant degree of support, and to contribute to that process".

I had referred earlier to the process.

"Subject to representations, the Government will incorporate in the legislation that is presented to Parliament the list of the parties in the form in which they appear in Annex 1."

That was the rather shorter list. We continued:

"Names of the parties will be set out on ballot papers, and in other election documentation, in precisely the form in which they appear in the legislation."

As a result of that consultation paper, a number of representations were made to us, some from parties which did not appear in the original list and others from parties which did and wished to have the name altered. Everyone had the chance to respond. We made it clear in the consultation that we required the information by 10 April so that we could proceed to legislate.

The hon. Member for Vauxhall cannot accuse us of nit-picking, when we gave an open and public opportunity to parties to make representations to have the name altered or to be included in the process. Those parties which failed to do so cannot now sit in the Chamber and complain that they were not given that opportunity.

The hon. and learned Member for North Down (Mr. McCartney) took advantage of that opportunity and made representations to us about how he wished his party's name to appear. So I hope that the House will accept that this has been not a surreptitious exercise on the part of the Government but an open exercise, with full consultation and every opportunity for the parties to make representations.

It is true to say that the amendments reveal disquiet in the Committee about our decision to name parties that may participate in the election provided for in the Bill. I use those words advisedly, because all that the schedule does is allow parties to participate. It does not force them to participate. The fact that they are on the list will not mean that they will appear on every ballot paper. It does not mean that we are convinced that they are parties.

As the hon. and learned Member for North Down rightly pointed out, to be a party one has to have more than one candidate. I should be loth to argue that a political organisation that can pull together two or, in this case, up to eight candidates to apply for all the available representation in the forum and negotiations is not a party. So it is right to underline that fact.

We have done it in this way for a simple reason: we have no system of political party registration in the United Kingdom, as the hon. Members who tabled the

amendments know. The hon. Member for East Londonderry (Mr. Ross) said that that matter should be looked at urgently. However, that is the position at the moment. Therefore, it is not possible to legally define who is a party and who is not a party. On this side of the Irish sea, we have the advantage that we stand as individuals, and whether the Labour party decides to call itself the Labour party or new Labour is not a matter of legal challenge at elections.

When a list system is used, it is important that the names of the parties are securely registered in one form or another before an election takes place. It is simply not possible to say—as does the amendment of the hon. Member for Falkirk, West (Mr. Canavan)—that all parties should participate in the election, because the word "party" has no basis in law. Our task was to devise a method of getting those who wished to participate on to the ballot paper, if that was their desire.

The hon. Members for North Antrim (Rev. Ian Paisley) and for Belfast, East (Mr. Robinson) asked—I shall paraphrase their amendment—why we could not have provided for a party registration scheme under subordinate legislation. We closely examined that, but we could not introduce such a scheme without risking the close attention of parties that might simply be out to spoil the election.

I wonder what the hon. Members would think if they arrived at the place of registration to register their party and found that they were the sixth person to arrive that morning to register as the DUP. Under United Kingdom law, they would have no more right to that name at that point than any other group of individuals. Of course, the hon. Gentlemen would protest at the hijacking of their label.

The legal advice we received was that we could not have got that matter before the courts and resolved in time for the election. We were told that the poll would go ahead with whatever names had been lodged via the registration process, and there would have been a recipe for potential chaos had we proceeded in that direction. Reference has been made to the Liberal party and its experiences with the Literal Democrats. I should have thought that, rather than sympathising with the amendments, they would see the purpose in operating in the way we have.

A decision was taken to include in the Bill those who may participate. We sought to be as inclusive as possible in this elective process, and we opened up the inclusion procedure to consultation. A number of individual groups responded, and the names that appear on the list under part II are there as a result of the responses.

It is adequate testimony to our desire that the election should be as inclusive as possible that we have accepted those representations and left it to practical reality as to how parties put forward names to decide who are parties in terms of who will stand at the election. The list seeks to set out those who are eligible to be parties if they so wish to proceed.

To an extent, I agree with what the hon. Member for Upper Bann said; that is, that in the time available—we had time constraints in this and I make no secret of that—we have pursued the best solution possible so far as making the process inclusive is concerned. I regret that, although we looked for more democratic ways of doing this, we could not find any that were workable within the time. I think that there has been sufficient time for all who were interested to register their views on participation. We had a reasonable period of consultation, and many people took advantage of it.

The Government amendment in this list is a result of a failing on our part. I refer to amendment No. 142, which inserts the Communist party of Ireland on to the list. It made representations, but, due to an administrative error in my Department, it was left off the original list. It then made further representations to us to point out that it had made its representation in time. Because its letter was mislaid, it has now been put on the list. I believe that it would have been wrong not to do so.

6.45 pm

My hon. Friend the Member for Spelthorne has an amendment that refers to assentors. We gave some consideration to this matter. I think that we are all concerned to see that, in the actual practice of the election and the way that it works out, we do our utmost to prevent frivolous parties from standing.

It was for that reason that my right hon. and learned Friend the Secretary of State was pleased to accept the amendment of the hon. Member for Upper Bann that sought to provide that parties that wished to be on the regional list should put up at least two candidates in three constituencies, thereby indicating the seriousness of their intent. I hope that hon. Members will accept that that was a genuine response to a concern that is reasonably widely felt.

The question of assentors is difficult one. The hon. Member for Spelthorne said that 500 assentors might be too many. I think that, in our parliamentary elections, we have to put down 10 assentors—one proposer, one seconder and eight others. I have fought seven general elections, and I know that quite often there is considerable difficulty in ensuring that those names are right—they have to be validated by the returning officer. I would have sleepless nights if I were the person who had to produce and validate 500 names.

I refer to the general purpose that we have been pursuing in relation to these elections—that is, we are trying to make the elections inclusive. We are trying to reduce the burden on the smaller parties in relation to them standing. Elections are not very difficult for a big and well-organised party—there tend to be party machines that are ready to go into operation. *[Interruption.]* The hon. Member for Clydebank and Milngavie (Mr. Worthington) laughs at the idea of party machines. In the 20 years that I was involved in Scottish politics, a well-oiled machine worked in his part of the world. It would be wise for him not to make much more comment about the value of party machines in politics.

I am making the point that there are many parties that should have the ability, if they so wish, to stand in these elections, but that they would regard a number of the things that we take for granted as burdensome, and, in some cases, they would stop them standing. We have tried to reduce those burdens to a minimum. I think that the imposition of a requirement for assentors—whether it be 500 or fewer—would discriminate against the smaller parties in terms of the clerical work involved.

Mr. William Ross: The Government are saying that they do not want 500 assentors or 100 assentors. How

[Mr. William Ross]

many assentors will they require? Surely it will not be a case of people going in with a nomination form with their name on it and nothing else.

Mr. Ancram: The hon. Gentleman must remember that this is a party list system—it may be on a constituency basis, but it is a party list system. Therefore, he must take cognisance of the concession willingly made by my right hon. and learned Friend in accepting the need for parties to put up in three seats to qualify for the regional list. That was an attempt, in a non-discriminatory way—one that merely sought out the seriousness of the commitment of the party—to ensure that the frivolous parties were excluded. For that reason, we are not looking at the number of assentors, because we think it is burdensome.

I have listened to some of the representations made about the amendments. I think that I was invited by the hon. Member for Vauxhall to be generous and to accept the amendments, but some of them counter each other. That indicates some of the difficulties that would have arisen had the Government decided to operate on the basis of exercising our judgment rather than allowing parties to make representations to us and putting them on the desk.

Mr. McGrady: I asked the Minister a specific question, and I hope that he will not sit down before he responds to it. I asked him whether it is the intent that the way that the parties are listed and described in part II of the Bill is how they will appear on the ballot paper. Will he take any exception to that? In other words, he appears to be rejecting my party's simple amendment to use the letters SDLP. Will he answer that question before he sits down?

Mr. Ancram: With respect to the hon. Gentleman, I answered it earlier, and referred to him when I did so. I said that we made it clear in the consultation document, and I was confirming again today, that the names that would appear on the list in the Bill would be those that would be set out on the ballot paper and used in other election documentation. The hon. Gentleman or his party was sent the consultation paper with that in it. Other parties took advantage of the consultation period to change the designation that would appear on the ballot paper.

Mr. McGrady: It was not made clear in the communications that the name of the party that was to respond would be the description and detail that would appear on the subsequent ballot paper. There is no connection between a piece of correspondence and a piece of legislation regarding these elections. It is totally unreasonable of the Government not to accept a simple amendment, inserting "SDLP" either in substitution for Social Democratic and Labour party or in addition to it. It harms no one; it affects no one. It shows the prejudice with which the Government are approaching this part of the schedule. It is appalling.

Mr. Ancram: We set this out clearly and for good reason, because we accurately foresaw that, if we did not follow that procedure, when the Bill was considered in the House of Commons, one party would say, "Remove this" and another would say, "Do that," and ultimately a subjective judgment would need to be made, and one party would accuse those who took the decision of having favoured another party.

We deliberately set matters out very clearly. I sent out the document—with a covering letter to the hon. Gentleman's party and to other parties—saying:

> "Subject to representations, the Government will incorporate in the legislation that is presented to Parliament the list of parties in the form in which they appear in Annex 1"—

and that is what has happened in regard to the hon. Gentleman's party.

> "Names of the parties will be set out on ballot papers, and in other election documentation, in precisely the form in which they appear in the legislation."

Mr. Trimble: We have the basis for some misunderstanding here. The Minister has read from the letter, and the sentence that he just read refers to the names of the parties. We rest content with the name of our party, but we tabled amendment No. 49 to confine party names to party names. Consequently, because of the way in which the Minister has interpreted the response to that letter, we are in an unbalanced situation.

Mr. Ancram: The hon. Gentleman heard the speech by the hon. and learned Member for North Down (Mr. McCartney), who said that that was the name by which he wished his party to be known for the purposes of this election. That position was available to all the parties.

Mr. McNamara *rose—*

Mr. William Ross *rose—*

Mr. Hume *rose—*

Mr. Ancram: May I finish this point?

I am reading from the letter I wrote covering the consultation document. I said:

> "The Government are of course ready to listen to representations on the proposals relating to the designation of parties and individuals; but because of the tight timescale for legislation, they would need to be received by noon on 10 April."

Many parties took advantage of that.

Mr. McNamara: I understand the point that the right hon. Gentleman is making about his legislation, but we are here today to examine his proposal, hear argument and discover how best to meet the needs of electors and the parties involved.

Now that the Minister has met his timetable, received representations and presented his prepared legislation to Parliament, Parliament is able to adopt a broadly non-partisan position and allow the parties to say what position they want to hold. Then the DUP can have what it wants, the SDLP can have what it wants, and the Ulster Unionists can have what they want. It is not a sufficiently major issue for the Minister to stand so forcefully on it that he pre-empts the right of Parliament to change it.

The Minister may say that, if that is the way we feel, we should force our amendment to a Division, but we know what powers there are. We do not seek to do so. We seek general democratic agreement. We ask the Minister to reconsider, and, if he does not feel that he can do so now, consider giving an undertaking to introduce

an amendment in another place to meet the representations made by the parties. I know that he has a tight timetable in the other place, but I am sure that all Government amendments would be taken.

Mr. Ancram: I think the hon. Gentleman realises that it is not as simple as that. There are other amendments in the group. Were I to take the view that the hon. Gentleman takes—if those parties want it like that, let them have it—I suspect that I would meet strong opposition from other parties in the House.

Miss Hoey *indicated dissent.*

Mr. Ancram: The hon. Lady shakes her head, but we believe that other parties would object strongly to some of the other amendments that have been tabled.

Mr. Peter Robinson *rose—*

Mr. Hume *rose—*

Mr. Ancram: I give way to the hon. Member for Foyle (Mr. Hume).

Mr. Hume: Are you telling me, Minister, that we cannot call ourselves the SDLP on the ballot paper? Is that what you are telling me? You are asking me to believe that this is a serious election. Given that the Democratic Unionist party is DUP, the Progressive Unionist party is PUP, the Ulster Unionist party is UUP and the Ulster Democratic party is UDP, I am sure that none of the other parties would object to us calling ourselves the SDLP. That is the amendment that we have tabled—amendment No. 48. Is there some other reason that you will not allow us to call ourselves what we are known as?

Mr. Ancram: I repeat to the hon. Gentleman, and I hope that he will accept it, that we were trying by this consultation to avoid a specific situation. I have to say to the hon. Member for Kingston upon Hull, North (Mr. McNamara)—*[Interruption.]* I have to say to the—

Mr. Peter Robinson: Will the Minister give way?

Mr. Ancram: I will in a second.

I have to say to the hon. Member for Foyle—and the hon. Member for Kingston upon Hull, North, now that he has returned to his seat—that we adopted that procedure to avoid the tabling of competing amendments in the House of Commons. Ultimately, the House of Commons must and can decide, but we chose that procedure to avoid the need to take invidious decisions, which might lead to accusations of preference or favour. If hon. Members are telling me that they believe that all or some of the amendments are acceptable and no one opposes them, I should be very interested to hear it.

Mr. Peter Robinson *rose—*

Miss Hoey *rose—*

Mr. Robert McCartney *rose—*

Mr. Ancram: I give way to the hon. Member for Belfast, East.

Mr. Robinson: I support the view expressed by the SDLP that it should be entitled to define itself as it wishes. The Minister's argument against the SDLP is that it did not respond to his communication requiring an answer by 10 April by saying that it wanted to be described as the SDLP. My party did respond, however, and the communication that I have before me from my party—*[Interruption.]*

The First Deputy Chairman of Ways and Means (Sir Geoffrey Lofthouse): Order.

Mr. Robinson: The communication that I have before me asked for the Democratic Unionist party to be described in terms as it is in the amendment, with the party leader's name on it.

Mr. Ancram: I shall hear the other hon. Gentleman before replying.

Mr. Robert McCartney: When I received the correspondence to which the Minister referred, I understood it on the same basis as the Minister now suggests, and for that reason responded positively. Nevertheless, I believe now that, if there is unanimity in the House among the major parties concerned that they wish to be described in a specific way that they are now prepared to specify, it would be the wish of all those parties, including myself, that they should be permitted to do so. If amendment No. 49 is withdrawn, we are all of one mind that people and parties should be able to describe themselves as they wish.

Mr. McGrady: Sir Geoffrey, I propose to assist the Committee at this juncture by indicating that my party is prepared to withdraw amendment No. 49.

The First Deputy Chairman: I shall take note of that. I do not know whether it is intended to move that amendment.

Mr. Ancram: It may be helpful to hear from the Opposition at this point.

Mr. Worthington: There is much agreement, but the situation remains a bit of a mess, and we will not sort out the problem with competing amendments. Perhaps the major parties could get together before Report stage and agree to a formula that would command general approval.

Mr. Ancram: Sir Geoffrey—

Rev. Ian Paisley *rose—*

The First Deputy Chairman: Order. The Minister must be allowed to respond.

7 pm

Mr. Ancram: I want to make a little progress. I said at the outset that we had heard about a number of broad churches during the debate—I think that another broad church is beginning to operate here. I think it is important

[Mr. Ancram]

to take into account the feeling of the Committee. We have witnessed an interesting exchange, and the general view appears to be that the SDLP nomenclature was left out inadvertently.

As the SDLP is one of the parties that did not respond to my consultation paper about the issue, I am prepared to accept—but it must be on the basis that it is an exception; otherwise we shall get into all sorts of problems—amendment No. 48 tabled by the hon. Member for Foyle (Mr. Hume) and his colleagues, which would allow them to insert the initials "SDLP" in the Bill. I do so in recognition of the fact that that is the name under which that party is usually known. I think that that distinguishes the amendment from the others that we are considering at present.

Rev. Ian Paisley: The right hon. Gentleman must come clean about the issue. I have said nothing in the debate so far. I attended the Minister's first meeting, when we made strong representations to him that the name of a person—specifically, that of the party leader—should appear with the party name. The right hon. Gentleman knew that that is what we wanted, and he told us that there was no difficulty: he said that parties could describe themselves as they wanted, but that the Government were not of a mind to include any names of party leaders on the ballot paper.

We were then asked to respond to the consultation document in writing, which we did. We pointed out that it was essential that the name of the party leader be included with the party name on the ballot paper, and we asked that that be done. The Minister has just said that he complied with the wishes of the parties who responded to the consultation document.

My hon. Friend the Member for Belfast, East (Mr. Robinson) led a deputation to the Minister, and he was astonished to see that the name of the hon. and learned Member for North Down (Mr. McCartney) was on the document, but that mine was not. The Minister said that there was no reason why the problem could not be resolved. However, when the Bill was published, we were amazed to see that the Minister had not done as he promised. He must be fair to all of the parties in this place.

I support the SDLP's argument: people will be looking for the initials "SDLP" on the ballot paper. The Minister knows that my party faces an enormous difficulty as another political party—the Ulster Democratic party, UDP—has adopted a name whose initials are as close to those of my party as they can get. Therefore, we must distinguish ourselves. There is also the Independent Democratic Unionist party—though the Lord only knows who they are.

The Minister has said that he will allow the SDLP's amendment. I have proof that we wrote to the Minister about the matter, and that we did everything he asked of us. He is now saying that he will make a concession to the SDLP, but not to us. He must be fair.

The First Deputy Chairman: Order. The last thing I want to do is stifle debate, but the interventions are becoming increasingly lengthy—they are almost mini-speeches.

Mr. Ancram: I accept that, in a letter written by the party secretary, the DUP made representations that party leaders' names generally should be included on the list. I think that the hon. Member for North Antrim will accept that that is what he asked for. However, all parties did not agree that that was the way it should be done—that is how the hon. Gentleman phrased it in the letter that I have in front of me.

Mr. Peter Robinson: Read the letter.

Mr. Ancram: I shall not begin reading out letters that I receive. The DUP accepted the designation of "Democratic Unionists—DUP". We have accepted that, like the other parties on the list, the initials of the SDLP should appear after the party name.

We decided that it would not be appropriate to include party leaders' names on lists of that sort. We took that decision not only for our own reasons, but because other parties made strong representations to us that they did not wish that to happen. We must try to draw the debate to a conclusion. I shall give way again to the hon. Member for North Antrim, as he has a right to be heard.

Rev. Ian Paisley: My party did everything that was asked of it. As the Minister knows, we said that other party leaders could do whatever they like—their names do not have to appear. However, we believe that it is vital to distinguish the DUP in that way. We made that point clear to the Minister. Why did he say at the next meeting that it was not a problem? As the name of the hon. Member for North Down appears on the list, the Minister said that he did not see why my name should not appear also. It is an important point: the Minister cannot make fish of one and flesh of the other.

The Minister has said that the SDLP did not reply to the consultation document when it was asked to do so. I accept the point that SDLP Members have made: it is not simply a matter of replying to a letter, but a serious matter involving the Committee's right to make a decision. If parties fail to respond by letter, will they be ruined for ever? I hope that the other parties will support the DUP on this important issue of principle. I repeat that we did everything that was asked of us. We said that we did not care what other party leaders did, but that it was essential for us. The Minister knows that.

Mr. Ancram: I accept that the hon. Gentleman made representations that party leaders' names should be put on the list. However, others made strong representations opposing that proposal. The last 10 minutes of debate have fulfilled my predictions—I arranged a consultation process in order to sort out the matters before the Committee stage, and avoid this type of situation.

I have listened to hon. Members, and I accept that the Committee wishes to see the letters "SDLP" appear after that party's name. The Government are prepared to accept amendment No. 48. However, I repeat—before the situation deteriorates further—that I am not prepared to accept any further amendments.

Mr. Wilshire: On a point of order, Sir Geoffrey. Almost all hon. Members are trying to achieve the same end, but we are in grave danger of legislating on the hoof. If the amendments were withdrawn, would you give an undertaking that you or Madam Speaker would certainly

allow the matter to be considered again on Report in an hour or so? That would allow common sense to break out and legislation to be drafted more sensibly.

The First Deputy Chairman: I would never dream of committing Madam Speaker to any action on Report.

Mr. Ancram: With great respect to my hon. Friend the Member for Spelthorne, the consideration of amendments is part of the process, and I have listened very carefully to what hon. Members have said. If I have got the feeling of the House wrong, the House has the ability to rectify that in the Lobbies. If the hon. Member for North Antrim feels that I am wrong not to accept amendment No. 11, he is entitled to test that in the Lobbies. I have said as much as I can on the issue. I am prepared to accept amendment No. 48, but I ask the hon. Members involved to withdraw the other amendments.

Rev. Ian Paisley: Will the Minister give way?

The First Deputy Chairman: Order. The Minister has just said that he will not give way.

Mr. McNamara: On a point of order, Sir Geoffrey. The Minister has sat down. Do we have the leave of the House to continue the debate, having heard what the Minister has said, because points arise from—

The First Deputy Chairman: Order. The hon. Gentleman does not need the leave of the House. The debate may continue.

Mr. McNamara: We have had a generous response from the Minister with regard to the SDLP, and I am grateful for the fact that the Government have accepted that point. However, the point that we were making was that it was the right of the parties to decide by which name they wanted to be known. The position now will be that the hon. and learned Member for North Down (Mr. McCartney) and his party will be able to put down the party leader's name for all to see, but another party, which specifically asked for that same right, will be denied the right. That cannot possibly be right.

I understand that there may be other reasons why it was felt that the party leaders' names could not appear, and that may have something to do with the success of certain individuals in elections. It may have been felt that if a certain person's name appeared, appended to a party, that party might get more votes because of past history than another party might perhaps get. It is a political and tactical way of dealing with the problem to say that no party leaders' names will appear, just the parties, but that principle has been breached by the position of the hon. and learned Member for North Down. In equity, and whatever one may think about the political opinions of any person or the political advantage that any political party may gain in any elections, everybody must be treated the same.

The Democratic Unionist party met each and every one of the criteria laid down by the Minister. Failure to accept the party's request would give it a cause to cry foul and say that the House is failing, in the drafting of electoral laws, to achieve equity among all candidates and all parties. I therefore urge the Minister to think carefully. Once he allows the name of the hon. and learned Member for North Down to appear on the ballot paper as the leader of a party, the principle that he has laid down will be breached. He has not thought the issue through, and he will have to live with the consequences. I believe that the Minister must grant the same rights to the DUP.

Rev. Ian Paisley: The Minister said that if everybody agreed that the SDLP should have its initials after its name, he would accept that. Will he come to the Dispatch Box and say the same for the DUP? Let us have the same test. I am a democrat, and if people say no, I shall accept it. But the Minister will sour relations in Northern Ireland with one section of the community, because one section of the community is now being discriminated against. I ask the Minister to do the same for the DUP as he did for the SDLP, because nothing could be fairer, and he will see the response of the House.

7.15 pm

Mr. Robert McCartney: A possible way out of this dilemma might be as follows: the proposed legislation allows a nominator of delegates for every party that will participate in the election. That nominator of delegates will be specified by the Secretary of State on the advice, I assume, of the parties concerned. The name of each party could followed by that of the nominator. For example, the name of the Democratic Unionist party could be followed by, "Nominator of Delegates: Rev. Dr. Ian R. K. Paisley", and the SDLP's name by "Nominator of Delegates: Mr. John Hume", and so forth. That would meet the bill by not so boldly setting up a name with a party, but permitting the electors, with whom we should be most concerned, to associate each party with its nominators, as provided in the Bill. That would forward the intention of the legislation and also clarify the issues that are before the House. Most importantly, we would have equity among all the parties.

I invite the Minister to accept amendment No. 11, of the hon. Member for North Antrim (Rev. Ian Paisley). It would be a good start to the negotiations if all the parties could agree about something in the House, even if that did not fit in with the Government's intentions.

Mr. Peter Robinson: The Minister, when he referred to the means by which the hon. and learned Member for North Down (Mr. McCartney) had appeared in schedule 1, said that the hon. and learned Member had appeared in that way because that was the way that he had requested he should appear. The background to the Democratic Unionist party's position is that we met the Minister on 1 April—the day on which he released his consultation document, to which the hon. and learned Member responded and to which the SDLP did not. The minutes of that meeting make it abundantly clear that we asked time after time for the name of the leader of our party—specifically, the name of the leader—to appear on the ballot paper beside our name.

We argued the case, not because of the Independent Democratic Unionist party—it came along later—but because when the name of another political party was abbreviated to UDP, it was easily confused with the DUP. We wished to make it clear to those who would vote for whom they would be voting. Therefore, the identification of the leader of our party, along with the name of the party,

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would make it clear whether they were voting for us or for the other party, if that were their choice. That was how we wished our name to appear on the ballot paper.

What rule of democracy is it that will not allow us to appear on the ballot paper and to seek votes from people under the name of our choice? We shall appear under the name of the Minister's choice, and that just is not acceptable. It is the right of every political party, and we have argued for that right for every political party, to add the name of the leader of the party to prevent confusion.

We have made it clear to the Minister that we want our name to appear as, "Democratic Unionist (DUP)—Ian Paisley." That is our choice and I hope that the Minister will not sour the debate by maintaining his position. That would go far beyond the debate, and I see no point in remaining in the House for the other stages of the Bill if the Minister will not listen to our requests for changes that will affect only our party. The Minister has accepted amendments from everybody else, including the Ulster Unionist party and the SDLP, but he will not accept amendment No. 11 from us about how we appear on the ballot paper.

Mr. Worthington: I am concerned that the debate is falling away from us a little, and it really does need pulling together.

Throughout the debate we have been as constructive as possible, and an easy solution is available. We may not agree with the solution, but, basically, all parties on the ballot paper should be on it on the same terms. There seems to be agreement that the parties should be able to name themselves, and there is probably agreement that they should be able to have the initials that they want after their names. Where there may be disagreement is whether the name of the leader should be on the ballot paper.

I have suggested that on Report—I am sure that with good will it could be organised—a principled proposition should be put forward, rather than alternative votes which will lead us into a greater mess than we are in at present. We accept the list of parties as they are described in the schedule, but a proposition should appear on the face of the Bill about what parties should be able to call themselves and what style they may use. I am convinced that by Report stage we shall not obtain agreement, but we could agree that the matter was being pursued in a principled way. That is what I propose to the House.

Mr. Harry Barnes (North–East Derbyshire): We are discussing a Bill that seeks to establish a forum and negotiations in Northern Ireland in order to bring people together and obtain agreement. Hon. Members from different political parties in Northern Ireland, and probably every other hon. Member who has spoken, apart from the Minister, either want certain amendments to be accepted and parties allowed to use the description of their choice, or the problem to be resolved by some other means and to be dealt with on Report.

The Minister must respond favourably either to the amendments or to the suggestion that matters can begin to be resolved on Report, and suggest how that will be done. Otherwise, he is setting the process off down the wrong road entirely and a fantastic dispute will emerge from the measure. There is agreement in the House on the areas that matter and the Government should respond to the situation. They are supposed to be facilitating agreement on the issue, so that the House can reach a decision.

Miss Hoey: I rise briefly again because I do not think that the Minister answered the point that I made when I spoke earlier. I do not believe that the principle is about every party on the ballot paper being described in the same way. Surely the principle must be that political parties, particularly the main political parties that are represented here in the House, should have the right to describe themselves on the ballot paper as they wish.

It would be simple for the Minister to accept that all the parties represented here today could say how they wished to be described. If the Democratic Unionist party wants its leader mentioned, that is fine. If the Unionist party does not want its leader mentioned for some reason, that is fine. Surely the principle should be that individual parties represented here, which have already gone through the electoral system, should have that basic right. That is the principle, and the Minister did not reply to my original point.

Mr. Canavan: The debate would be unnecessary if the Government were to accept amendment No. 94 in my name, which would allow any party to contest the election, in which case we would have no need of the schedule, particularly part II. The Minister is being inconsistent. He said earlier that he was unwilling to accept that the name of the leader of the party together with the name of the party should appear on the ballot paper. Yet that has already been accepted, and not simply in the case of the UK Unionist party and the hon. and learned Member for North Down (Mr. McCartney). Another seven parties are listed in the schedule, which appear to bear the names of individuals. Although they are described as independents, they are listed under the heading of "The Parties".

If the Minister is to be consistent, he should allow each party to decide how it will be described on the ballot paper. If he had accepted my amendment, all this could have been taken care of in the normal nomination procedure, whereby nominations would be invited, as they are at a general or local government election, and the various candidates, or in this case the various parties, would put the teams of candidates forward and the names of the parties and, if they wanted to put the name of the leader of the party on the ballot paper, so be it. It is rather strange and unjust for the Minister to be discriminating against some parties in this way.

The Minister said that my amendment No. 94 was not acceptable to the Government for various reasons which I did not quite comprehend. He said that it is the Government's intention not to proscribe but to get a comprehensive list in order to make the elections as inclusive as possible. If he were to accept my amendment and allow any party to contest the elections, surely that would make the elections far more inclusive than confining them to a list of 30 or so organisations that the Government have decided are parties. Who knows, between now and election day, or what could have been nomination day, other parties or groups of people may wish to contest the elections, but it will be too late to do so.

The Minister also said in justification for rejecting my amendment that the word "party" has no basis in law. That is a poor argument. He can, if he wants, accept my amendment and introduce a consequential amendment defining a party in law if he thinks that that is essential.

The Minister also said that once one goes down the road of the list system, one must go down the road of some form of registration of parties. That is fair enough. I accept that in principle. But there is no need for a statutory recognition of parties. There is no need for a statutory list of parties. Many countries operate a list system in their general and local elections without some form of statutory recognition of parties. That could be taken care of simply by the nomination procedure, whereby parties go along with their groups of candidates and put them down under a description that they choose.

I hope that the Minister will think again about amendment No. 94. If he is unwilling to accept it, he should be consistent and allow all parties to describe themselves as they so wish rather than by the diktat of ministerial decree or parliamentary statute.

Mr. Ancram: I have listened closely to the representations that have been made. As I said earlier, it was on the understanding that there was a feeling within the House that the SDLP should be allowed to add its letters after its name that I said that I would accept that amendment.

I have to say in all honesty that I cannot at the moment get a feeling for an equivalent degree of consensus in relation to a way forward on the matter that we have just been discussing, so I cannot alter what I said earlier.

However, I am prepared to suggest that between now and Report my right hon. and learned Friend the Secretary of State should consult the leaders of the Northern Ireland parties to see whether an acceptable formula can be arrived at, which can satisfy the concerns that have been expressed. It is certainly my opinion that we currently do not have that consensus.

As I said earlier, however, my intention and that of my right hon. and learned Friend the Secretary of State is to create an inclusive process in which people will feel able to participate. It is in that spirit that I offer this consultation. If there is consensus, it obviously could be acted on on Report, with the indulgence of the Chair. I make that offer.

On that basis, I ask hon. Members not to press their amendments, other than those that I have said I shall accept.

Mr. Canavan: I am still very unhappy about the Minister's response—or, rather, lack of response—to my amendment. I shall certainly not withdraw it, but I do not want to press it to a Division.

Amendment negatived.

7.30 pm

Mr. McNamara: On a point of order, Mr. Lofthouse. Did not the Minister invite hon. Members who tabled amendments to say before the vote what their responses would be to the offer that he has just made?

The First Deputy Chairman: Order. The Question has been put and negatived.

Rev. Ian Paisley: On a point of order, Mr. Lofthouse. I understood the Minister to say that hon. Members could withdraw their amendments now, that the Secretary of State would consult the leaders of the Northern Ireland parties, and that on Report there might be some provision to finalise the dispute that has arisen among us today. I am certainly prepared to withdraw the amendment in my name on those grounds.

The First Deputy Chairman: Order. We shall come to the amendment mentioned by the hon. Gentleman. He will then have the opportunity to withdraw it, or otherwise.

Amendment made: No. 47, in page 5, line 1, leave out 'one constituency list' and insert 'three constituency lists.'.—*[Mr. Trimble.]*

Mr. Robert McCartney: I beg to move amendment No. 143, in page 5, line 3, leave out 'at least two and'.

The First Deputy Chairman: With this, it will be convenient to discuss also amendment No. 156, in page 5, line 3, leave out

'and not more than five'.

Mr. McCartney: In general terms, schedule 1 provides that parties will have to field not fewer than two and not more than five candidates to stand in the constituency section of the proposed election. I am conscious of the fact that the Minister said that he was sensitive to the difficulties that face minor or smaller parties in fielding candidates and in complying with the exigencies of an election campaign.

The purpose of amendment No. 143 is to amend the clause so that parties may field not more than five candidates, which would give them the option of fielding not two candidates but one. It would therefore only be necessary for the smaller parties in the 18 constituencies to find 18 candidates, plus an additional eight candidates for the Provincewide section, which involves another 20 seats.

I think it is important that the smaller parties should be helped to field at least one candidate in every constituency because that would provide them with an opportunity to increase their Provincewide vote, thus qualifying for a place in the top 10 parties. Under the legislation, that would give them an additional two seats.

There seems to be no very good reason why the question of the number of candidates, up to the maximum that can be fielded, should not lie in the purview of the parties fielding candidates. Why should there be an obligation on those parties to field two candidates rather than one, particularly as amendment No. 47—which the Government have accepted—means that there is already an obligation on the smaller parties to field candidates in at least three constituencies as an endorsement of their good faith and seriousness of intent?

In those circumstances, I suggest that it should be made easier for parties that are serious and want to raise their Provincewide vote to a level that would permit them to

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obtain an additional two seats. Such parties should be offered the facility of qualifying by fielding one candidate in each of the 18 constituencies.

It may be suggested—in some metaphysical manner—that if one is fielding only one candidate, one is not providing a list. That does not answer the issue at all, because one is providing a candidate, who will be one of a number of candidates on a very large list on which the electorate will be able to make their choice. Conversely, by compelling the smaller parties to field 36 candidates instead of 18, one is limiting that party in its appeal to the widest possible spectrum of electors.

There may, for example, be only 200 or 500 voters in a constituency that wished to cast their votes for the United Kingdom Unionist party—Robert McCartney. Provided that my party is willing to field at least one candidate in that constituency, is there any reason why those 200, 300 or more people should be denied an opportunity to vote for it?

If the object of the legislation is to include as many of the smaller parties as possible—not just my party—insistence on two candidates from each party in each constituency is simply the erection of an unnecessary hurdle for the smaller parties to overcome. Such a hurdle, by its very nature, defeats the object of giving the smaller parties the widest possible opportunity to participate.

I exhort the Committee to support the amendment.

Mr. William Ross: I tabled a short amendment which goes in a direction completely opposite to that of the hon. and learned Member for North Down (Mr. McCartney) because I wish to remove the limit of five candidates.

This is a party list system—a list of parties and not of individuals. I think that the more candidates a party has running in every part of a constituency, the greater its chance of enhancing its vote. It seems a bit ridiculous to say that a party can field five candidates when we know perfectly well that there is not a snowball's chance of any one party winning all five seats in a constituency. Therefore, the limit on the number of candidates has no grounding in logic, and there is no reason why that limit should not be removed or why a party should not field six, seven or 10 candidates in a constituency. Parties would have many people on the streets—knocking doors, talking to the electorate, convincing them of the strengths of their party and persuading them to support their party. All I ask is that that can be done.

We know that some parties, and I think that the SDLP is one—*[Interruption.]* Its members might like to stop chattering for a moment and listen. I believe that in the constituency of Foyle it has 15 or 16 people currently chasing three or four places. In those circumstances, why should any of them be denied the right to canvass?

Mr. Barnes: Might it not work the other way? Instead of attracting more votes, might not the existence of more than five candidates alienate some voters, thus providing more votes for other parties?

Mr. Ross: I accept that that might happen in view of the divisions between old and new Labour and between the Conservative Euro-sceptics and others, but it could not happen in a united party like the UUP. We would have no difficulty finding 10 or 15 people who were prepared to work for the party day and night to ensure its success. I have great pleasure in supporting the amendment.

Mr. Robert McCartney: In response to what the hon. Member for East Londonderry (Mr. Ross) said, it should perhaps be noted that although, theoretically, five candidates may be elected for one party in any constituency—even though that is utterly unlikely—it is abundantly clear that, if six candidates stand, no more than five can be elected. It is absolutely without purpose, therefore, to allow any party to run more candidates than it can conceivably get elected.

Mr. Ancram: I have listened with great care to the representations that have been made. The answer given to the hon. Member for East Londonderry by the hon. and learned Member for North Down was precisely that which I was going to give. Although running more candidates may be a way of securing more canvassers—if I understood the hon. Gentleman rightly—it is not necessarily logical for a party to run more candidates than it can have elected.

Rev. Martin Smyth (Belfast, South): Under this system if, for any reason, any of the candidates deemed to be elected drop out—because of death or illness or for some other reason—does not someone have to come up from the bottom? If a party is enthusiastic enough to win five seats, it might be as well for it to have some reserves.

Mr. Ancram: We gave some thought to that when considering how to develop the constituency list system and concluded that that argument could be taken to fanciful lengths. In practical terms, limiting the number of candidates to the number of seats seemed to be the appropriate thing to do.

I understand the concern expressed by the hon. and learned Member for North Down.

Mr. William Ross: I agree with my hon. Friend the Member for Belfast, South (Rev. Martin Smyth). Let us suppose that one party has three people elected; they go to a meeting in a car that crashes and they are killed. Under the proposed system, that party would lose out, whereas if it had been able to run six, seven or eight candidates, it could simply take people from the original group. That is a valid point.

Mr. Ancram: That situation is provided for in the Bill. We are considering the number of candidates rather than the way in which vacancies are filled.

As I was saying, I understand that the position of the hon. and learned Member for North Down is particular to himself. I heard with interest the fact that he regards an 18-seat campaign as the right way to proceed. Ideally, I would expect to see all parties that wish to be taken seriously stand in a large number of constituencies. That is another reason why we accepted the amendment tabled by the hon. Member for Upper Bann, which requires candidature in three constituencies in order to qualify for the regional list.

I repeat what I said earlier. A party is more than one individual, and we believed it was right that there should therefore be a lower limit. Had we not required a

candidature of at least two names on a list, it would have been possible for one person to stand in one constituency and claim to be a party. We felt that that was illogical in terms of the principle of parties and list systems. For that reason we set a minimum limit, which is right in logic and in principle. On that basis, I hope that the hon. and learned Gentleman will withdraw the amendment.

7.45 pm

Mr. Robert McCartney: Does not the Minister accept that the principle which he expounds is exploded to some extent by the Government's acceptance of amendment No. 47? Under amendment No. 47, in order to get on to the general list a party has to run a minimum of six people in addition to providing for the general list. Although one person may not be a party, six clearly must be. Even if there were only one candidate for each of the three seats, three plus three may be a small party, but it is certainly a party.

If that principle were to be applied to a greater number of seats—up to 18—amendment No. 143 would provide for at least 18 candidates for election, plus two on the Provincewide list. There would therefore be 20. I have some difficulty in understanding how 20 people do not constitute a party, even though, in an given constituency, there may be only one candidate. After all, in the general elections to elect Members to this Parliament, all the major parties field only one candidate in each constituency, but no one suggests that they cannot really be called parties. I ask the Minister to reconsider my serious suggestion.

Mr. Ancram: The hon. and learned Gentleman's argument might make sense if it contained a requirement for each party to put up at least one candidate in all 18 constituencies. However, it removes the lower limit without stipulating the number of constituencies in which a party would be required to stand. The hon. and learned Gentleman referred to the acceptance of amendment No. 47, but that applies only to a party that wishes to take advantage of the regional list system.

We are trying to prevent a situation arising in which a one-man party, which does not envisage taking part in the top-up through the regional list system, stands in one constituency on his own. Such a person would not constitute a party. Earlier, we were talking about the parties on the list which are designated as "Independent". That term is followed by one person's name. Whether those so listed are parties in terms of being able to take part in the election, beyond being shown on the list, depends on whether they can show that they have more than one member. I therefore ask the hon. and learned Gentleman to withdraw the amendment.

Mr. McCartney *rose—*

Mr. Ancram: If the hon. and learned Gentleman is going to offer to table an amendment to require that parties stand in 18 constituencies, my argument will be fairly predictable: it would place an enormous burden on certain parties which I believe have a right to stand and be heard in this election.

Mr. McCartney: I am grateful to the Minister for his exposition, but does not his argument boil down to the fact that a single person can still stand in a constituency—all he needs is one dummy piper by his side? The Minister is in effect saying that two people constitute a party, but a party willing to run a candidate in 18 constituencies cannot do so. Is that the de minimis rule taken to extremes? Do two candidates constitute a party, while one in each of the 18 constituencies does not?

However, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Trimble: I beg to move amendment No. 44, page 5, line 10, at end insert—

'*Deposits*

6(B) (1) A constituency list shall not be validly submitted unless accompanied by a deposit of £2,000.

(2) A regional list shall not be validly submitted unless accompanied by a deposit of £5,000.

(3) If a party submitting a constituency list fails to obtain 5 per cent. of the valid votes cast in that constituency it shall forfeit the deposit lodged in respect of that constituency.

(4) If a party submitting a regional list fails to obtain 2 per cent. of the valid votes cast in Northern Ireland as a whole, it shall forfeit the deposit lodged with its regional list.'.

The First Deputy Chairman: With this, it will be convenient to discuss also the following amendments: No. 46, page 5, line 10, at end insert—

'6A. A constituency list shall not be validly submitted unless assented to by 100 persons on the electoral register for that constituency.'.

No. 13, page 6, line 19, at end insert—

'(d) he has been convicted of a scheduled offence within the terms of the Northern Ireland (Emergency Provisions) Act 1991'.

No. 16, page 6, line 19, at end insert—

'(d) he has been convicted of any serious terrorist offence prescribed in an Order made under paragraph 1.'

No. 52, page 6, line 19, at end insert—

'(d) he is not entitled to vote in any constituency in Northern Ireland under the provisions of paragraph 4 of this Schedule.'.

No. 73, page 6, line 19, at end insert—

'(d) he is not ordinarily resident in Northern Ireland;

(e) he is not on the current electoral register for a Northern Ireland parliamentary constituency.'.

Mr. Trimble: The issue raised by amendment No. 46 was discussed in an earlier debate, owing to its similarity to amendment No. 74, which was tabled by the hon. Member for Spelthorne. Given the Government's hostility to that amendment, I shall deal now with amendment No. 44.

The Minister said earlier that the Government were prepared to do their utmost to prevent frivolous parties from standing in the elections. I took a longhand note, which may not be entirely accurate, but I think that *Hansard* will confirm that that is more or less what was said. I agree: we are engaged in a serious business. It is not like a by-election, in which we expect the Monster Raving Loony party and many others to feature, merely in order to advertise themselves.

[Mr. Trimble]

The point about self-advertisement is worth considering. The parties that are nominated are entitled to free postal facilities, allowing them to deliver a manifesto to each elector or a leaflet to every household. It is called the postal drop. That allows those who wish to advertise certain issues, or even products, an opportunity that people involved in local government by-elections have been prepared to pay for—but under the Government's proposals they would not have to pay. Having found a person who is prepared to stand for them in a particular area, they would be entitled to the postal drop. I consider that undesirable, but, if it is to come about, we should be allowed the safeguard that applies in electoral law generally—the requirement for a deposit. That, we hope, would act as a disincentive, at least to parties with limited resources. In many respects, of course, that applies to my party.

Northern Ireland press reports have suggested that one of the parties that would be standing recently helped itself to £1 million from Securicor. We assume that it is fairly flush as a consequence. We trust that it acquired the money solely for the purpose of electioneering, rather than for the activities in which it was engaged before the ceasefire. We would prefer it to spend its money on electioneering: we do not mind about the unfair advantage conferred on it.

Mr. Jim Dowd (Lewisham, West): I hope that I have not wrongly assumed what the hon. Gentleman is about to say. He drew attention to the parallel with deposits for parliamentary elections. The return of those deposits depends on a certain degree of performance; I cannot see a parallel with that in amendment No 44.

Mr. McNamara: It is on the other side of the page.

Mr. Trimble: Indeed, if my hon. Friend the Member for Lewisham, West (Mr. Dowd) turns the page, he will see the answer to his question.

I may be criticised for pitching the deposit on the high side, but a £5,000 deposit for a regional list that may contain 10 names does not strike me as excessive, given the current £500 tariff for parliamentary elections. It could, I suppose, be argued that that is the equivalent of £500 for each of four candidates on a constituency list, which can in fact contain up to five candidates, but I felt that if we were to provide a disincentive, it should be a serious disincentive.

As for the saving of deposits, I think that we are being entirely fair. We are saying that a party can save its deposit if it obtains 5 per cent. of the vote. That is a pretty low hurdle, and the hurdle for regional lists is even lower, at 2 per cent.

Mr. Barnes: Is it not technically possible for a party to receive less than 2 per cent. of the vote, lose its deposit and still have representatives appointed?

Mr. Trimble: That is one of the ludicrous consequences of having a regional list, which was criticised earlier. If the deposit were forfeited when a party failed to win 2 per cent. of the vote, a significant number of parties would probably be elected, and would be able to take part in negotiations although they had lost their deposits. At least the loss of their deposits would mark their failure to obtain support, however, and no doubt others would take the opportunity to remind them of that loss.

The point of the amendment is to achieve the objective mentioned earlier by the Minister, and to prevent frivolous parties from standing.

Mr. Barnes: I shall speak to amendment No. 52.

Schedule 1 contains a paragraph entitled "Disqualification". Disqualification is limited to candidates who are offenders in prison, who are detained on the ground of mental illness and who are not of voting age. That is quite restricted, compared with the requirements for parliamentary candidates. I realise that we are not talking about parliamentary elections, but we should discuss the possible equivalent of a parliamentary disqualification. I refer to the nationality restriction—the legal disqualification of those who are often termed aliens. Those who are not British or Commonwealth citizens, or citizens of the Republic of Ireland, cannot stand in parliamentary elections. Should a similar provision operate in Northern Ireland?

We are talking about the establishment of a forum, followed by negotiations. Part of those negotiations—strand 1—will involve the British Government and political parties in Northern Ireland. Should we not restrict electoral candidates to people from Northern Ireland? The obvious list, surely, would be composed of those entitled to vote in the elections, who are referred to in paragraph 4 of the schedule.

We should consider those who belong to the area that is relevant to the decisions being made—people who consider themselves to be part of that community, even if it is a divided community in which different views are held. It would not be right for someone from Great Britain to be drafted in by one of the leaders of the parties that will be standing, including some of the minor parties. It would not be appropriate for people from the Republic of Ireland who do not qualify for inclusion on the electoral register to stand. I do not know whether it is thought reasonable that, if Sinn Fein become involved in negotiations, its representation should be allowed to include perhaps a large number of such people from the Republic of Ireland.

8 pm

As I said earlier, for Parliament, the grounds for legal disqualifications are wider than that, and I am not suggesting that any of those grounds should apply. Disqualifications on peers and peeresses will apply, and ministers of religion from the Church of England, the Church of Ireland and the Roman Catholic Church and those who are bankrupt are disqualified, as are many people who hold public office, such as the chairman of the Fire Authority for Northern Ireland or a member of the Northern Ireland Economic Council.

Obviously, the body that we are debating has specific purposes, and it would not be appropriate to use the list of disqualifications that applies in parliamentary elections. In law, we define those who stand for election by means of disqualification: it is a negative procedure that excludes hosts of people. Perhaps it goes too far and many people should not be excluded. Not even the electoral register is

perfect, because it includes overseas voters who do not seem to be appropriate people to stand in elections. However, it is unlikely that any of them would qualify.

People who are interested in standing for election might be appointed by the leaders of political parties, of which the Bill contains a large list. That must have been considered by the Government when they drafted the legislation. It is hardly an oversight that there is no reference to the electoral register, and I should like to know why it was not included in the legislation. Are the reasons for it to do with the development of negotiations and the forum? Is it felt that anyone can stand as long as the disqualifications in the schedule do not apply to him?

Mr. Wilshire: Amendment No. 73 is in my name, and as it covers much of the ground that has been covered by the hon. Member for North–East Derbyshire (Mr. Barnes), I shall not repeat the arguments. I do not know whether the hon. Gentleman realises how close he might be to a particular truth. He may find some of my speech fascinating. My amendment adds two requirements, one of which is a variation on the hon. Gentleman's amendment. I chose being on the Northern Ireland electoral register as one of the qualifications—I understand the weakness of the parliamentary register—and my other qualification is that a candidate must be ordinarily resident in Northern Ireland.

I had a specific reason for moving the amendment. It is that a rumour has reached me that if I succeed in persuading a certain mainland party to stand in the elections and nominate candidates, punishment might follow. The punishment that I heard suggested was that I might be dispatched to sit on the negotiating panel. As I am the Government's majority of one, it crossed my mind that my absence, except when Northern Ireland business is being discussed, would not be welcome.

I was not sure how to treat the rumour, but I decided that, just in case it had crossed the Government's mind that that would be one way to deal with those of us who go on a bit about the Conservative party fighting these elections, I would move an amendment disqualifying me from being part of the negotiating team, to close the loophole. I can either pursue the amendment or my right hon. and learned Friend can put me out of my misery by saying that it had not crossed his mind that anybody from the mainland should speak for the Conservative party when they take their place on the negotiating team.

Mr. Dowd: I thought that the Government's majority of one had already been claimed by the hon. Member for Aldershot (Sir J. Critchley). I presume that the hon. Member for Spelthorne (Mr. Wilshire) is on the reserve list.

I apologise to the hon. Member for Upper Bann (Mr. Trimble) for intervening during his speech. It was my error. The four amendments with which the lead amendment is grouped are at the top of page 500 and I turned two pages at once and missed the remainder of the hon. Gentleman's amendment. He rather gave the game away about the object of the amendments in response to an intervention by my hon. Friend the Member for North–East Derbyshire (Mr. Barnes). I think that the amendment is designed to show the undoubted anomalies and contradictions in the Bill as a whole. We have spent much time picking over those, but I do not think that anybody has suggested that this is a perfect mechanism. However, we fervently hope that Parliament never needs to return to anything remotely resembling this legislation and that the success of the project on which we are embarked will in due course render that unnecessary.

Amendments Nos. 44 and 46 would in other circumstances seem reasonable. I accept the point that was made by the hon. Member for Upper Bann that no other election for local or national government is without other types of qualification such as deposits or, in the case of local government, a proposer, seconder and eight assentors. The election that we are discussing would be unique in that people could simply declare themselves as candidates and, on the strength only of their say-so, could appear on the ballot paper. In the context of what we are trying to achieve, we shall just have to live with that.

There is the qualification of the party list. When I wrote my notes for this part of the debate, I thought that, as we had covered party lists, the issue was redundant. However, in view of the previous debate, we have not finished with that issue, but at least we have the essence of a decision about who will be able to declare themselves as candidates.

Another effect of amendments Nos. 44 and 46, certainly in terms of the cash deposit, would be to militate—not deliberately or maliciously—against smaller parties being able to find a place in the deliberations, which we hope will take place productively, after 10 June. The object of the exercise is not simply to identify the juggernauts of politics in Northern Ireland. They are well known, and they are the Ulster Unionist party, the Democratic Unionist party, the Social Democratic and Labour party and the Alliance party. We are discussing a deliberative assembly that will have no powers and will simply look at the future that can be made for all the people of Northern Ireland. It will assist that process to have present as many representatives of the strands of opinion of Northern Ireland citizens as possible.

The hon. Member for Belfast, East made much of the Natural Law party, but perhaps we shall just have to live with that. However the list of parties is finally resolved, it will contain a cross-section of individuals, groups and communities whose voices are not always heard in the clamour of every-day politics. They would be welcome and, I am sure, valuable to the work that the assembly, the negotiations and the forum have before them. To some degree, we are stuck with the dilemma that, in any legal or technical sense, it is not possible to put to Northern Ireland's people the real question that we would want to ask in relation to parties. That question would be, "Which parties would you want to see getting together to discuss the future of the community and its people?"

That deals with the issue raised by the hon. Member for South Down (Mr. McGrady). He mentioned his preference for wanting to ensure that the voices with whom he does not agree should be there to state the case on behalf of the interests that they represent. It is only by an accommodation with them and between them that progress will be made.

I shall not dwell on amendments Nos. 13 and 16 because the hon. Members who tabled them are not here, but I shall just say that they would hinder rather than help the process, so we would oppose them if they came up.

[Mr. Dowd]

We have much sympathy with those who tabled amendments Nos. 52 and 73—my hon. Friend the Member for North-East Derbyshire (Mr. Barnes) and the hon. Member for Spelthorne—because we feel strongly that the solution, or at least the major part of the solution, to the problems that have beset Northern Ireland in recent times lies in the hands of Northern Ireland's people. It is important to ensure that, as far as possible, it is they and only they who take part, certainly in this phase of what is an intricate and delicate process.

As I mentioned earlier, we must have some regard to what in other times would seem the strange arrangement and legislative formula that is being put before the House, but they are an attempt to break from the past. My hon. Friend the Member for Hammersmith (Mr. Soley) made the significant point that the political process to date has not worked in favour of either the United Kingdom and its citizens or, especially, Northern Ireland's people. We need therefore to try something different and new. Some people are threatened by anything new—it may involve the title of political parties. The fear of the threat of the new is often greater than its implication.

We must be prepared to pursue different alternatives to find a way through this because, if this process does not work, it will not, by any means, be the end of the matter. A deficiency in many of the arguments advanced during the discussion of various provisions in the Bill has been the lack of any idea of what the alternatives are if we do not proceed with this, warts and all. What can we look forward to? What can the people of Northern Ireland, the UK or anywhere else look forward to if we do not make the best effort to make a success of this?

As I said yesterday, we do this not with wild-eyed optimism or starry-eyed ambition, but in the sense that progress must be made by reasonable people acting reasonably. Sometimes it means accepting anomalies and quirks that we would not, in other circumstances, accept, but we firmly believe that the effort is necessary.

8.15 pm

Mr. William Ross: I listened with interest to the hon. Member for Lewisham, West (Mr. Dowd), and I think that I heard him say that he believed that these matters should be left completely in the hands of Northern Ireland's people. May I take it from that that he supports amendment No. 73, tabled by the hon. Member for Spelthorne (Mr. Wilshire), who is so anxious to serve Her Majesty's Government in the House that he does not want to be drafted off, shanghaied and sent to Northern Ireland? I admire his loyalty to his party, but if the Labour party now says that it supports the thesis of the amendment, that makes me happy.

The hon. Member for Spelthorne must be clearly aware that, if his amendment is not accepted, the Secretary of State for Northern Ireland and his right hon. and hon. Friends, who will be on the Government team, will be in Northern Ireland, yet, if it is accepted, they would be debarred. That would of course be wonderful and truly in keeping with the view expressed by those on the Labour Benches that the matter should all be left completely in the hands of Northern Ireland's people. The amendment would ensure that there would be no interference from interlopers from the Irish Republic. That would also be welcome. I am most intrigued not only by the amendment, but by the response and support that it has received from Opposition Members.

Northern Ireland's people would be capable of reaching sensible agreements among themselves, if only the nationalist population would learn to stand on its feet and not rely as much as it has on the support of Her Majesty's Government, Dublin, the United States of America and all the rest. We in this party have always been more than willing to stand on our feet and defend our position—we are capable of doing so. If the Social Democratic and Labour party did the same, it could defend its case adequately and we would find ourselves a long way down the road towards agreement among the peoples of Northern Ireland. The amendment is therefore welcome and I hope that the Minister will say that the Government accept it.

The concern about deposits seem a reasonable issue to raise. It has often been debated in the House in the context of deposits for parliamentary elections. No one who is anxious to come to the House ever allowed the tiny deposit that is demanded to stop them. The real difficulty is in the cost of the elections. Such sums will be in a bank. Anyone who is confident and has a real message to put across should easily find the sums demanded, run their candidates and gain sufficient support to get their money back. Therefore, if they have a real message and real support in the community, there is no risk.

I therefore have great pleasure in supporting the amendments standing in the name of my right hon. and hon. Friends and myself and in the name of the hon. Member for Spelthorne.

Mr. Barnes: May I point out the differences between amendments Nos. 52 and 73—my amendment and the one in the name of the hon. Member for Spelthorne (Mr. Wilshire)? His amendment adds that people on electoral registers will be excluded if they are not ordinarily resident in Northern Ireland. That produces a host of administrative problems. We would have to determine who is not ordinarily resident, and could not check just against the register. In the circumstances leading to those formulations, difficulties would arise.

In relation to who votes in the elections, my amendment refers to the same registers as schedule 4, but the hon. Gentleman's refers to parliamentary constituencies: presumably, therefore, parliamentary registers will be considered. There is a difference of about 70 people. For instance, peers and peeresses are allowed to vote in local government elections, but not in parliamentary elections.

Rev. Martin Smyth: I thank you, Sir Geoffrey, for giving me the opportunity to support my hon. Friends. The hurdle for election to this place and to the Northern Ireland Assembly, when it existed, was the need for a deposit as well as sponsors and supporters. The need for sponsors and supporters has been omitted from the amendment, leaving only the financial aspect to test the credibility of those who want to stand. It may be that, thinking of the reserves that might be needed, the deposit was set at £2,000 instead of, say, £1,500 for each candidate representing a party.

I sympathise with the views of the hon. Member for Spelthorne (Mr. Wilshire). I was not aware that he was defensive about himself. I thought that he had the courage

to face every issue. He has just made a simple mistake in this case by mentioning the parliamentary register because the Bill is based on the local government register; that has been the case all along.

The hon. Member for North-East Derbyshire (Mr. Barnes) raised an important issue. It is fascinating to realise that there seems to be concern that some folk from mainland parties in Great Britain may come, or some from the Republic of Ireland. It is equally possible that some people from Islington and from Kilburn might be nominated if the amendment were not accepted.

Mr. Barnes: There are not just limitations in connection with the Republic of Ireland and Great Britain when it comes to those who might be excluded by the disqualification. It is wide open. Anyone who is of voting age, does not suffer from mental illness, and is not in prison is eligible to stand, from whichever country they come.

Rev. Martin Smyth: I welcome that clarification. It may be that those who drafted the Bill were mesmerised by the Conservative party's recruitment campaign to get voters from overseas. Perhaps the European dimension figured as some European citizens are now able to stand for local government elections in the United Kingdom. That is further argument in support of the amendment proposed by the hon. Member for North-East Derbyshire.

Mr. Ancram: We have had a useful debate on the amendments. The hon. Member for Upper Bann accepted that we have already debated the meat of amendment No. 46, which differs very little from the amendment of my hon. Friend the Member for Spelthorne which was dealt with earlier. The only difference is in the figure. I reiterate what I said earlier, which is that in terms of the burden it may create, we do not believe that that is the way to proceed.

I think that we all accept that the purpose of a deposit is to seek to introduce into the electoral process a degree of consciousness on the part of those taking part by testing their resolve to contest the poll. I notice amendment No. 44 in the name of the hon. Member for Upper Bann which deals with that issue.

When considering the case for introducing a deposit, the first point of principle should be the desire to keep the electoral process as open as possible. We considered that matter seriously. We should not seek to hinder those who we believe have a valuable contribution to make in the process. The hon. Member for Upper Bann suggested that the levels he has set are too high. I must tell the House that there are a number of parties which have a voice that should be heard and a valuable role to play which are already concerned about the expense of fighting an election. Those parties will have to deal with that in order to show their commitment to the democratic process. Having given a great deal of thought to this issue, I believe that the amendment would only undermine the case for the inclusiveness of the election, which is important.

I am particularly concerned that a regional deposit would not serve any real purpose other than to place further hurdles in the path of those who wish to be part of the election but who do not enjoy the financial muscle of some other parties. It is not our intention to create administrative hurdles which would prevent some parties from putting their case to the wider electorate.

I hope that we have demonstrated in different ways today that we expect parties to approach the process seriously and that it is not our intention to look for frivolous parties. I hope that we have taken on board the meat of the concerns expressed by the hon. Member for Upper Bann in the amendment that we did accept which relates to the three constituencies. I think that that has been accepted as an indication that we see the spirit of the amendments. However, I feel that the actuality of them would be damaging rather than helpful. I hope that the hon. Member for Upper Bann, through his hon. Friends, will withdraw the amendment.

I will not dwell at length on amendments Nos. 13 and 16 because the hon. Members who tabled them are not present. However, as they are on the amendment paper, it is right to say that, although I understand the purpose behind them, I would be uncomfortable if I were seeking to cast out from the election process those who fall into the criteria in the amendments, but who—we know that there are many such people in Northern Ireland—now live and work in the community and work hard to take forward the peace process and make their contribution felt. It would be wrong if they were excluded.

On the amendments tabled by the hon. Member for North-East Derbyshire and my hon. Friend the Member for Spelthorne, I feel that those who are nominated by their representative to stand as a candidate should not have to live in Northern Ireland or be on the electoral register there. I gave a great deal of thought to that. I heard what the hon. Member for East Londonderry (Mr. Ross) said about the Ulster Unionists standing on their own feet. As he knows, I have a great deal of respect for the way in which they stand up for their principles and their causes and fight their corner. However, I remind them that in my early days in the House they had the right hon. Enoch Powell as a valuable member of their team. If I am right, I do not believe that he was born in Northern Ireland and I do not think that he lived there.

Mr. William Ross: That was for this House. We are happy to consider applications for parliamentary seats in Northern Ireland from any part of the United Kingdom. The mere fact that the Minister is sitting for the seat that he is shows how broad a church his party is in this respect.

Mr. Ancram: Absolutely. My point, which I am sure that the hon. Gentleman will accept, is that however strong his party may be, it has in the past welcomed people from outside the Province in order to strengthen its arguments. We feel that there may be people from outside the Province who, if nominated, might have a valuable role to play. We feel that it would be wrong for us to proscribe that. Such decisions should be made by the nominating representatives. I would be uneasy at limiting their ability to choose by imposing unnecessary restrictions on the qualifying criteria. After all, the criteria are fairly broad in the various electoral systems we have.

The hon. Member for Lewisham, West (Mr. Dowd) suggested that this was a one-off which might not recur—we hope that it will not recur. However, it is worth looking at other situations. The Act of Settlement 1700 governs the parliamentary candidatures and allows those born in the United Kingdom "and the dominions thereto", Commonwealth citizens and citizens of the Republic of Ireland to stand for Parliament. Any citizen of a member state of the European Community may stand as a

[Mr. Ancram]

candidate anywhere within the Community for the European Parliament under the terms of the 1994 European parliamentary elections regulations—that is the short way of referring to them. The 1972 Northern Ireland local government legislation, as amended, also allows citizens of the Republic of Ireland to stand for election to a Northern Ireland council, but they must be either on the register of local electors or owning or renting a property or residing in the district. So, various different rules apply to various different elections.

Mr. Barnes: The different rules apply to different situations. People can stand for elections anywhere in the European Union because the elections concern a European Union of which we are all part. People from Britain can stand as candidates in Northern Ireland for the UK Parliament because the elections relate to the UK Parliament. We are talking about a Northern Ireland forum, and its corner of the discussions is of the most important nature. It would therefore seem reasonable to use the register in Northern Ireland.

Mr. Ancram: I appreciate that, but I say again that it would be wrong for us in this House to say to those who will be nominating persons whom they wish to be on their lists and whom they want to take part in the forum and the negotiations that we will set a restriction. I do not believe that it is justified and it does not apply in other types of electoral system.

8.30 pm

We have to be careful. If we exercised the eligibility of total local government candidature, we would make other exclusions, such as bankrupts and people who have been in prison in the past five years. We have to be realistic. The hon. Member for Lewisham, West said that we are trying to create a situation that will provide for a forum and negotiations. In order to do that, we are having to do it in a way that we think will make it most likely to succeed in creating the mandate to allow that process to be taken forward. Having given much serious consideration to the amendments tabled by my hon. Friend the Member for Spelthorne and the hon. Member for North–East Derbyshire, it is our view that the Bill as it stands is correctly drafted.

I do not know where my hon. Friend the Member for Spelthorne heard the rumour to which he referred, but we certainly value his contributions to Northern Ireland debates here far too much to allow him to dissipate his efforts by taking part in a process. I can also assure him, since he seemed to think that I had ambitions beyond my present concerns, that I equally—I also speak for my right hon. and learned Friend the Secretary of State—have no intention of being nominated as the Conservative to take part in the election.

Mr. William Ross: The Minister told us earlier—it is also in the Bill—that the Government will have three representatives at the negotiations and that they will have a back-up team of five, who could presumably replace one of the three if someone were ill, for example. Will the Minister explain to us so that it is clear in our minds exactly who those three people are, how they will be selected, who the five are, how they will be selected, what the role of each group will be and how much they are interchangeable?

Mr. Ancram: I do not want to revisit the whole of the debate that we had yesterday, but we made it clear that there was no limit on the size of negotiating teams. There are limits on the numbers who can appear at any given negotiating session, and those were the ones that were set out. There is some misunderstanding because those who are described as "behind", as opposed to "in front", are there to advise. I am told that those who were involved in the last set of talks will recognise the configurations.

Mr. McGrady *indicated assent.*

Mr. Ancram: I see the hon. Member for South Down (Mr. McGrady) nodding.

Mr. Ross: I was not.

Mr. Ancram: I know that the hon. Gentleman was not, but I am saying to him that the idea of having advisers and those whose support one needs behind one is not new. It is merely a reiteration because many of us feel—perhaps unwisely—that we need the support of others behind us when we are negotiating.

I have thought very carefully about whether we should have limited those who could be put on the lists. I hope that my hon. Friend the Member for Spelthorne will agree that, if we are to enter the process with the best hands that the parties can put forward in their negotiators, it is better that those decisions are left to them. I hope that he will withdraw his amendment.

Mr. Wilshire: When I spoke to my amendment, I raised the personal points that I did because I did not want to repeat those made by the hon. Member for North–East Derbyshire (Mr. Barnes). As a result of the debate that has ensued, however, I should add that I agree with all the points that he made. They are far more serious than those I made about myself.

In response to my points, I am reassured by the comments of my hon. Friend the Minister. I do not know whether he will relish the result of saying that he values my contributions to these debates because it might encourage me to detain the House even longer than I have over the past two days.

I am afraid that my hon. Friend the Minister failed to persuade me of a case for resisting the amendments because all the examples used about why they would not be sensible were all examples of why the established precedent is for some form of restriction. He cited the European Parliament. If one is resident in Peru or on the Peruvian electoral register, one cannot compete in European Parliament elections, but one can if one lives in the European Community.

In Northern Ireland local government, the Member for Belfast, South (Rev. Martin Smyth) rightly said that one could participate if one lived in the Republic, but went on to slip in that one had either to live in Northern Ireland or work there, which is exactly the sort of restriction for which the hon. Member for North–East Derbyshire and I have been arguing. If one considers any other electoral process in the UK, such as parish, district, county, or as the hon. Member for East Londonderry (Mr. Ross) said,

parliamentary elections, there is a restriction on where one lives or works too. I do not therefore believe that the case has been made for rejecting the amendments.

I can however offer one very good reason why I am inclined not to press my amendments. It is not for the reasons that my hon. Friend the Minister has given, but the fact that if I force a Division I know that I shall lose and the punishment of being sent to Northern Ireland would become ever more real.

Mr. Barnes: The political positions on Northern Ireland issues that the hon. Member for Spelthorne (Mr. Wilshire) and I take differ considerably in many ways. It is therefore significant that we are arguing a similar case.

Mr. Wilshire: To clarify matters, I would be perfectly happy to agree with the hon. Gentleman's amendment rather than mine. It is a matter of drafting. I hope that he will accept that I feel not in the least bit strongly that my amendment is better than his.

Mr. Barnes: I thank the hon. Gentleman for those comments. We are both involved in the affairs of the British-Irish parliamentary body. I would press the Unionists very strongly to involve themselves in it too. My arguments do not come from a Unionist camp. I am concerned about other things. The importance of taking Northern Ireland as a unit and involving the people of Northern Ireland in decision making is of paramount importance. Many candidates from outside Northern Ireland, who are appointed by the leaders of the parties, are liable to stand in the election.

A number of parties in the list in schedule 1 operate on an all-Ireland basis. The Democratic Left operates in the Republic of Ireland and in Northern Ireland, as do the Green party, Sinn Fein, the Workers' party and the Communist party of Ireland. There are also often quite close links, or considerable sympathy, about a united Ireland between Fianna Fail and the SDLP. Of course, Sinn Fein operates on an all-Ireland basis. It is important that we consider how to determine who is a part of the political unit that we are discussing, and should therefore be involved and drawn in? That is what my amendment seeks to do.

Rev. Martin Smyth: I shall respond again to the hon. Member for North–East Derbyshire, because he appealed to us as Unionists to join the British-Irish parliamentary tier. As I understand it, the Bill is designed to prepare the way towards a better agreement than the Anglo-Irish agreement. We went down that road in 1992, and Mr. Albert Reynolds lifted the ball when he discovered that things were not going his way. That process has collapsed, and we are now embarked on a course which may lead us to a better agreement. In that situation I am sure that Unionism will be represented, where we need to represent Ulster.

Having said that, I ask leave to withdraw the amendments in the names of my colleagues, amendments Nos. 44 and 46, but I believe—

The Second Deputy Chairman of Ways and Means (Dame Janet Fookes): Order. The only Member who can seek leave to withdraw an amendment is the person who moved it in the first place—and technically, although the other amendments grouped with the main amendment may be debated, they have not been moved; they may be moved only one at a time.

Rev. Martin Smyth: I appreciate that guidance, Dame Janet. I was responding to a request from the Minister of State, because our leaders are having discussions at this moment, so they are not in the Chamber.

The arguments of the hon. Member for North–East Derbyshire are pertinent. Two Governments will be represented in the negotiations, so it is important that the other people there represent the people of Northern Ireland, and do not come from any other part of the world.

Amendment negatived.

The Second Deputy Chairman: Before we move on, I have a short announcement to make to the Committee. A manuscript amendment has been tabled in the name of the Secretary of State, relating to schedule 2, page 8, line 3. I have selected that amendment, and it will be discussed with the group led by amendment No. 64. Copies of the manuscript amendment are available in the Vote Office.

Mr. Wilshire: On a point of order, Dame Janet. It might help the Committee to know that the manuscript amendment relates to an amendment of mine. I was asked about it, and I think that it makes a great deal of sense.

Mr. Archy Kirkwood (Roxburgh and Berwickshire): I beg to move amendment No. 51, in page 5, line 12, leave out from 'cast' to end of line 2 on page 6 and insert

'preferentially among the candidates named on the party list on the ballot paper for each constituency.

(2) Counting shall be conducted by the single transferable vote system to produce five delegates for each constituency.'.

The Second Deputy Chairman: With this, it will be convenient to discuss also the following amendments: No. 43, in page 5, line 15, at end insert

'and that party's candidates for that constituency.'

No. 158, in page 5, line 15, at end insert

'together with the names of the candidates submitted by the nominating representative of the party for that constituency'.

Mr. Kirkwood: As someone with no great experience in such matters, it has been fascinating for me, and an education, to sit in on the Committee stage of this important Bill. In preparation, a few colleagues and I were afforded the opportunity by the Minister to go and talk to some of his officials and some representatives of the political parties both in the Province and in the Republic.

I pay tribute to the Minister for having allowed us that facility—although I know that other hon. Members have been able to take advantage of such a facility as part of the familiarisation programme. I found it extremely interesting. We were received with great hospitality, and learned a lot in the process. I pay tribute to those who assisted in that process, and thank the Minister for arranging it.

8.45 pm

I bring an unfamiliar face, but a fresh mind, to such subjects. In the course of our visit, in anticipation of moving the amendment and while researching the

[Mr. Kirkwood]

background to it, I was struck by the optimism in all parts of the community about the progress that has been made recently. To me there seemed to be momentum for change. Certainly there has already been a great deal of economic and social change, which I think will pay dividends in the fulness of time, and feed through into the political process. It is to be hoped that that will assuage some of the fears that we have heard about in Committee.

I now come to the context of amendment No. 51. It should come as a surprise to no one that, given an electoral system to discuss, a Liberal Democrat will leap forward and grab the opportunity to debate the relative merits of single transferable votes and multi-member constituencies.

I shall spare the Committee the finer points of the authorised version of that text, because I am sure that everyone is already familiar with them. However, I must ask why the Government did not adopt the system of proportional representation—STVs and multi-member seats. There seem to be several compelling reasons for doing so in the present context.

The structure that the Government propose is certainly not simple. I understand why it may have to be that way, and I pay tribute to the way in which the Minister has painstakingly, and with great patience, put the thing together. It is a bit of a Heath Robinson apparatus, but the Minister, like the rest of us, hopes that it will bear fruit. We wish him well, and hope that it produces results in the end.

None the less, the suggested electoral system seems bizarre and complicated to me. If I have interpreted what I have heard in Committee correctly, it also seems to have the disadvantage of being quite unpopular. I certainly have not heard anybody passionately endorsing it.

Judging by our visit last week, there is much evidence to suggest that not everybody fully understands the system either—and that includes some of the Government officials and some of the people who will preside over it. Confusion still surrounds it. More important, perhaps, is the disturbing evidence that the voters who will be involved in the process cannot easily see how their votes will translate into elected parties and representatives. That is a matter for concern.

In Northern Ireland, the single transferable vote system is far more familiar. I do not need to tell the Minister that, because in a short space of time he has made himself an expert on all aspects of life in the Province, especially the political aspects. That is what he is paid to do, and he has discharged his duties impeccably.

So far as I remember, the most recent Assembly elections in 1982 were successfully conducted by a process of single transferable votes. The same system is used in council elections and European elections—in all elections, in fact, except the Westminster elections. The arguments that may be used against a proportional STV system on the mainland do not apply in the Province, because people are familiar with the system and educated in its use. They have used it to good effect in the past.

Such a system would certainly be simpler. It would cut out clauses 8 to 13 at a stroke, which would be an advantage in a Bill that is already more complicated than some of us would like. Above all, perhaps, an STV system would give voters much more effective choice. Instead of voting for one party alone, they could effectively vote against a party, by ranking everyone else higher. They could also vote against the community divide, which is something we should try to encourage.

Moreover, voters would more easily be able to vote for doves as opposed to hawks in terms of particular problems and cross-community questions in the Province. Above all else, an STV system would be proportional. The Government's proposed system may tend towards proportionality, but only just. There is still scope for wide variations—but perhaps that is what the Minister wants to encourage.

From our perspective as a party, the onus is on the Government to explain why STV has not been selected as the preferred system for electing this important forum. STV in a multi-member constituency is the only way to achieve a system in which every vote would count the same. I look forward to the Minister's response to this short but important debate.

Mr. Trimble: I rise to support amendment No. 51 and to speak to my amendment No. 43, which is on similar lines to amendment No. 158, which was tabled by my hon. Friend the Member for East Londonderry.

In supporting amendment No. 51 in favour of the single transferable vote system, I find myself behaving in a way of which I do not entirely approve. STV is not the best system of proportional representation, because it has serious side effects. Had we the time to consider the matter and the opportunity to choose the best system, we would not choose STV.

However, we are familiar with it. In Northern Ireland, we have lived with STV since 1973. Although there was considerable concern about the effect that it might have on parties when it was introduced, the political parties and the electorate have learned to live with it and operate it in a sophisticated manner. While some of its effects are injurious to political parties, it is the system with which we are familiar. All the existing arrangements are made for it. The legislation is already on the statute book. No change would need to be made to existing law to operate the STV system.

STV is a fair system. No system of proportional representation achieves absolute proportionality. There are bound to be some quirks that depart from that no matter what the system. However, STV gets close to proportionality. There can be no objection to it on grounds of fairness. I believe that the Electoral Reform Society, which is based in London, has long been an enthusiastic advocate for it.

Given the situation that is going to arise in Northern Ireland, there is a particular reason for adopting STV, in that it allows transfers of votes. The list system that we will be obliged to operate has obvious disadvantages. We have just witnessed a clear demonstration of those disadvantages in the Chamber tonight. We saw the disagreement that broke out in the Committee and the ill will and confusion that it created among hon. Members familiar with proportional systems.

That is partly the result of choosing the list system, and partly of the haste with which the list has been introduced. It may also partly be the result of carelessness and inconsistency, especially the latter, by the Northern Ireland Office.

Even if we get over those problems with the manner in which the list system has been introduced for this election in Northern Ireland, it has another significant disadvantage. Under the list system, there is no transfer of votes. That is all very well where a party's support approximates to or equals the number of quotas. However, if it has more than a particular number of quotas, it will have a fraction of a quota over. There may be several parties with fractions of a quota over.

In Northern Ireland, with the list system operating on a constituency basis with five seats to be filled, it is likely that the fourth and fifth seats will be filled by choosing the largest fractions as determined by the D'Hondt method, which is embodied in the legislation. The largest fractions will win seats, but the fractions of smaller parties will be wasted votes.

Had we operated a transferable vote system, those fractions would transfer. They would be transferred not under an arbitrary mathematical formula such as the D'Hondt formula, but in accordance with the wishes of the voter. That will have a significant effect. We do not how the votes will be cast, and any illustration of its effect must be made using previous voting patterns that may not be replicated on 30 May.

Let us consider the likely voting pattern in Belfast, West, which is a constituency with a nationalist majority. Under the STV system, it is likely that four of the seats would be won by Sinn Fein and the SDLP—perhaps two each: I am not going to make a judgment on that—but that the fifth seat would be won by a Unionist.

It is likely, come 30 May, that there will be candidates from the Ulster Unionist party, the DUP, the Progressive Unionist party and perhaps even the Ulster Democratic party. There will be an Alliance party candidate, and perhaps even a United Kingdom Unionist party candidate. If we had had STV, all those parties would probably between them have commanded more votes than a quota under the STV system. Transferred votes would have accumulated around one of those parties, which would then have won a seat.

The party that won the seat would be the party that voters who had given their first preference to, say, the PUP, gave as their second preference. Someone would be returned to represent the Unionists of Belfast, West. The likelihood on 30 May is that, because of the way in which the list system operates, those fractions, as they are divided among so many parties, will be small and consequently will fail to win a seat. The fifth seat will go to the largest nationalist party, which will probably be Sinn Fein in this case. The consequence of adopting the list system in Belfast, West is likely to be that there will be a seat lost to Unionism and gained by Sinn Fein.

I chose that example because it shows how the list system disadvantages parties that achieve small votes in a particular constituency. That has a bearing on the position of the small parties, especially the loyalist parties, because in that example of Belfast, West, there is a good chance that that Unionist vote would have coalesced around the PUP, thus giving it a seat. Because the list system has been adopted, it is likely that it will not get one.

We are then forced into the monstrosity of the regional list proposals, which are being introduced purely to bring the paramilitary parties through. Had the STV system—with which we are all familiar—been adopted, the situation would not have arisen. It is not only a matter of familiarity with the STV system, and the ease and convenience of it being already on the statute book, but that it would have been fairer to the smaller parties had it been adopted.

Mr. William Ross: My hon. Friend has dealt with the fairly extreme case of west Belfast. One or two other constituencies on either side of the political divide might well produce a similar result. Would my hon. Friend care to reflect for a moment on constituencies in which four seats might be won by various groupings, but the fifth becomes a lottery and there is no possibility of anyone determining to which party it should go? I think that most constituencies in Northern Ireland are in that position.

Mr. Trimble: My hon. Friend is right: there will be great difficulty in saying where the final seat should go. Under the single transferable vote system, it would be determined by the voters transferring their votes, whereas, under the proposed system, it will depend on a mathematical formula.

Mr. Ross: It would be completely arbitrary.

9 pm

Mr. Trimble: It would not be entirely arbitrary, because the result would relate to the original first preferences cast by the electorate.

The results are difficult to predict at this stage. The predictions I made for the example I chose may well turn out to be accurate, but in other cases it is extremely difficult to predict. I imagine that, after the event, the election will be a field day for academics who like to write on the subject. They will analyse the results and debate whether they were capricious in any particular case.

For the reasons that I have advanced—having the legislation on the statute book, familiarity of operation and fairness to the smaller parties, it seems to me that, on the merits, there is an overwhelming case in favour of the single transferable vote system. It also seems to me, and I do not resile from the view that I have expressed previously—I think that it is accurate—that there are no merits behind the alternative proposal that has been adopted. That proposal seems to have come from a certain quarter as a wrecking amendment adapted by others for other reasons. It has produced the confusion and uncertainty that we have seen here tonight.

In the circumstances that have arisen, we are prepared to support the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) on amendment No. 51 should he feel like pressing it.

We have tabled amendment No. 43, to which we attach considerable importance. While we have a list system, it is said to be one based on constituencies. In those constituencies, candidates will be standing for the parties that are contesting those seats. Under any normal system, those candidates are entitled to be recognised and to have their name on the ballot paper. Some of them may win and some may not, but they are all entitled to be recognised.

We normally operate under a system in which the names of the candidates in a constituency are on the ballot paper so that the voters in the booth can make their choice knowing whom they are electing. It is essential that we operate on that basis. I attach the greatest importance to seeing the names of the candidates on the ballot paper.

[Mr. Trimble]

We had a discussion earlier about what should appear on the ballot paper—names, party names and the rest of it. Our position throughout has been that we want to see the names of our candidates who are standing in a constituency on the ballot paper, together with the party name. People object to that, saying that it will result in too many names; that there might be up to five names for each party and a considerable number of parties, and that there would be scores of names on the ballot paper. Yes, indeed. I do not see that as a problem.

We are not dealing with the prospect of 60 names on a list each with their own little box for people to mark their X or put 1, 2 or 3 under the single transferable vote system. At the edge of the ballot paper, there will be only one box for each party. We think that it is perfectly possible to put on the ballot paper the name of the party and below that the names of the candidates, all contained in the one box for that party. There is no reason why that cannot be done.

The Minister will recall a Labour Member referring on Second Reading to a recent election that he had seen in Palestine, in which there were 92 names on the ballot paper. So it can be done. It will not cause confusion. Rather than causing confusion, it will help the situation by letting the voter know for whom he is voting.

We know from discussions with the Minister that he will say that names will be publicised and notices will be put up to show the names; that there will be notices in the polling station or even in the booth. It has been suggested that the notice in the booth will be covered by perspex to stop people annotating it. I suppose that, if the information is to be in the booth, it jolly well ought to have perspex over it. I can imagine some of the ways in which people might annotate it that might add to the enjoyment of life for some people, but perhaps not for others.

However, this is not a sensible way of proceeding—a sensible way of proceeding is to make this novel provision correspond as closely as possible with what people are accustomed to. The obvious thing to do is to put the names of the candidates and the parties on the ballot paper. That is what people are accustomed to seeing, and when they vote for the party of their choice, they will know exactly which candidates they are endeavouring to elect. This is something to which we attach the utmost significance, and it is what we have wanted to see with regard to this issue right from the outset.

Mr. McNamara: I refer to the actual voting system. I have considerable sympathy with what the Liberals have said—

Mr. Maginnis: And the Ulster Unionists.

Mr. McNamara: If I may be allowed to make my own speech—I was going to say what the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) said. I am concerned about the actual formula that is going to be adopted, because I do not understand it enough. Will the Minister confirm that the d'Hondt formula is being used in the Bill?

Mr. Ancram *indicated assent.*

Mr. McNamara: The Minister nods; I am pleased that that is so.

For the convenience of hon. Members, will the Minister prepare some worked examples of mythical constituencies and how the formula might work, so that we can look at it in more detail? Perhaps he could arrange for it to be placed in the Library. We could then see how matters have been arrived at by the Northern Ireland Office.

There is one difficulty with d'Hondt. If we had a remainder system on quotas, it would help some of the smaller parties—perhaps the Alliance party, perhaps Sinn Fein, or perhaps the UK Unionist party—Robert McCartney, to give its full title. The d'Hondt system will tend to favour the larger parties, as the hon. Member for Upper Bann (Mr. Trimble) has said. I am not sure whether the Government, by adopting this system, have defeated the object of their exercise in having the extra 20 seats.

If we had a remainder system, we would have a greater representation of some of the more middling parties, but we might not get some of the more extremist loyalist parties that the Minister is looking for on his list of 20. I should be grateful if we could have some worked examples to try to see how it will work out in the election when it takes place.

I have already spoken on some of the issues involved in amendment No. 43, which the hon. Member for Upper Bann moved earlier. I should be grateful if the Minister could describe what he is going to do, because it will be of the utmost importance. Even if one accepted the amendment, there would still be a need for large postering within polling stations—in a readable form—so that people can see the names of the candidates for whom they are voting, and see them in relation to the parties.

Mr. Maginnis: I support my hon. Friend the Member for Upper Bann (Mr. Trimble) on amendment No. 43. I spoke about this matter at some length on Second Reading. It concerns me—and more than it did previously. I listened to the debate that took place earlier this afternoon, and I was puzzled by the clamour in some quarters for a list system based on party names—it is now being discovered that there is some advantage in being able to identify the personalities for whom one is voting. However, democracy is not about single high-profile individuals or comparatively small parties with one high-profile character, but about the participation of members of society elected, by that society, and answerable to it in terms of their responsibilities.

As we appear to be tied to party names, and major difficulties appear to have arisen from that novel—and obviously flawed—system, I would press the Minister to listen carefully to what my hon. Friend the Member for Upper Bann said about identifying on the ground in the 18 various constituencies those who represent the party named on the ballot paper.

One other matter might usefully be considered in this context. The Minister should clarify—I asked him to do so on Second Reading, and he overlooked the matter—the basis on which votes for the various parties will be evaluated in terms of the quota, and whether "T" in paragraph 8(2) is the total number of votes given or the total number of valid votes cast.

I hope that I have not strayed too far, Dame Janet. I hope that the Minister will find some justification for responding to that point also.

Mr. William Ross: Dame Janet, you will see that, not

only was I one of those who tabled amendment No. 43, but I tabled amendment No. 158, which is intended to reach the same conclusion. That juxtaposition of two amendments aiming at the same object arises simply and purely from the fact that my hon. Friend the Member for Upper Bann (Mr. Trimble) and I did not do the drafting together, so we chose different wording to reach the same object.

If I may say so, I believe that my amendment is a slight improvement on my hon. Friend's amendment, because I place the responsibility for getting the names correct on my hon. Friend, and I believe that he should be prepared to withdraw his amendment and support mine, and accept the responsibility that goes with leadership of the party.

In those circumstances, I commend my amendment to the Committee, and carry us somewhat further than my hon. Friend did when he drew attention to the need for the names of the candidates to appear on the ballot paper. He suggested one way of doing so; another would be to have a box for the names of candidates at the end, but I believe that it would be better to place the name underneath the party name.

I point out to the Secretary of State and Minister of State that, in normal parliamentary ballots, a description of the person is printed on the ballot paper, and I should have thought that it was a very good idea. The electorate like to know the identity of individuals for whom they may vote. It guides them, and helps them to place their cross. In those circumstances, this reasonable amendment should be accepted.

I am one of those who do not love proportional representation in any shape or form, believing that it is, in effect, a fudge to avoid the necessity of making up one's mind what one really wants. Proportional representation causes considerable grief in every country where the system is used. It is destructive to party political organisation in a number of ways and, above all, it is not accepted throughout the United Kingdom. I simply do not like it and I shall never accept it willingly—although I am stuck with it at the moment. In those circumstances, I must choose between single transferable votes and the list system—and STVs win hands down every time. My hon. Friend the Member for Upper Bann described that system fairly clearly: it is more proportional and it produces acceptable results as it is closer to the will of the people than the monstrous system that is being foisted upon us in the legislation.

9.15 pm

My only objection to the amendment standing in the names of the leader of the Liberal Democrats, the right hon. Member for Yeovil (Mr. Ashdown), and the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), is that it does not go far enough. I believe that several other issues must be examined also. People will cast a vote for a party in the constituency to elect the party nominees in that constituency, and those votes will then be lumped together.

Although people may vote for a candidate from a minor party in the constituency, it does not mean that they want their votes to carry over to that minor party on the wider canvas. People might be prepared to support local individuals, but not the general thrust of their parties. Electors should cast another vote for the party that is shown on the constituency list. That would entail using two ballot papers, but that has been done before.

Will the Minister examine that aspect? It is a reasonable request and, as we are making an effort to educate the electorate, why not do a really good job of it? As the Minister knows, after every election there is a tremendous torrent of complaints from people who were refused ballot papers because they could not produce any identification. The Government and the chief electoral officer in Northern Ireland have assiduously refused to take any steps to discover the number of people who lose out as a result.

The passage of new legislation presents a superb opportunity to correct that difficulty. Presiding officers at each polling station should be required to keep a record of the number of people who are refused ballot papers and the reasons for that refusal. That would go a long way towards identifying the magnitude of the problem.

Those who live in Northern Ireland recognise that it is an enormous problem, which is causing immense resentment and anger among the electorate. It should be addressed, and here is an opportunity to do that. The legislation will apply to only one election, but it will give us an idea of the magnitude of the difficulty that people encounter and enable the Government to take remedial action in the long term.

I urge the Minister to look at the suggestion very carefully. If one of my starred amendments had been selected, we could have discussed and voted upon the issue in this place—but that was not to be. I simply suggest that the problem be considered seriously on Report or in another place. The Minister is aware that there is an horrendous row every time, as it becomes more and more difficult to identify electors with every passing election. That burden is borne by electors in Northern Ireland, but it does not apply elsewhere in the United Kingdom. That is very much resented, although the system was introduced for good reasons. We have never been happy, and I do not believe that any party in Northern Ireland has ever been happy with the system that has been used to identify electors, because it is inefficient. It is also difficult for the honest to use and very easy for those with evil intentions to get round.

I hope that the Government will not only accept amendment No. 51, but will build on it before the Bill returns to this place for its final parliamentary stage. I hope that the Minister will also accept amendment No. 43. If he can, but cannot accept amendment No. 158, I would be content with that.

Mr. Ancram: Once again, we have had a useful debate and, as in so many of the debates, we agree about what we are trying to achieve although we may not always agree about how to achieve it. I am grateful to the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) for the kind remarks that he made about the visit that he made to the Province recently. I know that many people in Northern Ireland, not least in the departments in the Northern Ireland Office, like to see visitors from this side of the water. Many people come to Northern Ireland and leave surprised at what they have seen there. I am grateful to the hon. Gentleman for his comments and, if I may, I shall pass on his thanks to those who were involved in the visit.

The hon. Gentleman showed remarkable restraint in giving us only the short version of STV, not the long one. I am sure that he appreciates that the circumstances are

[Mr. Ancram]

unique. I keep repeating that the system is a one-off system for a one-off purpose. For that reason, we have to find a system that we believe will have the best chance of succeeding.

We sought, in consultations with the parties, to find a broadly acceptable electoral process to try to reach agreement for all-party negotiations. We met most of the major and, indeed, most of the minor parties in Northern Ireland. While there were some encouraging signs of agreement, the elective system was not among them. We are trying to move forward on the basis of consensus, but it is difficult to do so when, as in Northern Ireland, there are strongly polarised and opposed views on various systems.

We had a variety of options for an electoral system, but none secured the clear support of the major parties representing main communities. Indeed, my right hon. Friend the Prime Minister himself said that there were three systems, each of which was supported by one of the major parties, but that it was impossible to find consensus among those parties on any one system. We chose, therefore, a list system operating in 18 constituencies. I admit that that was a new way to proceed, but it was an attempt to find some way that would allow parties that felt strongly on both sides of the argument to come forward into the process. The system is neither a pure list system nor a PR-STV election, but we hoped that in some ways it would combine elements of both.

I say straightforwardly that the fact that we have not proposed using a straight PR-STV 18-constituency system should not be regarded as a reflection on that system and the way in which it operates in Northern Ireland. I heard what the hon. Member for Upper Bann had to say about that system, but it is used in Northern Ireland for all elections except parliamentary elections. That speaks for itself. I can tell the hon. Member that we chose not to use that system, not because we had found fault with that system as it works in Northern Ireland, but to try to produce a system that had the best prospect of bringing parties into a forum and into negotiations.

Mr. Trimble: As the Minister says, the single transferable vote system is currently used in Northern Ireland for all elections other than parliamentary elections. Does he have any evidence that the single transferable vote system is unacceptable to the parties in Northern Ireland in respect of these elections?

Mr. Ancram: We consulted the parties on the form of election that would have the best chance of succeeding in taking us through the gateway to the process on which we are embarking. I think that the hon. Gentleman knows well that strong opinions and views were expressed. I do not think that it is any secret that there are strong views among the parties in Northern Ireland, some of which we heard earlier this evening. This was a genuine attempt by the Government to seek a system which might be new and which might be fairly unusual, but which we believed had the best chance of achieving the objective, which is to get into the forum and all-party negotiations.

Mr. Trimble: The Minister says that there were strong objections to the single transferable vote system, but were those objections ever voiced before?

Mr. Ancram: The hon. Gentleman will have to accept it from me. He came to see me about the matter as well. We had full consultations, and I can say only that I experienced strong feelings from several quarters during those consultations. It was made clear to me that consensus on those various forms of election was not possible. It is for that reason that we have adopted a different system. However, I have heard what the hon. Gentleman has had to say and we are grateful that he has intervened on behalf of his party in the debate and for what he had to say.

Mr. William Ross: Will the Minister please tell us who among the parties in Northern Ireland was in favour of this system?

Mr. Ancram: I chose my words carefully and said that we went for a system which we believed, in the light of all the consultations, had the best chance of succeeding in taking parties through into all-party negotiations and into the forum. I shall not be drawn by a comment made earlier by my hon. Friend the Member for Spelthorne (Mr. Wilshire), who asked whether it was because we had something which was unpopular with everyone that it was likely to succeed. However, there were times during the consultations when opinions were so polarised between the various systems that it became clear to us that not a single one of those systems would have a chance of succeeding, and for that reason we have put forward our proposal.

I am sure that the hon. Member for Kingston upon Hull, North (Mr. McNamara) did not want me to go into the detail of the system. When he asked about it, I nodded assent that it is based on d'Hondt. The basis is a group quota, so it may be regarded as a mixture of the two.

The hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) asked whether the number of votes is the total number of votes cast or votes given. I refer him to the Bill, which makes it clear that it is the total number of votes given rather than those cast.

Mr. Maginnis: I am grateful to the Minister for clarifying that point, but I am astounded at his reply. We have found so many matters incorporated in the Bill which, when examined in the context of the Bill as a whole, seem to be absolute nonsense. Now the Minister says that if 10 per cent. of the electorate go into the voting station and destroy their ballot papers, their votes will count in terms of deciding a quota. The vote does not show a preference, but it is a vote given. It is a vote put in the ballot box, and it will count in terms of deciding a quota.

I have never before heard of a system whereby spoiled votes were taken into consideration when deciding the value of votes given. It has always been a matter of deciding on the basis of valid votes—whether it be under the first-past-the-post system or under the single

transferable vote system. I am astonished to the extent that I believe that the Minister should check again, to see whether it is a matter of deciding on the basis of valid votes cast.

Mr. Ancram: I wanted to confirm the position, and I have now been informed that spoiled votes will not count as votes given.

Mr. Canavan: The Minister said that in the first place.

Mr. Ancram: I think that I made that matter clear, but I have now confirmed the position. I am grateful to the hon. Member for Fermanagh and South Tyrone for again raising the issue so that it could be clarified.

Mr. Maginnis: I am always happy to try to help out the Minister.

9.30 pm

Mr. Ancram: I am grateful to the hon. Gentleman for offering his assistance from a seated position. I am sure that the people of Northern Ireland will be grateful for the information that they have now received.

I tell the hon. Member for Kingston upon Hull, North that I shall not be drawn into making predictions. It is notoriously difficult to make predictions on how votes will be cast—particularly in a situation in which there have recently been different elections and different types of elections, and different assessments could be made on the basis of the different types of votes cast. I hope that he will accept that there was consultation before deciding on the system of voting that was finally adopted.

In reply to the hon. Member for East Londonderry, I very much share his concern about voter information. I can tell him that we shall this week receive the first delivery of our voter information leaflet about absentee voting and specified documents. The leaflet will tell people what they need to ensure that they have an up-to-date document when they go to the polling station to cast their votes. I heard what he had to say about checking the number of occasions on which people are turned away for not having the right identification, and I shall certainly pass on his comments to those who will be running this election.

Mr. William Ross: I am grateful to the Minister for saying that, but do not let them be put off by the chief electoral officer saying, "Those people may very well go away and come back again." We want to know the number of people turned away initially, because that will give us an idea of the magnitude of the problem. We appreciate that some people may go home and come back, but our experience is that many of them go home in fury and do not come back.

Mr. Ancram: I can assure the hon. Gentleman that the chief electoral officer is aware of the remarks that he has made in this debate.

I come to amendment No. 43, spoken to by the hon. Member for Upper Bann. As he said, he and I have talked about the matter on a number of occasions, and I think that he will accept that I am as concerned as he is to see that people who are casting their votes are aware of the candidates who are on the local list. Although the vote will be for a party—which will be cast by putting a cross against the name of a single party; there is no question of candidate preferences—it obviously will be of some importance that voters know which candidates are on the local party list.

I must again tell the hon. Member for Upper Bann that I am not convinced that putting those names on the ballot paper is the answer. I have examined the potential numbers that might result from that provision, and not 90 names but, theoretically, up to 150 names could result from it. We are also talking about a new type of election, whereas people may previously have been used to seeing names and putting preferential numbers against those. It is important that, when voters see their ballot paper, their choice is simple and straightforward—a vote for a party.

Mr. Trimble *rose—*

Mr. Ancram: The hon. Gentleman has again read my mind. So that those who are casting their votes know the names of candidates on the party lists before casting their vote, we shall ensure that the names are fully displayed not only in the polling station but in the polling booths. It may be, as the hon. Gentleman said, that lamination is a way in which to prevent the lists being destroyed.

Mr. Trimble: The Minister said that he has examined the problem. He knows from our earlier discussions that I asked him to make up mock ballot papers with the names on, and that I suggested ways in which the names could appear, which would not require a large amount of space. Has that been done? If so, is the Minister prepared to circulate the mock ballot papers so that we can comment on them?

Mr. Ancram: I have examined various shapes of ballot papers as well as the effect that the number of parties and names on them might have. I cite an example. A normal polling booth has a shelf in it or an area in which people fill in the ballot paper. We have to be careful that we do not produce a ballot paper that is unmanageable in terms of what the voter has to lean on when making his cross.

The biggest consideration is to ensure that, although we are using what we all admit is a new system, there is as little confusion as possible. If there are vast numbers of names on a ballot paper, inevitably in small print, and people have to find one among them, it can lead only to confusion.

Mr. Trimble *indicated dissent.*

Mr. Ancram: The hon. Gentleman shakes his head, but we agree that what is important is that when the voter casts his vote, he is able to see the names on each party list so that he can make his decision on that basis if necessary. That will be made possible by having the lists within the polling booths and ensuring that they are visible to people casting their vote.

Mr. Maginnis: With respect, the Minister is being wholly illogical. To suggest that we cannot educate the electorate on the difference between marking 1, 2, 3 and so on and voting with an X, but that we can, at the last minute, just before they cast their vote in the booth, confront them with, as he says, a list of 30 parties and

[Mr. Maginnis]

the attached theoretical five names per party—making 150 names—and that that is how we should inform them, is utter rubbish. If we knew that the ballot paper was going to be published, with the names of the parties and the two, three, four or five candidates, our supporters could undertake some preparation. Every party would be involved in the same exercise. We could thus prepare the electorate for what they were about to face. By suggesting that he confront them in the booth with 150 names, and the 30 parties that he mentions, the Minister is making fools of us all.

Mr. Ancram: The hon. Gentleman must be fair. I am not suggesting that when the votes are cast is to be the first time that the names will have been made available. I think that it is common ground between the hon. Member for Upper Bann and me that when votes are cast, it is proper that those names are available to the voter. That is why he wants them on the ballot paper and why I want them in the polling booth. However, they will be published elsewhere. I suspect that they will be published in the newspapers, and they could be published officially in the polling station. There are various ways in which the information could be got to the voter beforehand. We are not talking about that. We are debating the most effective way to avoid unnecessary confusion and the danger of spoilt ballot papers about which the hon. Member for Fermanagh and South Tyrone was speaking as if he is already expecting many. We want to avoid such problems by making the choice as simple as possible.

The strength of the system that we are proposing is that, for the voter, it requires only one cross to be put against one party. We must make sure that the voter understands that when he goes into the polling booth and is faced with the ballot paper. I think that what we are proposing is the best way to achieve that.

Rev. Ian Paisley: Surely it is the duty of the parties to be putting their names to the people. If the poor critter going to vote is seeing the names for the first time, it is the parties' fault. They should have been campaigning and putting the names before the people. Can the Minister assure us that the information will be in party form so that, unlike with the list that he mentions, voters will understand what names belong to which party when they see the advertisements in the polling booths?

Mr. Ancram: The information in the polling booth will certainly show the names attached to the party lists. It is important that that is made absolutely clear. It is also our intention to make sure that the names will be entered by a given date, which will be set out in the order that will follow this legislation. At that stage, I am certain that most political parties will take advantage of the opportunity to ensure that their supporters know the names on the local lists.

Mr. Maginnis: I did not understand the last intervention, and I wonder whether the Minister did. A short time ago, it was argued that voters would find it difficult to identify parties, even if their initials were attached, unless the names of the leaders of those parties were on the ballot paper. It is now being argued that, because we as parties fulfil our responsibilities, the ordinary voter should be able to carry a complicated ballot paper in his mind's eye from the moment of education until his arrival in the polling booth—or should be easily able to transfer what is before him in the booth on to the ballot paper. There is no consistency in that.

May I make a further point? Will a legislative change be needed to allow the names of candidates to appear in the polling booth? In elections in which I have been involved, voters were not allowed to receive such information.

Mr. Ancram: I understand that no legislation is required, but I shall check that.

Let me remind the hon. Gentleman that information is normally provided in the polling booth: the information on the ballot paper, which allows a choice. The hon. Member for Upper Bann and I differ only on whether that information should be on the ballot paper, or should be available in the polling booth. I strongly believe—given the need to avoid confusion, and the possibility that up to 150 names could be on the ballot paper—that I am proposing the right course. I hope that, on that basis, the amendment will be withdrawn.

Mr. Canavan: Voters have normally made up their minds by the time they reach the polling booth. Would it not be more practicable and desirable to circulate the names as widely as possible among the Northern Ireland electorate?

Clause 5 obliges the Secretary of State to publish an initial list of the nominating representatives of each party in *The Belfast Gazette*. I do not think that *The Belfast Gazette* goes to every home in Northern Ireland. Would it not be better to make statutory provision for the list of candidates for each party also to be published in *The Belfast Gazette* in the first instance, thus giving the rest of the media the opportunity—or, indeed, obliging the Secretary of State—to publish the parties' list of candidates throughout Northern Ireland, rather than just leaving it to people to turn up in the polling booths to check the information?

Mr. Ancram: As I said earlier, we intend to ensure that the lists are published and fully available. I presume, and have been given every indication, that if there is a date on which the lists are made available, the parties taking part in the political process will take advantage of that, to try to ensure that they receive the maximum publicity for the names that they are putting forward. That is a normal part of the electoral process.

Rev. Ian Paisley: Surely everyone who goes to the polling booth need not keep all those lists in mind. It is a simple matter for people to put a cross by the name of the party that they favour. No one will have to keep 150 names in mind, as the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) suggested. People will be voting for a party, and they will simply put a cross by the name of the party that they want. That is a good deal easier than picking names on an alphabetical basis.

Mr. Ancram: I endorse what the hon. Gentleman says, that the election is about putting a cross against a party. As part of the process of informing the electorate about which party to support, it is obviously relevant to know the names on the local list.

On that basis, the issue between us is one of presentation, and I hope that the hon. Member for Roxburgh and Berwickshire will withdraw his amendment.

In answer to an earlier question, the subordinate legislation will amend the election rules so that the names of candidates will appear in the polling booths.

9.45 pm

Mr. Kirkwood: I hope that the Minister agrees that this has been a useful debate. As a result of the comments in the early part of the debate on the amendments, I have become more and more worried that the system is so complex that it would have been better to use a proportional representation system with the single transferable vote. In his explanation of why he did not move in that direction, the Minister suggested that, for some theological reason which was not clear to me, one of the parties would have vetoed such a system.

The Minister is much closer to the matter than I am and the Committee will have to trust his judgment. Some of us are worried that in future we may have to warn him that we told him so. He will obviously get the system that he is going for. I will not stand in his way and I shall be happy to withdraw the amendment, but I reserve the right at other times and in other places to continue the discussion on the value and advantages of a single transferable vote system. Having regard to the details that have been produced as a result of the debate, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: No. 142, in page 7, line 5, at end insert '—Communist Party of Ireland'.—*[Mr. Ancram.]*

No. 48, in page 7, line 26, after 'Party', insert '(SDLP)'.—*[Mr. McGrady.]*

Schedule 1, as amended, agreed to.

Schedule 2

THE FORUM

Mr. McGrady: I beg to move amendment No. 61, in page 7, line 38, leave out 'elected by the members' and insert

'appointed by the members from within their own number in accordance with the Rules of Procedure'.

The Second Deputy Chairman: With this, it will be convenient to discuss the following amendments: No. 60, in page 7, line 38, leave out 'election' and insert 'appointment'.

No. 174, in page 7, line 39, leave out 'member' and insert 'High Court Judge'.

No. 72, in page 7, line 39, at end insert

'from amongst the delegates of the party with the most delegates.'.

No. 57, in page 8, line 19, leave out 'election' and insert 'appointment'.

Mr. McGrady: Amendment No. 60 is a necessary corollary to amendment No. 61. I shall also speak to amendment No. 57.

The amendment is simple and clear and relates to how the first chairman of the forum should be appointed. As the appointment will be the first exercise by the forum, we should like to think that it will be a matter for consultation and consensus and that the elective process of a majority decision, whether weighted or not, would not be a good inaugural activity for the forum. The procedure which we suggest has been used in other quarters, and we simply ask that the forum should be able to appoint rather than elect the chairman.

Furthermore, the amendment states that the chairperson shall be

"appointed by the members from within their own number in accordance with the Rules of Procedure".

We want the forum to illustrate some consensus in its first activity. The amendment contains nothing more significant or hidden than the simple desire and wish that the parties attending the forum, by consensus, give the chairmanship to the person—man or woman—whom they feel will best serve their purposes with equity and justice.

Consequential to that is amendment No. 57, which refers to procedures under paragraph 4, where the word "election" appears. Simply to be consistent, we ask that the word "appointment" be substituted for "election".

The proposals are straightforward and simple. My party and I hope that they will show the good will and consensus that we sincerely hope will exist in the forum during its first activity. If that is accomplished and successful, it will augur well for the forum's subsequent proceedings.

Sir Patrick Mayhew: Amendment No. 61 concerns the election of the forum's chairman. I concur with what the hon. Member for South Down (Mr. McGrady) has said about the desirability of achieving consensus in the forum's affairs. The amendments in the name of his leader, the hon. Member for Foyle (Mr. Hume), would amend paragraph 1(2) of schedule 2 so that, in place of the reference to the chairman of the forum being elected by its members, the Bill would speak of him or her being appointed by members from within their own number and in accordance with the rules of procedure. We have little difficulty with most of the thinking underlying the amendments. As we have said, we envisage the forum operating on the basis of broad consensus and we would welcome it if it were possible to arrive at a decision about the choice of a chairman by that means, without a vote.

It is clear from the drafting of paragraph 3(1) of the schedule that, in all it does, the forum will need to conduct itself in accordance with the rules of procedure. Those rules have not yet been considered and the definitive set is, of course, for the forum to determine, again by weighted majority and with the Secretary of State's agreement. As to the chairman coming from among the members of the forum, we have always envisaged that he would.

I hope therefore that I have been able to give some assurance to the hon. Member for South Down and his colleagues. I cannot accept the amendment and the others related to it as the substitution of "appointment" for "election" of the chairman is potentially troublesome because of its ambiguity. Courts might strive to discover a meaning that might be some distance away from what the hon. Gentleman intends.

[Sir Patrick Mayhew]

The Bill provides election by the 75 per cent. criterion, which is an efficient way to choose the chairman and, we hope, a procedure that will encourage parties to work together to look for consensus. That concludes what I need to say on the group of amendments.

Mr. William Ross: Surely it does not, because amendment No. 174 seems to take care of all the difficulties at which we might be looking. Surely a High Court judge would be a reasonable person to be appointed to run the show until a chairman was elected. In similar situations in councils, on occasion the procedure is for the clerk of the council to take the chair until such time as the members nominate and elect a chairman or mayor.

The duties laid on the person nominated by the Secretary of State will be of short duration and will be very light. In those circumstances, surely the Secretary of State could find a judge to take a day off from the courts. With the ending of terrorism, I suspect that the judges have rather more time on their hands than previously. One of them could go to Castle buildings, or wherever the meetings take place, until this little task is carried out.

Sir Patrick Mayhew: I beg the hon. Gentleman's pardon. He is quite right and I should have dealt with that. The hon. Gentleman proposes that a High Court judge should be appointed as the interim chairman. The interim appointment is a stopgap. We hope that it will be possible for the forum, at an early stage and preferably by consensus, to reach a decision on the appointment of the chairman.

Again, as one would expect, there is obvious attraction in the amendment because of the impartiality and even-handedness that such an appointment would guarantee. However, in a sense, it is a little opprobrious to suggest that those qualities could not be found in a member of the forum. I believe that they could. I remember what was said yesterday about our late colleague, Sir James Kilfedder.

I have said that we envisage this as a stopgap appointment and I do not believe that we need to look beyond the forum. I hope that the hon. Gentleman will see the force of what I have said. I do not believe that the Committee should wish to see in the Bill a specific requirement for a specific category of non-member chairman to be selected in the interim. I regret that I cannot accept the amendment.

Mr. Ross: I can conceive—

The Second Deputy Chairman: Order. Is the hon. Member for East Londonderry (Mr. Ross) intervening or has the Secretary of State finished?

Sir Patrick Mayhew: I thought that it was an intervention, Miss Fookes.

Mr. Ross: The Secretary of State is extremely kind to allow me to intervene in the closing seconds of his remarks.

It is conceivable that the vote of the member appointed from the forum would make the difference between 75 and 74 per cent. In those circumstances, it could be difficult if he had to cast his vote, possibly for himself. Would it not be wise in those circumstances to have an outsider?

Sir Patrick Mayhew: I hear what the hon. Gentleman said, but I regret that I do not find it sufficiently persuasive.

Amendment No. 72, tabled by my hon. Friend the Member for Spelthorne (Mr. Wilshire), requires that the interim chairman should be a member of the largest party in the forum. Again, I see the force of that argument, and I do not doubt that good candidates would be available. However, at what may be a sensitive period, albeit, I hope, a short one, we believe that the Secretary of State should be free to choose whomever in the forum seems best suited in the circumstances. I hope that my hon. Friend will not press his amendment.

Ms Marjorie Mowlam (Redcar): The official Opposition have a great deal of sympathy with the spirit of amendments Nos. 60 and 61 in trying to establish a set of rules by consensus, not majoritarianism, and based on consultation, as the hon. Member for South Down (Mr. McGrady) described. The difficulty which we perceive is that the Secretary of State has to set out the rules of procedure while the people concerned agree their own rules of procedure, so he will be giving them a set parameters beforehand with which to work.

On the amendments, it might be helpful if the Committee was assured that the initial rules set up and the actual rules of procedure of the forum will be based on the principle of consensus and consultation, rather than on majoritarianism.

Mr. Wilshire: I had intended—

It being Ten o'clock, The Chairman *left the Chair to report progress and ask leave to sit again.*

Committee report progress.

Motion made, and Question put forthwith, pursuant to Standing Order No. 14 (Exempted business),

That, at this day's sitting, the Northern Ireland (Entry to Negotiations, etc) Bill may be proceeded with, though opposed, until any hour.—[*Mr. Brandreth.*]

Question agreed to.

Again considered in Committee.

Question again proposed, That the amendment be made.

Mr. Wilshire: Such little cameos make me proud to be British. Although I realise that I should not comment on people who sit upstairs, it is perhaps such things that make our procedures quite incomprehensible. It is rather lucky that not many people witnessed the farce which we have just enjoyed.

I had intended to keep Trappist vows on the fact that I had tabled amendment No. 72, but since my right hon. and learned Friend the Secretary of State referred to it, I feel rather obliged to say that, on mature reflection, I wish that I had not.

Mr. McGrady: I should like to respond to the Secretary of State's comments. I accept the sincerity of his wish that consensus should be the forum's modus operandi and that the first example of that should be the

appointment of the chairman. He said, however, that there was some difficulty from his point of view with the logistics because the forum would not at that stage have adopted its rules of procedure. As the hon. Member for Redcar (Ms Mowlam) said, subsequent paragraphs show that the Secretary of State will be presenting the first set of rules of procedure for the forum's first day of business. It would therefore be entirely within his competence to adopt the letter and sentiment of amendments Nos. 60 and 61, to which he has—if not legally, certainly spiritually—acquiesced. It would be quite in order for him to include in those rules of procedure the appointment of a chairman by consensus.

It is unfortunate that the amendment tabled by my hon. Friend the Member for Foyle (Mr. Hume) is disjointed in relation to this debate, because it favours consensus in the rules of procedure on which the forum will act. It is entirely within the ambit of the current powers of the Secretary of State in preparing his pro forma rules of procedure to say that the appointment should be by consensus rather than an election by majoritarian process.

Rev. Martin Smyth: May I probe a statement that the Secretary of State made earlier? I may have misheard him, but I gathered that he intended to nominate or appoint the first chairman, to get the forum moving, and I got the impression that the chairman would be chosen from among the elected members. Would it not be better to follow the tradition of the House and its Committees and allow the clerk of the forum—I take it that somebody will be there to keep a record—to be the person who presides while the forum elects or appoints its chairman, rather than the Secretary of State's making an appointment that might colour what the forum did thereafter?

Sir Patrick Mayhew: Paragraph 1(2) provides that

"The chairman shall be elected by the members, but until the first election has taken place he shall be a member nominated by the Secretary of State."

I have been responding to amendment No. 174, tabled by the hon. Member for East Londonderry to the effect that that should not happen, and that the chairman should be a High Court judge instead. The Bill provides for the chairman to be a member of the forum.

Mr. John D. Taylor: May I recommend a European practice for the first session of the new forum? Far from the Secretary of State's taking upon himself the responsibility of selecting the chairman of the forum, the forum could appoint the eldest elected member as the chairman. Until the stage when the forum proceeds to elect its own chairman, the eldest member—*[Interruption.]* No, I think that the hon. Member for South Down (Mr. McGrady) would qualify before me. Until the forum elected its own chairman, following European practice, the eldest member would remain the chairman.

I was astounded by what was said by the hon. Member for South Down—the constituency neighbouring mine. We are talking about an electoral process in which the people of Northern Ireland, through the ballot, will express their opinion and elect their representatives to a forum, yet the hon. Gentleman denigrated the electoral process. He said that he was against elections and wanted someone to be selected rather than elected.

How do we select a chairman of a forum? At the end of the day, the chairman must be elected by the people who represent the electorate of Northern Ireland. The hon. Member for South Down must accept that, in the context of the United Kingdom of which Northern Ireland is a part, the Irish community within Northern Ireland, which he represents, is a minority community. The hon. Gentleman certainly has a positive contribution to make, but it is a minority contribution, and he must accept his position within the state of Northern Ireland.

Mr. McGrady: Surely that is a gross misinterpretation of what I said. I suggested that the chairman of the forum be appointed from among the elected members of the forum.

Mr. Taylor: I challenge the hon. Gentleman to explain the difference between being appointed by the elected members of the forum and being elected by the members of the forum.

Mr. McGrady: Consensus.

Amendment negatived.

Mr. Trimble: I beg to move amendment No. 64, in page 8, line 2, leave out from 'be' to end of line 3 and insert 'on 6th June 1996'.

Madam Deputy Speaker: With this, it will be convenient to discuss also the following amendments: No. 78, in page 8, line 3, at end insert

'which shall be no later than eight weeks from the date of the election'.

No. 138, in page 8, line 3, at end insert

'within 7 days of the declaration of the result of the election held under the provisions of this Act.'.

No. 53, in page 8, line 4, after 'times', insert 'and locations'.

No. 54, in page 8, line 5, after 'forum', insert

'but shall not take place until after the negotiations mentioned in section 1 have commenced.'.

No. 59, in page 8, line 5, after 'forum', insert

'according to the Rules of Procedure'.

No. 62, in page 8, line 6, after 'meet', insert 'in plenary session'.

No. 25, in page 8, line 8, leave out 'may' and insert 'are intended to'.

No. 63, in page 8, line 9, at end insert 'in plenary session'.

No. 69, in page 8, line 9, at end insert

'but the Secretary of State shall not prevent the holding of a meeting for more than eight consecutive weeks.'.

No. 65, in page 8, line 9, at end insert—

'(3A) The proceedings of the forum shall be in public and appropriate provision shall be made for the public to be able to observe its proceedings and for the broadcasting of those proceedings.'

No. 167, in page 8, line 9, at end insert—

'(3A) There shall be appropriate provision for members of the public and the media to observe, publish, broadcast and televise the proceedings of the Forum.'.

A manuscript amendment, in page 8, line 3, at end insert—

'() The time decided under sub-paragraph (1) shall be—

(a) after the commencement of negotiations within section 2, and

[Madam Deputy Speaker]

(b) within, or as soon as possible after the expiry of, the period of four weeks beginning with the date of the poll in the elections.'.

Mr. Trimble: I shall also deal with our amendments Nos. 62, 63 and 65.

Amendment No. 64 relates to the first meeting of the forum. Under the paragraph 2 of schedule 2, the Secretary of State has discretion about when the meeting will take place. The amendment would preserve some discretion for him in that he could choose at which time it met on 6 June but would ensure that the forum meets on that date. The object is to ensure that it meets before the beginning of the negotiations on 10 June.

We are electing people to a body called a forum from which the negotiators will be drawn. There is a sequence there, and it is appropriate that we should respect it and follow it through. Consequently, I was very disappointed by the Secretary of State's manuscript amendment, which shows that he intends to prevent the forum from meeting for up to four weeks after the election and ensure that it meets after the opening of negotiations. I have two observations on that.

In the previous debate, there were references to consensus. I know of no discussions between the Secretary of State and any of my hon. Friends about when the meeting should take place. He has made no attempt to seek agreement. There is no element of consensus about the way in which he is proceeding. I am sorry that the hon. Member for Redcar (Ms Mowlam) is no longer in her place as she referred at great length to the need to proceed by consensus. I am sorry that she is not here to argue for consensus on this issue, which would give her the opportunity to show that she is not entirely one-sided. The matter should have been discussed with the parties. It is not sensible for the Secretary of State to proceed in this way.

Secondly, the Secretary of State's high-handed actions will be counterproductive—of that he can be sure. It is foolish of him to start this process in a way that will make it less likely to begin in a good atmosphere. That is what his action has done. He has ensured that there will be anger in our party about the beginning of negotiations. He could have operated in a way that would have been conducive to a good meeting. I should have liked the negotiations to begin in a constructive spirit but that will be difficult in view of the way that he is behaving.

Sir Patrick Mayhew: I am sorry to hear the hon. Gentleman jumping to conclusions on this matter in so adverse a way. It was made clear on Second Reading that we proposed that the forum should meet after the opening meeting of the negotiations. In response to an amendment tabled by my hon. Friend the Member for Spelthorne that it should meet no later than eight weeks after the date of the poll, I have sought in my manuscript amendment—which the hon. Gentleman has seen because it is in the Vote Office—to halve that time. It is not a question, as I shall make clear when I have the opportunity, of postponing it for four weeks but that any postponement shall be until no later than four weeks thereafter. I shall have an opportunity to develop that, but it does not bear the adverse interpretation that the hon. Gentleman is putting on it. I thought that the sooner that I made that clear, the better.

Mr. Trimble: I shall listen to what the Secretary of State has to say, but meanwhile I stand by everything that I have said. I find this behaviour offensive. The Secretary of State says that it is proposed that it will be done. He should not consider that he can just propose such matters. We are not operating in a colonial atmosphere. He should operate through due consultation with the parties in an attempt to achieve agreement with them. This process, whether in the negotiations or in the forum, will not be successful unless a serious effort is made to achieve agreement. On this matter, no effort has been made. That is not the way in which we should proceed. I shall listen with care to what the Secretary of State has to say in order to recover from the serious error that I consider that he has made.

My amendments Nos. 62 and 63 make what I hope the Secretary of State will recognise is a sensible adjustment to the provision in paragraph 2(3) of schedule 2, which deals with the relationship between the forum and the negotiations. That paragraph seems likely to lead to the frustration or stultification of the forum. My amendments to ensure that they do not both meet when they are in plenary session are designed to enable them to operate in a flexible way with regard to bilateral committees in the negotiations and in the forum.

My amendment No. 167 relates to the proceedings of the forum being held in public, with appropriate provision for publicity, something to which I hope that the Secretary of State will be agreeable, whether in the terms of the amendment or by making the necessary facilities available as and when the forum meets.

10.15 pm

Mr. Wilshire: I rise to speak to amendments Nos. 78 and 69 in my name. I had not quite anticipated that I would be speaking to them after the hon. Member for Upper Bann had made some serious points about the lead amendment, which in many ways follows on from my two amendments.

Amendments Nos. 78 and 69 arise from the fact that I read the Bill with great care and noted that nowhere did it say that the forum had to meet and that the Secretary of State was seeking to take powers to suspend meetings of the forum for an indefinite period. I have made it clear in the past two days that I approach a fair amount of the legislation with a degree of suspicion. It seemed sensible to require the Secretary of State to convene a meeting of the forum and to limit the length of time during which he could suspend.

I freely admit that I plucked the period of eight weeks out of the air. It seemed to me that one had to say something. I offer no particular justification for eight weeks or any other period. The motive behind both my amendments is to limit the Secretary of State's power and enable the people of Northern Ireland, having elected people, to know that those people can meet on their behalf within a reasonable time.

Given the happenings of yesterday, I am sure that hon. Members can imagine my joy when I went into the Vote Office this morning and noted that the Government had tabled amendments to my amendments, the effect of

which was to suggest that at least two of my amendments were to be accepted. My joy was unbridled. I had spent an entire day losing absolutely everything, only to discover that at last something had been offered in my direction. Not only had it been offered, but my eight weeks had been improved to four weeks. I thought that at last Wilshire was making some progress until I was asked for a little chat and told that perhaps it was not quite so simple after all, that Parliamentary Counsel had been let loose on my layman's drafting and that an alternative manuscript might be necessary. Nevertheless, my amendments, or the spirit of them, were to be accepted.

The only question that I had then I shall repeat now, because I should like to have the explanation put into the record in a way that we can all understand. As I suggested eight weeks and when I came in this morning the Secretary of State was suggesting four weeks, why do we now have a manuscript amendment which confirms four weeks but says in paragraph (b):

"or as soon as possible after the expiry of, the period of four weeks"?

Due to my suspicious frame of mind, I am a little nervous that we may have a watering down of an absolute four weeks to four weeks or thereabouts. Earlier today, I was told why it was necessary to put in "or as soon after", but as I am a layman I could not quite grasp it. I should therefore be grateful if it could be further explained to me.

At the risk of being churlish, and in the hope that I can say all that I wish in one contribution, there are those who would say that having got at least two concessions I should be grateful and call it a day. However, I shall risk yet more criticism and say that I am afraid that these small concessions cannot disguise the intransigence that a lot of hon. Members ran into yesterday when we discussed far more fundamental points about the Bill than whether it should be four weeks or eight weeks or for how long we should suspend meetings.

However welcome the two concessions may be, they do not override my concern at the refusal to put into writing the informal reassurances that we have been given. Every time hon. Members have asked that it be confirmed that the Government will stand firm, there has always been a reason why the amendments indicating that they should stand firm should not be rejected.

The two welcome small concessions do not override my deep concern at the repeated indications yesterday that the Government are still not ready to say that they are prepared to stand up to Dublin as it continues to make demand after demand. All of those amendments—which are far more important than these—were accepted.

Above all else, despite however welcome these two amendments are, nowhere in the debate yesterday—or on any other occasion that I have raised these matters—were the Government willing to accept an amendment which signals with total clarity that terrorists will not be allowed to bomb the Government into submission. They are the amendments that I would like to be welcoming. Nevertheless, I welcome the two concessions that have been made.

Mr. Peter Robinson: I speak to amendments Nos. 138 and 25, which are in my name. The first amendment deals with a matter just referred to by the hon. Member for Spelthorne—namely, how soon after the election it is appropriate for the forum to meet. I am quite content with the terms of the amendment of the hon. Member for Upper Bann to have a precise date and I am also quite content with the date that he has suggested.

However, I have allowed a little more flexibility and said that the forum should meet within seven days so that no precise date would have to be set so far in advance. I have made it clear that within a short period of people being elected to the forum they should sit down in the forum. That is something that the Secretary of State should have permitted. The terminology that he used was a little vague. First, there was reference to four weeks and now it might be more than four weeks—no one can be quite sure exactly how long it may be.

Let us look at this in terms of the period of time that we are talking about. Four weeks from 30 May—the result probably being known on 1 June—would take us to the beginning of July and a little longer may take us to 11 or 12 July. What other good ideas does the Secretary of State have for the opening day of the forum? The proposals put forward by the Ulster Unionist party and my party would be the most appropriate in the circumstances. I urge the Secretary of State to reconsider them at this stage.

Amendment No. 25 also deals with the word "may", but it has been dealt with slightly differently by my hon. Friend the Member for North Antrim and me. It relates to the Secretary of State's powers to determine that it would not be appropriate for the forum to meet if there are to be meetings of the negotiations. Schedule 2, paragraph 2(3) says that if, in the opinion of the Secretary of State,

"it would not be appropriate for the forum to meet because negotiations within section 2 may take place",

the Secretary of State could inform the chairman of the forum that the forum should not meet. There may be negotiations every day of the week so, effectively, that provision makes it possible that the forum would never meet. To sharpen the paragraph slightly, amendment No. 25 would insert the words "are intended to" instead of the word "may" so that, if it is specifically intended for the negotiating teams to meet, the Secretary of State would be empowered to exercise the power that he has under this provision.

It would be useful for the Secretary of State to clarify, so that we all have it on the record, that we are not talking about two political parties meeting in a bilateral forum, or even about three parties meeting. I presume that the reference in the Bill means that we are talking about what might be described as plenary sessions of the negotiating teams. It is important that we have that on the record, so that there is no doubt afterwards.

Mr. McGrady: Dame Janet, I do not intend to press amendment No. 59, tabled in my name and those of my hon. Friends.

Rev. Ian Paisley: We see in the proposals before us another attack on the forum. I was reading in *Hansard* of 24 January 1996 that the Prime Minister, replying to the Leader of Her Majesty's Opposition, had some interesting things to say about the forum. I was not in the House the day he made that statement, but he said:

"I see the election providing a pool of representatives from which party delegations to the talks could be drawn, and a means to index the strength of the parties' delegations in the talks process. Apart from that, of course, I see the election providing, by weighted

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majority vote, an initial mechanism for testing widespread acceptability within Northern Ireland of the outcome of any talks process."—[*Official Report*, 24 January 1996; Vol. 270, c. 357.]

The Prime Minister promised us that that is what the forum was to be. Amendments were moved in an attempt to establish the promise made, but they were rejected by the Government.

On 21 March 1996, the Prime Minister said:

"The legislation"

that will bring the forum about

"will also provide for the forum to be able to conduct hearings at which public submissions by relevant bodies or individuals can be made."—[*Official Report*, 21 March 1996; Vol. 274, c. 498.]

There is no such provision in the Bill. We are told that there is nothing to prohibit it, but we were told that it would be legislated for—that it would be provided—and there is no provision.

Now we have another attack on the forum. We are told that it can be elected and people drawn from it can be on the negotiating body, but that the forum itself will not meet for four weeks or perhaps more after its election. We know that we can get a date of 10 June, and that that must be kept at all costs because it was agreed with Dublin, to placate the IRA and get things moving. There is no suggestion of a date of 10 June or as near to it as we can get. Another attack has been launched to postpone the meeting of the forum. I suggest to the House—I support the comments of the hon. Member for Upper Bann (Mr. Trimble)—that we are witnessing more and more opposition from those who initially launched a vicious attack against the very idea of elections and a forum. We now have a new parliamentary procedure: it is called consensus. We do not take any votes; we simply have consensus. We would wait a long time to achieve consensus in this place—not one Bill or Order in Council would be passed.

10.30 pm

Mr. Robert McCartney: Does the hon. Gentleman agree that, if a majority of people were to express their willingness to leave the United Kingdom and join some form of all-Ireland body, they would do so by a majority of 50 per cent. plus one and not by consensus?

Rev. Ian Paisley: If it is a one-way street to a republic, there will be majority of one and 50 per cent., but any decision to remain within the United Kingdom will be attacked because there has been no consensus. That is the way it works.

The forum will mirror the thinking of the people of Northern Ireland in a unique way because of the strange manner of electing candidates and topping up election results. Perhaps the Government are making preparations for an election that they expect to lose: if they were to introduce the Northern Ireland system here, they could remain in power by topping up from another list and increasing their numbers.

What is it all about? It is an attack on the forum. If the Secretary of State thinks that the forum will be his puppet—to be stopped when he stops it and to go when he wants it to—he will be strangely surprised. The forum will not fill that role. Those who do not agree with my political views will not be kicked around either—the Secretary of State may find them even more intransigent than I am.

Mr. Wilshire: Having listened to the remarks of the hon. Gentleman and of the hon. Member for Upper Bann (Mr. Trimble), I am feeling extremely guilty, as I started the hare. Does the hon. Gentleman accept that my amendment limits the obstruction to eight weeks or to four weeks and that without it there would perhaps never be a meeting? It may be an advantage rather than an obstruction.

Rev. Ian Paisley: We do not blame the hon. Gentleman at all. We welcome his amendments and we are very glad that he squeezed the Secretary of State to agree to four weeks. However, he has himself underscored the fact that his joy turned to grief and pain when he noticed that the wording referred to four weeks or soon after that, which could mean 12 July or black Saturday—most hon. Members will now know what that is. Anyone who wishes to know can seek out the right hon. Member for Lagan Valley (Sir J. Molyneaux) who will be able to tell them, as an imperial grandmaster of that particular organisation.

The hon. Gentleman should be happy with his great accomplishment. I hope that the four weeks will be enforced. However, I do not think that the Prime Minister should tell us that the forum is a

"mechanism for testing widespread acceptability within Northern Ireland of the outcome of any talks process".—[*Official Report*, 24 January 1996; Vol. 270, c. 357.]

That idea was voted down yesterday. I do not think that he should say that the legislation

"will also provide for the forum to conduct hearings at which public submissions by relevant bodies . . . can be made".—[*Official Report*, 12 March 1996; Vol. 274, c. 498.]

We know that the legislation does not provide for that. Again, we see the forum being de-horned.

Mr. Illsley: I wish to speak specifically to amendments Nos. 53 and 54. We believe strongly that the meetings of the forum should not take place until after the negotiations have commenced. I am sorry that certain hon. Members appear to consider that an attack on the forum, but in our view the purpose of the Bill is to facilitate the negotiations: hence its title. The negotiations should therefore be given precedence over the meetings of the forum.

All hon. Members who have attended these debates have heard expressed the fear that the possibility of a forum, assembly or convention could be considered as a return to a Stormont-type situation, with legislative or administrative powers. Those fears have been allayed by comments in Committee, but it is clear that Unionist members would like to see the forum upgraded or enhanced, and given precedence over the negotiations.

We maintain that the purpose of the Bill is to facilitate elections that will provide delegates to the negotiations. The purpose of the Bill is not to facilitate delegates to the forum, and the negotiations should take precedence.

Mr. Robert McCartney: Does the hon. Member appreciate that, for negotiations to take place, there has to be a willingness on the part of representatives of the major

party and the majority in Northern Ireland to take part? If their noses are constantly being rubbed in the dirt and their aspirations constantly denigrated, that may not create an atmosphere conducive to those negotiations taking place in a spirit that will produce the possibility of a result.

Mr. Illsley: Of course I accept that negotiations have to take place with all the parties represented around the table. That is the whole basis of the elections and the Bill. For the hon. and learned Gentleman to say that aspirations are being denigrated simply because the date of negotiations will take precedence over the date of the meetings of the forum is to over-egg the pudding.

Mr. Peter Robinson: I can follow the hon. Gentleman's argument that he sees the start of the negotiations as a priority, but is there anything inconsistent between that view and also arguing that, immediately afterwards, all the delegates should be called to the forum? The suggestion that the delegates can be held out for four weeks or more is what is causing concern. That meeting should surely be much more prompt.

Mr. Illsley: I do not have any problem with that. Amendments Nos. 69 and 78, about eight and four weeks, were tabled by the hon. Member for Spelthorne (Mr. Wilshire), who has readily accepted the blame for starting the hare running. I have no problem with the forum commencing as soon as possible after the negotiations have commenced. I am sure that the Secretary of State or the Minister of State will be able to give some reassurance that the Government will seek to have meetings of the forum as soon as possible after negotiations have commenced.

As I have said, we feel that the purpose of the Bill is to facilitate the negotiations, and the impression should not be given that the negotiations will be subordinate to the forum. The forum must be given its due weight in the Bill, but it should not take precedence over the negotiations which are the main purpose of the Bill.

Mr. Trimble: I can tell the hon. Member—this is not a question, it is a statement—that this process has two tracks to it. While we agree that the forum will not take precedence over the negotiations or determine the outcome, as the Bill provides, we will certainly not agree to the forum being sidelined in the way that he appears to wish.

Mr. Illsley: Again, I wish to place it on record that the Opposition do not see the forum as being sidelined. If the hon. Gentleman were to read our original amendment, which has been badly drafted, he would see that our purpose was simply to ensure that the negotiations began before the forum, and not to sideline, lessen or diminish the forum in any way. The negotiations will take precedence, and that is the reason for the Bill.

Rev. Ian Paisley: Does the hon. Gentleman see the forum as an initial mechanism for testing widespread acceptability within Northern Ireland of the outcome of the talks process by these negotiations?

Mr. Illsley: No. I see the forum as it is explained in the Bill—as a mechanism for promoting dialogue while the negotiations are taking place. I assume that the hon. Gentleman is again quoting the comments of the Prime Minister, to which he referred earlier. The forum is part of the Bill, with the Bill facilitating the negotiations and the forum running alongside them promoting that dialogue and expressing the views.

As a consequence, we cannot support the amendments which set a date for the forum which predates the negotiations. Therefore, we cannot support amendments Nos. 64 and 138, which set a date which predates 10 June.

Amendment No. 54 has been incorporated into a manuscript amendment, with which the Opposition agree. That manuscript amendment also takes into account the amendment in the name of the hon. Member for Spelthorne. Unfortunately, amendment No. 54 was wrongly drafted, but it called for the first meeting of the forum to be at a time after negotiations had commenced. However, the manuscript amendment incorporates amendment No. 54, and we are happy to support it.

We are concerned that the manuscript amendment has a time limit of four weeks, and the hon. Member for Spelthorne, in his sorrow at having his amendment carved up, made the point that the manuscript amendment says:

"after the expiry of, the period of four weeks".

We are concerned that any further slippage there would lead to some criticism that the forum is being delayed by too long a period, and hope, as I said earlier, that the Secretary of State will give an assurance that the forum could commence as soon as possible after negotiations have started.

Amendment No. 53 in the names of my hon. Friends refers to the locations of the meetings of the forum. We strongly believe that the forum should be allowed, once it sets its own rules of procedure and with the authority of the Secretary of State, to meet in whatever locations it chooses. It would benefit from being able to move to other locations if necessary to take evidence; to make it easier for the forum to obtain the views of the people of Northern Ireland, lobbying associations or anyone else who wishes to contribute to it.

We are somewhat concerned about amendments Nos. 62 and 63, concerning plenary sessions. If they are accepted, we hope that meetings of the committees of the forum, not the meetings of the plenary sessions, will not interfere with negotiations, in the hope that those negotiations will be able to progress without being hindered by meetings of the forum and the duplication of members meeting in either body.

10.45 pm

Sir Patrick Mayhew: I begin by responding to amendment No. 25, which was spoken to by the hon. Members for East Londonderry and for North Antrim. Amendment No. 25 would amend paragraph 2(3) of schedule 2 so that the Secretary of State's powers to notify dates on which the forum might not meet would apply only to those when the negotiations are intended to take place, rather than when they "may" take place. I have thought about this carefully; I understand the reasons why the amendment was tabled, and I am happy to say that I am able, on behalf of the Government, to accept it.

Having said that, I can now offer further reassurance. For my part, I am very much looking forward to meetings of the forum. I believe that the forum itself has extremely

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important work to do, and I think that it is an innovation that is much to be welcomed and admired. It could play an important and valuable complementary role in relation to the main negotiating process.

Part of the importance of the forum as we see it is that it will give the ordinary people of Northern Ireland a role to play in the process of developing dialogue and the mutual understanding which could contribute to the search for a lasting political accommodation and a permanent peace. There is no question of the Government wishing to sideline it; the Government are responsible for bringing forward legislation to create it.

The elections themselves will give the people of Northern Ireland an opportunity to express their views on who they want to represent them in the negotiations and in the forum. Beyond that, we believe that the forum should operate in a way that would provide an on-going mechanism for securing and channelling the views of the people of Northern Ireland on the issues that the forum will be considering.

I see a primary function of the forum as conducting hearings at which public submissions could be made by community, voluntary, women's and youth groups, trade unions, business, professional organisations, the Churches, academics and others. The submissions and any subsequent consideration of them will undoubtedly inform those members of the forum who are their parties' delegates to the negotiations, but they will also, in themselves, serve to stimulate further public debate in Northern Ireland and promote that dialogue and greater mutual understanding which we all want.

I believe that that will help to create a more positive and receptive climate for the negotiations themselves, even though the latter may well need, for obvious reasons, to be conducted on a more confidential and less public basis. We welcome and support the idea that the forum might hold hearings in a range of different venues throughout Northern Ireland, to give members of the public there a greater opportunity to contribute and attend.

That is the position from which the Government start when considering the issues raised by this group of amendments. We want to take whatever steps are possible to help the forum be successful in gathering and reflecting a wide range of perspectives on the situation in Northern Ireland and stimulating public attention on the issues that will be under consideration. In principle, we agree that the forum's proceedings should not be held in private, that there should be reasonable access for members of the public, and that there should be facilities to broadcast or otherwise disseminate reports of the forum's proceedings.

The forum will not, however, be a parliamentary assembly in the normal sense, and we consider that it would not be appropriate to give it all the trappings of such a body. Subject to that, the Government intend to enter discussions with the parties likely to be represented in the forum about the level of facilities, the type of premises and the number of staff that the Secretary of State would, under paragraph 6 of the schedule, make available to the forum.

Consistent with our general approach to the forum, the Government would like to facilitate the early launch of the forum and sensible forward planning of forum business. That would enable it to plan and organise public hearings of the sort that I have mentioned, and generally to map out a sensible programme of work. After that preamble, I deal now with the detail of the other amendments.

Amendments Nos. 64, 78 and 138 relate to the first day of the meeting of the forum. Paragraph 2 of schedule 2 leaves it to the Secretary of State to decide that day, subsequent meetings being at times of the forum's own choosing, subject to the calendar of the negotiations. The hon. Members for Upper Bann, for North Antrim and for Belfast, East all seek that it should be in the week following the election, although my hon. Friend the Member for Spelthorne is content that it should be not later than eight weeks from the date of the election.

Mr. Wilshire: May I put it gently to my right hon. and learned Friend that to say that I am content with a period of eight weeks is rather overstating the case? I was seeking to make it impossible for the intervening period to exceed eight weeks, but I think that "within a week" would have been much more realistic.

Sir Patrick Mayhew: I accept that. The same goes for another amendment, to which I shall turn shortly and which sets a limit or extremity.

We envisage the forum's making an early start; we do not intend to delay. We expect it to begin its work long before the end of the eight-week period that my hon. Friend has in mind—as an extremity or limit. Equally, as I said on Second Reading, we do not envisage its meeting before 10 June. That date has long been set for the opening of negotiations. It is bound to be an extremely busy period, and it is not in the general interests of the Bill's provisions for the forum to meet before then.

I understand the reasons that have led hon. Members to support amendments calling for the opening meeting to be held before the start of negotiations. As I said yesterday, the Bill is intended to provide a gateway to negotiations: that is reflected in its title. The primacy lies in the negotiations.

That is not in any way to denigrate, undermine, sideline or reduce the importance that—as I have said—we attach to the forum's functions, but the Government believe that the negotiations should carry primacy. Consequently, we believe that the negotiations should open, and that the forum should meet as soon thereafter as practicable. As I have said, I want that to be delayed no longer than is necessary, and a sensible date to be fixed in the light of the progress of the negotiations.

The manuscript amendment seeks to reflect the spirit of amendments Nos. 78 and 54. I am sympathetic to both, but I must make two comments. I feel that amendment No. 78, tabled by my hon. Friend the Member for Spelthorne, allows an unnecessarily wide discretion. I do not contemplate a delay of anything like eight weeks before the forum meets; I should like four weeks to be regarded as the maximum, and the manuscript amendment says as much. I stress that I envisage the forum's meeting well within four weeks.

As for amendment No. 54, tabled by Opposition Members, we have made it clear that we do not envisage the forum's meeting before the start of the negotiations. In fact, the amendment refers to the second meeting's taking place after the start of the negotiations, but that is a mistake.

I am sympathetic to that amendment, and my manuscript amendment brings it together with that of my hon. Friend the Member for Spelthorne. The effect is to add a new sub-paragraph (2) to paragraph 2 of schedule 2. It places two conditions on me—that, when I set the time for the forum's first meeting, it should be after the start of the negotiations, and that, consistent with that, it should be as soon as possible after the elections, within a limit of four weeks.

If, for some unforeseen reason, the start of the negotiations was delayed, the forum's first meeting would also be delayed. That is a remote contingency, and we see no reason to believe that it will arise, but it accounts for the language that my hon. Friend questioned.

It follows from what I have said that we cannot commend amendments Nos. 64 and 138. Amendment No. 53 proposes that meetings of the forum should be held at locations, as well as times, decided by its members. That logically raises a question on which we have yet to reach final decisions. They will be subject to consultation about where the forum's main base should be. Castle buildings in Belfast is an obvious choice with a number of attractions, but we shall need to reflect further on that, in particular in relation to the desirability of having the public there.

We shall, of course, welcome views about the possibility of the forum or its committees venturing away from the home base occasionally. We canvassed that in the consultation paper that we issued earlier in the year, and had it in mind in preparing the Bill.

The Bill simply requires the Secretary of State to provide for the forum the use of premises, but we are ready to contemplate that, for example, in the course of hearing from different interests, a committee of the forum may wish to venture away from the Belfast. In that case, arrangements might be made for it to make use of premises elsewhere. That might be of great value in permitting the widest range of views to be accessible to the forum.

That possibility is best dealt with by leaving the Bill as it is, subject to the assurance that I have given that we are ready to contemplate such hearings being held outside Belfast occasionally. As the hon. Member for Upper Bann said on Second Reading, there is a question of resources. The Secretary of State bears responsibility for them, and it would not be right for decisions about their use to be entirely out of his hands. On the understanding that we shall be ready to facilitate hearings away from the forum's home base occasionally, I hope that hon. Members will be willing to withdraw the amendments.

Amendments Nos. 54, 59, 62, 25, 63 and 69 bear on paragraphs 2(2) and 2(3) of the schedule, and concern the times when the forum may meet. Amendment No. 54 is overtaken by our manuscript amendment. Amendment No. 62 was moved by the hon. Member for Upper Bann and seeks to have the provisions of paragraph 2(3) for excluding concurrent meetings of the negotiations and the forum apply only to forum plenary meetings. I think that the intention is that the meetings of forum committees would not be governed by the terms of any notification by the Secretary of State.

The amendment is unnecessary. I am advised that, on a proper construction, paragraph 2(3) applies only to plenary meetings of the forum and not to committees. However, the meeting times of committees will fall to be regulated by rules of procedure. The Government's starting point on this question is that it would be generally undesirable for there to be significant negotiation and forum business concurrently. That has a number of disadvantages. In particular, it could create serious difficulties for negotiating team members, who might find that they had two commitments at the same time. In some circumstances, concurrent meetings might be no less undesirable in the case of a forum committee.

These matters are being debated in a Committee of the whole House, and it would be possible to envisage a committee of the whole forum. A meeting of such a committee would clearly raise the same sort of questions as a plenary meeting of the forum. However, we recognise that such a bar might occasionally be unhelpful to all concerned. We can discuss these matters when the rules of procedure are formulated. For the present, I hope that, in the light of what I have said, the amendment may be regarded as unnecessary.

Amendment No. 63 was tabled by my hon. Friend the Member for Spelthorne. It would confine the making of notification to times when the negotiations were being held in plenary meetings. There may be a misunderstanding here. Most of the negotiations are intended to take place in strands which are not, in the conception of the ground rules set out in the command paper, plenaries. Strict plenaries may not be very frequent, so the amendment would deprive paragraph 2(3) of most of its potential effect. I hope that my hon. Friend will be assured by that.

Amendment No. 69 would amend paragraph 2(3), so that the Secretary of State had no power to prevent the holding of forum meetings for more than eight weeks. I have dealt with that. The amendment would prevent us from taking actions that in any event we would not consider taking. We see the forum proceeding in parallel with the negotiations, albeit concurrent sittings. We do not envisage any occasion to freeze out a block of time of anything approaching eight weeks.

Mr. Wilshire: When my right hon and learned Friend spoke to amendment No. 63, he ascribed it to me. It is not my amendment, and I have no comment to make on it. I am not clear on what he said about amendment No. 69. I had the impression that he felt that he had dealt with it, but he proposes an amendment to it, and it relates to an entirely different issue from that of the manuscript amendment. It is about the first meeting of the forum. Can I take it, therefore, that he still accepts amendment No. 69, and is seeking to improve on it?

Sir Patrick Mayhew: The Government's position is expressed in the manuscript amendment, which I have dealt with, and I have explained the reasons for that.

Amendment No. 65 would insert a new sub-paragraph after paragraph 2(3) of schedule 2 requiring that the forum should be held in public, with a public gallery and facilities for broadcasting. Amendment No. 167 is to similar effect.

We have listened with care to the views expressed about the value of publicity for the forum's proceedings by way of broadcasting and so on. I emphasise that there is potentially considerable scope for the forum to provide a valuable platform for wider participation in the debate

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on how greater understanding and greater confidence are to be built throughout the community in Northern Ireland. It is clear that that purpose cannot be achieved unless the forum's proceedings are publicised and put within the reach of the man in the street.

Therefore, substantially, we are at one with the thinking of hon. Members who have moved the amendments, within the limits of practicality. Just how fully we will be able to give effect to what they say will depend on the accommodation that we find for the forum. I have said that our consideration of that is proceeding, and that we are open to views about it. There are serious problems about Castle buildings. Equally, we share the views that have been expressed, and we think that it is important that there should be such publicity.

Those are the assurances that I am able to give. They are substantial and important. In the circumstances at present, it is as far as I am able to go. I hope that that may practically and constructively inform the course that hon. Members will take.

11 pm

Mr. Trimble: The Secretary of State tried to offer an assurance that this part of the legislation, which we consider to be of no little importance, will still have some meaningful operational existence. He did so by reading a summary of how the forum might operate in terms of providing an opportunity for the public to be involved in the process and of the way in which it could take evidence from interested groups in the community and develop a dialogue on relevant issues. We have mentioned those things before and we view them as an important part of the forum.

As I listened to the Secretary of State read that section of his speech, I wondered whether his mind was really engaged in what he was reading and saying. He does not seem to appreciate that, if dialogue and understanding are to develop—that will be essential if the negotiations are to prosper—and if there is to be that opportunity to involve the public and the thinking of other community members to inform the atmosphere and the context within which the negotiations take place, it is essential that the discussion and dialogue happen before the matters to which they might relate are dealt with in negotiations.

A simple mistake has been made here which should not be made. It confuses precedence in terms of importance with priority in time. Just because a discussion or hearings take place in the forum, or forum meetings take place before the negotiations, that does not mean that we are according precedence in terms of importance to the forum as against the negotiations. The fact that one is before the other is not significant in terms of which we regard as the more important activity. If we get it the wrong way round in our time sequence, we are destroying what could be a fruitful operation. There is substance in what the Secretary of State read out, although he did not seem to be thinking about it. I want to ensure that that substance is achieved.

We all hope that the negotiations will occur in a fruitful and positive atmosphere, but the amendment that the Secretary of State has tabled will have the contrary effect. I think that when he received instructions from Dublin to move that amendment, he should have thought about it and spoken to them and the rest of us before accepting it.

Mr. Wilshire: I apologise for labouring a point that I raised in an intervention, but I regret that I am still not clear about exactly what is being proposed for my amendments.

Amendment No. 78 deals specifically with paragraph 2(1) of schedule 2. My proposal is that the first meeting of the forum should take place within eight weeks. The Government originally tabled an amendment proposing four weeks. We now have a manuscript amendment which relates specifically to paragraph 2(1), which is about the first meeting. My right hon. and learned Friend the Secretary of State has made it clear that the manuscript amendment relates to the first meeting of the forum.

Amendment No. 69 deals with paragraph 2(3), which as I understand it, is not covered by the manuscript amendment. I contend that my second amendment raises an entirely different issue—the power of the Secretary of State to suspend subsequent meetings after the first meeting. We have on the amendment paper a Government amendment that is not affected by the manuscript amendment. Earlier today, the Government were willing to table an amendment to my amendment in respect of the power to suspend subsequent meetings. Nothing that I have heard has brought my second issue within the ambit of the manuscript amendment. Is my right hon. and learned Friend still willing to accept my second amendment, which covers subsequent meetings, and does he still intend to proceed with his amendment to my amendment, which is not covered by the manuscript amendment? That is an important point.

Sir Patrick Mayhew: Let me make things clear, as I do not think that I have done so. I have tabled an amendment which would set the upper limit at four weeks, which I would consider to be the absolute outside of the sort of delay that we would contemplate. That is in connection with what I was talking about earlier. Subject to that, I accept amendment No. 69. I believe that that deals with what my hon. Friend has in mind.

Mr. Wilshire: I am grateful to my right hon. and learned Friend for accepting my second amendment, and in the same spirit, I will accept his amendment to my second amendment.

Amendment negatived.

Manuscript amendment made: in page 8, line 3 at end insert—

'()The time decided under sub-paragraph (1) shall be—

(a) after the commencement of negotiations within section 2, and

(b) within, or as soon as possible after the expiry of, the period of four weeks beginning with the date of the poll in the elections.'.—*[Sir Patrick Mayhew.]*

Amendment made: No. 25, in schedule 2, page 8, line 8, leave out 'may' and insert 'are intended to'.—*[Mr. Peter Robinson.]*

Amendment proposed: No. 69, in schedule 2, page 8, line 9, at end insert

'but the Secretary of State shall not prevent the holding of a meeting for more than eight consecutive weeks.'.—*[Mr. Wilshire.]*

Amendment made to the proposed amendment: (a), in line 2, leave out 'eight' and insert 'four'.—*[Sir Patrick Mayhew.]*

Amendment, as amended, agreed to.

Mr. Peter Robinson: I beg to move amendment No. 139, in page 8, line 13, leave out

'and approved by the Secretary of State.'.

The First Deputy Chairman: With this, it will be convenient to discuss also the following amendments: No. 58, in page 8, line 15, after 'quorum', insert

'and the requirement that decisions of the forum on the subject matter of its deliberations shall have the support of a clear majority of members of parties representing respectively the nationalist and unionist communities as defined in accordance with paragraph 24 of Command Paper 3232'.

No. 55, in page 8, line 18, at end insert—

'(4) In exercising his functions under sub-paragraphs (1) and (3) above, the Secretary of State shall make every effort to secure that the rules of procedure of the forum facilitate the promotion of dialogue, understanding and consensus across the communities in Northern Ireland.'.

No. 56, in page 8, line 23, leave out

'on a vote by at least 75 per cent. of those voting'

and insert

'by a clear majority of members of parties representing respectively the nationalist and unionist communities as defined in accordance with paragraph 24 of Command Paper 3232'.

No. 71, in page 8, line 23, leave out '75' and insert '67'.

No. 175, in page 8, line 23, leave out '75' and insert '60'.

No. 66, in page 8, line 27, leave out from 'defamation' to the end of line.

Mr. Robinson: The amendment addresses the pervasive powers of the Secretary of State for Northern Ireland in almost every area of activity relating to the forum. The forum is being asked to undertake a simple task. There have been a number of bodies in Northern Ireland in the past, and none of them has had any real difficulties in agreeing its rules and procedures. I recall that a task was undertaken under the chairmanship of my hon. Friend the Member for North Antrim on an earlier occasion and, with all the parties present, was passed without any great difficulty.

The Secretary of State's approval of the work carried out by the democratically elected representatives of the people of Northern Ireland in the forum is quite unnecessary. What factors will be informing his approval? What exactly are the criteria that will determine whether he approves the rules of procedure? Can he envisage the problems that would be created if the elected representatives of the people of Northern Ireland were to agree rules of procedure of which he did not approve?

I would not have balked if the Secretary of State had recognised that some degree of weighting was required for the rules to be passed by the forum, but he does not go down that road. He wants to take for himself the power to approve or reject those rules. It is neither sensible nor comfortable for the Secretary of State to hold those powers. It would be better to leave it to the elected representatives of the people of Northern Ireland, and I trust that the Secretary of State will recognise the wisdom of that.

Mr. McGrady: If amendment No. 58 were accepted, paragraph 3(2) would read:

"The rules of procedure of the forum shall include provision for a quorum, and the requirement that decisions of the forum and the subject matter of its deliberations shall have the support of a clear majority of members of parties representing respectively the nationalist and unionist communities as defined in accordance with paragraph 24 of Command Paper 3232."

To be consistent with that, if amendment No. 56, the second amendment that we have tabled, were accepted, paragraph 4(b), which relates to the election or removal of a chairman or the alteration of the rules of procedure, would read:

"it is approved by a clear majority of members of parties representing respectively the nationalist and unionist communities as defined in accordance with paragraph 24 of Command Paper 3232."

The amendments are in partnership and deal again with the question of consensus. You may have noticed, Sir Geoffrey, that on many amendments dealing with the elections and the forum, it has been a theme of my party that the concept of consensus be at the forefront of our deliberations on all such matters.

There is a temptation to argue that a weighted majority of 75 per cent. is some sort of panacea, or a substitute for a consensus, but unless there is consensus among the representatives of both broad communities in Northern Ireland, there will be no real consensus, and no matter how high a percentage is achieved in terms of the majority ruling, it simply will not work.

Our amendments would create the ethos necessary for a successful conclusion to the negotiations that will run alongside the forum. As there is consensus on the Committee between the Government and the Opposition, it would be appropriate if that element of consensus could also be applied to the deliberations that we hope to have in the negotiations and the forum.

11.15 pm

Mr. Peter Robinson: As he attempts to persuade the Committee to support his amendment, the hon. Gentleman will see that some of us might have some difficulty in recognising its terms, because it would require a majority of both the Unionist and the nationalist community representatives. It has already been suggested that the representatives of the nationalist community who stand under the label of Sinn Fein will not take their seats in the forum, and that would reduce the number of elected representatives from the nationalist community who would be there. Is the hon. Gentleman telling the Committee that those people intend to be present in the forum? Without their presence, the amendment would have no meaning.

Mr. McGrady: I thank the hon. Gentleman for his intervention, and I recognise the path down which he is trying to lead me. I am simply attempting to ensure that those who attend the forum, whoever they may be and from whatever party they may come, will deal one with another on the basis of consent and consensus, not on the basis of majoritarian rule. It is most important that the concept of majoritarian rule be eliminated as far as possible. No weighted majority of 75 per cent.—or, indeed, of any other ad hoc fraction or percentage—should be applied to the deliberations of the forum.

I support the amendments on behalf of my party, not with any intention of curtailing or restricting anything, but simply according to the fundamental principle that

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consensus in a debate that aims to find a solution is the only way in which we can move forward. In that very simple way, I commend both amendments to the Committee.

Mr. Robert McCartney: In responding to the hon. Member for South Down (Mr. McGrady), I must say something about the concepts of majoritarianism and consensus. "Majoritarianism" seems to be a denigrating reference to the democratic principle that in any body in which there is a difference of opinion, matters are usually decided by a majority of those present. However, it is recognised that in some circumstances the issues to be determined are so grave and significant that it is necessary to have more than a bare majority. I think that the constitution of the United States of America may be changed by a majority of 75 per cent. That figure is reckoned to be a significant loading of a simple majority in such circumstances.

I am somewhat bemused by the concept of consensus. I know the phrase from my experience of the law, where the parties to a contract are said to require a consensus ad idem, so that they are thinking about the same thing when they arrive at the subject matter of their contract. However, the way in which the hon. Member for South Down uses the word "consensus" suggests that nothing can be agreed unless the tiniest minority accepts it. That is a dog-in-the-manger's charter. People could sit there and as long as they did not participate in the magical process of consensus, nothing could be done. If we are to be honoured in the negotiating process by the presence of Sinn Fein, the magical process of consensus would render invalid any conclusion reached by those present if it insisted on its primary ideas of Brits out and self-determination on an all-Ireland basis.

Mr. McGrady: I do not want to delay the Committee by reading it all, but paragraph 24 of the ground rules, to which the amendment refers, states:

"The rules for establishing sufficient consensus will be agreed in advance of negotiations by the participants and such rules will ensure that any departure from the rule of unanimity is within minimal limits and will, in all cases, ensure that any decision taken will be supported by a clear majority in both the unionist and nationalist communities in Northern Ireland."

That is my definition of consensus, as referred to in the amendments.

Mr. McCartney: I am grateful for that clarification, but the hon. Gentleman used the term "a clear majority". I should have thought that 75 per cent. was a clear majority, but that is the majority to which he appears to take exception. When is a clear majority not a clear majority? He and his party would undoubtedly claim, if 50 per cent. plus one of the people could be made to favour a united Ireland, that on the basis of the Anglo-Irish agreement legislation should immediately be put in train to ship everyone in Northern Ireland out of the United Kingdom and into a united Ireland. Would we hear any talk in those circumstances about this wonderful concept of consensus? I fear not.

Mr. William Ross: I was hoping that the hon. and learned Gentleman would draw the Committee's attention to the recent vote on the proposed break-up of Canada and how small a majority it took to prevent that. We are talking about the possibility of breaking up the United Kingdom. He may care to follow that line of reasoning.

Mr. McCartney: I am grateful to the hon. Gentleman.

The other term that is now bandied about as a term of abuse is majoritarianism. In so far as it is in political usage, that word applies to a majority that governs, or attempts to govern, without any concern for the constitutional, legal or human rights of minorities. When it is used in contradistinction to democratic majority government, it generally carries that suggestion. The hon. Member for South Down uses it with less discipline. Majoritarianism simply means the ordinary democratic practice of giving significant attention to the wishes of a majority. The House should look carefully at apparently reasonable terms such as "consensus" and "majoritarianism".

Rev. Ian Paisley: I have been following the hon. and learned Gentleman carefully. When the Prime Minister, whom one would think would know what his Government were doing, replied to the Leader of the Opposition, he said:

"Apart from that, of course, I see the election providing, by weighted majority vote, an initial mechanism for testing widespread acceptability within Northern Ireland of the outcome of any talks process."—[*Official Report*, 24 January 1996; Vol. 270, c. 357.]

The Prime Minister said that that majority, which would be a clear majority if it was weighted, was sufficient, but when we come into the realm of consensus, we do not know anything. We are just told, "Let us have consensus." We cannot get consensus if one party says, "We are not having it." That can be a tiny party, but it still can break the consensus.

Mr. McCartney: The hon. Gentleman is correct in his interpretation. The idea of a weighted majority is to provide some sort of mechanism to ensure that a minority is protected. It seems that, in this case, the Bill suggests a majority of 75 per cent. The fact that that is niggled at gives an idea of what is likely to occur when a consensus, according to the definition of the hon. Member for South Down, is ultimately sought in any negotiations.

Mr. Worthington: I shall speak to amendment No. 55, which has been tabled in the name of my right hon. and hon. Friends and myself.

We should like to make our contribution on the role of the forum through its rules of procedure. We have no doubt that the forum could be valuable. It could be extremely useful, but it will be so only if it is not a threatening place; if it is not about victories and defeats. What we are about is setting up negotiations and alongside them a forum whereby people can broaden their understanding. We are not setting up a political decision-making place, but something which, as the Prime Minister said, has as its nearest equivalent the forum for peace and reconciliation that has been meeting in Dublin. This forum will have a democratic underpinning, in that the way in which the people will get to the forum will be through an election process.

Our model for the rules of procedure is very much like that which the hon. Member for South Down (Mr. McGrady) mentioned, which has been agreed

between the Governments and is in paragraph 24 of the Command Paper. The forum is also a form of peace talks. It is not about political decision making. It is about broadening dialogue, understanding and consensus. Paragraph 24 says:

"The rules for establishing sufficient consensus will be agreed in advance of negotiations by the participants and such rules will ensure that any departure from the rule of unanimity is within minimal limits and will, in all cases, ensure that any decision taken will be supported by a clear majority in both the unionist and nationalist communities in Northern Ireland."

That seems to us to have a great deal of virtue and value to it. It says that what we are doing in the negotiations at the outset is seeking consensus that will lead to a long-lasting agreement. At this stage, we believe that everything—whether in the forum or in the peace talks—should be about seeking consensus, dialogue and understanding. We believe that if paragraph 24 is good enough for the negotiations, it is good enough for the forum.

11.30 pm

It is important that we have such a framework, such an inclusive mechanism, if the forum is to attract and to hold all parties. It must be remembered that membership of the forum is voluntary. It is important that the forum be seen as being valuable for everyone who attends it. That has been one of the successes of the Forum for Peace and Reconciliation. People were sceptical of that forum to start with, but those who attended it found it to be valuable and they sought a broad consensus across the communities—and we should be seeking that as well.

On checking with the lawyers about tabling an amendment on this matter, we found that we would be faced with technical problems in relation to embracing the words in paragraph 24, and that what was good enough for a Command Paper was not good enough for a piece of legislation. Perhaps the Minister can explain that in his reply. We found that if we wanted to have any success in tabling an amendment on the rules of the procedure, we could not use the original words without the lawyers objecting to the form of them.

Mr. McGrady: There is already a precedent in clause 2, which states:

"The negotiations mentioned in section 1 are the negotiations referred to in Command Paper 3232 presented to Parliament on 16th April 1996."

If it is possible to have the Command Paper mentioned in one part of the Bill, surely it is appropriate and logical to have it mentioned in another part of the Bill. I am not a legal person, and I may stand corrected.

Mr. Worthington: It takes one to know one—I am not a legal person either. We believe that there would be problems in putting forward paragraph 24 in that way and having it accepted by the Government as legislatively pure. We are seeking an overarching principle which governs the rules of procedure, which inspires the forum, and which tells it the grounds on which the Secretary of State will approve the rules of procedure. The rules of procedure that are derived from the forum have to go to the Secretary of State for approval.

Our amendment tries to provide the Secretary of State and the forum with the principles on which the rules of procedure would be approved. That is why we have put it forward in this way. The Secretary of State is given the duty to

"make every effort to secure that the rules of procedure of the forum facilitate the promotion of dialogue, understanding and consensus across the communities in Northern Ireland."

If the forum is to have the rules approved by the Secretary of State, it must pursue that route. It is a question of style. On Second Reading, I said that at this stage of its political development, the forum should be pursuing a Select Committee style in the way that it operates, rather than the style that we are using tonight. The forum has to draw up the rules of procedure, and it must know that they will be approved only if they meet this yardstick. The Secretary of State has to draw up the first guidelines.

Rev. Martin Smyth: I understand what the hon. Gentleman means when he talks about Select Committee style, but on occasions Select Committees divide, and sometimes there is a difference of one vote.

Mr. Worthington: Yes. The hon. Gentleman has been a long-standing member of a Select Committee of the House and, if that Select Committee is like most Select Committees, most of its reports have been unanimous. Does he agree?

Rev. Martin Smyth: Yes, most of them. Nevertheless, Select Committees do divide regularly and one cannot always obtain consensus; allowance must be made for that.

Mr. Worthington: As the hon. Gentleman knows, in Select Committees miracles are frequently achieved which would not be anticipated at the outset of the investigation. We are simply saying that people should enter the forum in the frame of mind in which people enter Select Committee.

The point I was making before I took that valuable intervention was that the Secretary of State must draw up the first guidelines. Obviously, if the amendment is accepted, he must follow his own guidelines of seeking to promote "dialogue, understanding and consensus"—the mandate that is given by our amendment.

The forum will have a year of guaranteed life, to the end of May 1997, after which the Secretary of State may extend it for a further year. When it starts, it will have less than a year of guaranteed life. It would be unprecedented—the evidence of this evening bears that out—if the Northern Ireland forum were simply to meet and say, "We agree on the rules of procedure," so there may be more than one or two months in which the forum seeks to approve its rules of procedure, although it would be simplest, if the Secretary of State got it right, for the forum to adopt those rules of procedure.

Rev. Ian Paisley: The first Northern Ireland Assembly and the second Northern Ireland Assembly—with more power than the forum that we are discussing—and the Constitutional Convention established their rules and procedures in about 10 days. If they could do so, surely this forum can establish its rules and procedures—which will be simpler than full parliamentary rules and procedures—in 10 days. Moreover, the Minister concerned called the leaders of the parties together before each assembly met and said, "Let us look at some rules for the first day so that, at the first meeting, we can have something on board to keep us right for the first day's proceedings." Can that be done again?

Mr. Worthington: I am inspired by the hon. Gentleman's words, and look forward to him pulling off

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another miracle. I look forward to him rising to that challenge, so that within 10 days of the forum being established, it comes forward with rules of procedure that facilitate dialogue, understanding and consensus.

This issue is crucial to the success of the forum. Unless a broad consensus is pursued, the forum will not work. A forum at which everyone is not present is unbalanced and will not succeed. If everyone came to that forum using those guidelines, those rules of procedure, the forum could contribute a great deal.

Mr. William Ross: I shall speak on one amendment standing in my name and one standing in the names of my hon. Friend the Member for Upper Bann and myself.

I listened with interest to the remarks of the hon. Member for Clydebank and Milngavie (Mr. Worthington). He proposed apple pie and motherhood and we moved through pious hope back into the age of miracles. It gives me hope that anything is possible, not only in Northern Ireland, but in the House. We might even see hon. Members on the two Front Benches agreeing on the things that divide them before we are much older if this goes on—but I would not hold my breath.

Before we go too far down that road, perhaps we should pour a bucket of cold reality over ourselves. We did not arrive at the concept—as espoused by the SDLP and others—of support by a clear majority in each community overnight or by accident. I am sure that we recall when votes were taken in Northern Ireland on the basis of a simple majority—and the House still holds with that principle. We then witnessed the erosion of Unionist power through changes in the electoral system designed to break up the "Unionist monolith"—they were the words used in this place. That did not work, and now the Government have thrust upon us a monstrous system of government. It was certainly not suggested by anyone in Northern Ireland and it is not acceptable to anyone there, as the Minister well knows.

We have seen the slow shift from a simple majority to a weighted majority of 60 per cent., 65 per cent. and now 75 per cent. The step beyond that is a majority in both communities. We have come a long way, yet people are asking for still more. If we debate the matter in a year or two, they will demand a majority of 90 per cent. plus a clear majority across the communities.

The effect of the 75 per cent. figure is that the gunmen will have to be brought on board in order to achieve it. That is the intention of the proposal—we should not run away from that simple, clear fact. We are not talking about enabling parties that are democratic in attitude and in practice to take decisions; we are talking about satisfying the gunmen. In the past 25 years, it has been my experience that the gunman adopts a very simple approach: "Do what I tell you, or I will kill you,"—and he will. Once Parliament and this country understand that, they will adopt the same jaundiced view of the 75 per cent. that I have. That is why my amendment No. 175 proposes 60 per cent., which would allow majority decisions to be taken without forcing the democratic parties to bow to the gunmen and appeal to their non-existent better nature. I ask the Government to respond to that proposition.

According to the heading, this group of amendments involves three different issues: procedure, privilege and valid decisions. I draw the Committee's attention to amendment No. 66, which reads:

"Schedule 2, page 8, line 27, leave out from 'defamation' to the end of the line".

The amendment would omit from schedule 2 the words:

"unless it is proved to have been made with malice".

I know that there are many lawyers in this place and that they love words that they can twist and make money from. Every lawyer must have pricked up his ears at those words.

I imagine that it is extremely difficult to prove malice. In the light of that and the fact that I do not wish to see endless court cases involving members of the forum defending themselves against allegations of malice—we are not told whether it is personal or political malice, or malice in general—we have tabled that sensible and reasonable amendment, which omits the offending words. If the Minister wishes them to remain, he should tell us why. I do not believe that that restriction applies to utterances made in this place or in the previous bodies set up in Northern Ireland. It is a simple and acceptable amendment, and I have great pleasure in commending it to the Committee. I hope that the Minister will shorten the proceedings by accepting it and by taking on board my comments about weighted majorities.

11.45 pm

Mr. Soley: I hope to persuade the Minister to proceed along the lines suggested by my hon. Friend the Member for Clydebank and Milngavie (Mr. Worthington), because amendments Nos. 58, 55 and 56 would take us where I thought the Government wanted to go. The Minister will recall that, when the Prime Minister made the statement in the House about the proposal to set up the elections and the forum, he responded positively to my request that the body should, to a considerable extent, mirror the forum for peace and reconciliation in Dublin. It was recognised that that forum had made significant progress in trying to understand the needs, fears and anxieties of the two communities represented in the north of Ireland, as well as addressing other issues. I understand that that forum did that and proceeded without votes, so I am not convinced that there is a good argument for votes in the forum under the Bill.

If we want to encourage discussion—I hope that the forum will not only encourage discussion but take evidence from different groups in Northern Ireland—the forum will work better without votes. We should give the people of Northern Ireland a voice in the forum, rather as we might do here in Select Committees or in Special Standing Committees, and enable people to give evidence to it, because that could be very valuable and would help to cross some of the divides in Northern Ireland.

The problem of votes is the 70 per cent. problem which has been mentioned by several Unionist Members. I believe that it is clear that we need to work by consensus in Northern Ireland. It is perhaps necessary to say that again, because it is not always accepted by some of the Unionist Members, but I believe it is accepted by the vast majority of other right hon. and hon. Members. We require consensus, not because we are following some grand principle of democracy in a precise design in Northern Ireland but because we recognise that in

Northern Ireland—as I said in an earlier speech—the political system has broken down. When political systems break down, people turn to violence.

At the moment, the level of violence in Northern Ireland is lower than it has been for some 25 years. That does not justify the level of violence that exists, but the level is lower than it has been for the past 25 years. It would be encouraging if we could keep it that way, and that is why we want people talking to rather than killing each other. That is what we are about when we debate the Bill. We are here tonight to pass what is, by any definition, an extraordinary piece of legislation, precisely because the system in Northern Ireland has broken down. That is why we have direct rule, and if we did not we would all be at home tucked up in bed, as we know. But because the political system has broken down, we are looking for different methods from those normally applied in a parliamentary system.

If we proceed along the lines suggested in amendments Nos. 55, 56 and 58, we could take out the contention caused by voting and we could proceed by consensus. It is also very important for the Bill to contain some recognition, as the Command Paper does—it is spelt out clearly in the Command Paper—that when decisions have to be made, especially on key issues, they should be by a majority of those representing the nationalist community and a majority of those representing the Unionist community. In that way, we could get around the problem, which one of the Unionist Members feared, that any little party, Unionist or republican, could veto progress. A little party could not veto progress because, as the Command Paper rightly points out, there would have to be a majority of both Unionists and nationalists. If we put that in the Bill and knock out the requirement for voting, we have the possibility of a forum that mirrors the one that took place in Dublin, which was very successful.

Such a forum would not threaten anyone or cause the fears that exist in Northern Ireland among Unionists and republicans alike and, above all, it would recognise the problem—which we all face, whether we are Northern Ireland Members or not—that Northern Ireland is a divided community. Until we can find a political system that works in Northern Ireland and represents the needs of both the majority and the minority communities, the system will continue to fail. If we do not want to lurch back into the extreme forms of violence that have been suffered by both the Unionist and republican communities, and suffered at the hands of Unionists and republicans alike, we have a serious duty to address the problem.

The amendments do that. They take out the problems of voting, some of which have been picked up by Unionist Members concerned about the figure of 70 per cent., or by the hon. Member for East Londonderry (Mr. Ross), who has just suggested a figure of 60 per cent., and put in a consensus way of working which mirrors the forum, which was the Prime Minister's intention, and also put in the safeguard of a majority of representatives from the nationalist and Unionist communities.

Mr. Roy Beggs (East Antrim): To come back to reality, the hon. Gentleman must recognise that when Sinn Fein-IRA took part in the forum for peace and reconciliation in Dublin, surrounded by all its natural friends and associates within the nationalist community, it was unable to reach a consensus. How realistic is it then to expect that consensus can be reached within Northern Ireland?

Mr. Soley: No one has claimed, least of all me, that this is a quick and easy solution to the problems of Northern Ireland. What I am saying—the alternative which is being suggested by the Unionists—is that it is very unrealistic to suggest that we can just go back to something that existed before the breakdown of the Northern Ireland political system. If we do not accept that—this is something which we must all address—we are saying that we are prepared to go back to the violence in Northern Ireland as it has been during the past 25 years. Frankly, we are not prepared to do that.

As I said earlier, the reason why the Labour and Tory parties are closer to each other on that issue than they are to either of the Unionist parties in the House, and the reason why the British and Irish Governments are so close, is that we are determined not to go back to that violence. After a period of benign neglect of Northern Ireland, which broke down in 1969, we lurched into a period of crisis management under successive Governments. Only when we had the Anglo-Irish Agreement did we have a policy which we began to follow through which has its logical consequence in the Bill. We now have policies which we are following jointly with the Irish Government and we are being realistic and saying that, if we do not want to go back to violence, if we do not want people in Northern Ireland to go back to killing each other, and we do not, we must get them talking to each other. The Government are attempting to get them talking to each other.

What we are suggesting, through the amendments, is that we do not fall into the trap of having a dispute about voting levels—70 or 60 per cent.—that we work on the basis of consensus and, that where it is necessary for decisions to be taken, they are taken, as is clearly set out in the Command Paper, by a majority of representatives from the republican and Unionist communities.

Rev. Ian Paisley: I am interested in what the hon. Gentleman said about the Anglo-Irish Agreement. If the Anglo-Irish Agreement was such a wonderful thing, as he thinks it was, and was bringing us away from partition to paradise, why are we having this forum? We are told that the forum is to seek a way away from the Anglo-Irish Agreement, to get—I quote—a "broader" agreement under which people can work. If the agreement was such a wonderful panacea for our ills, why should we want anything broader?

Mr. Soley: I do not want to rehearse whether the Anglo-Irish Agreement was wonderful. I do not claim that it was wonderful. I actually said that there was a change from a policy of crisis management to a policy whereby the British Government—Labour and Tory—have been prepared to work with the Irish Government in solving what is essentially a joint problem and in helping the two divided communities in Northern Ireland to come together in a political system that works. That is why we are here.

I know that Unionist members do not like that, but it is important to understand that, in my judgment, no British Government will ever go back to the old Stormont Government. They will never allow that to happen. If that is the case, unless the Unionists are prepared to live with

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the idea of direct rule for ever, which is not exactly a desirable way of running Northern Ireland, we must come up with a workable solution in Northern Ireland.

A workable solution means compromise and talks between the Unionist and nationalist communities. The necessary structure is there, and the Government have today moved a considerable way towards it. I am urging the Secretary of State to move towards a more sophisticated version of it, despite the fact that I seem to be having a debate with the Unionist parties. Let us get rid of the voting aspect of the structure, which is divisive—even the Unionists are disputing the 70 per cent., 60 per cent. or 50 per cent. figure—and proceed by consensus. Where that does not happen, we should proceed on the basis of the support of a majority of the representatives of nationalists and a majority of the representatives of the Unionists. That is the way forward, and I strongly recommend it.

Rev. Ian Paisley: The fact is that the House said that it would do away with Stormont and it did so—I was here when it happened. I said that what had existed before was a Sunday school picnic and that we would now experience the real thing. The then Prime Minister, the right hon. Member for Old Bexley and Sidcup (Sir E. Heath), said that I was speaking nonsense. He should look at what has happened since then: more people were killed in a week than were killed under 50 years of so-called Unionist misrule. Indeed, more people were killed in a few hours than were killed in the entire 50 years.

Parliament should consider what it has done in Northern Ireland. It says that it is working realistically, but was the Anglo-Irish Agreement brought about by consensus? It is ridiculous to hear in this place that the Anglo-Irish Agreement represents the first time that we escaped crisis management. In fact, it launched the greatest divide seen in Northern Ireland for many years. It polarised all parts of the community. Even the leader of the SDLP at the time said that the British Government must face down the Unionists. In other words, consensus means facing down the Unionists.

What of the fact that the great Anglo-Irish Agreement was found to be a complete failure? The Government then moved to the Downing street declaration, which also failed. It produced nothing. They then moved to the framework document and thought that the Unionists would sit down and negotiate themselves out of the United Kingdom and into a united Ireland. That failed, too. They then said that there would have to be all-party talks, but they failed. Finally, the Government turned back to the only thing to which a democracy can return—the granite rock of having an election and letting the people speak.

Some hon. Members do not like the fact that we are to have an election. They are going so to rig the elected body that it is not even to be allowed to prepare its own rules by the use of a vote. The first assembly voted on the rules; the second assembly voted on the rules; and the convention voted on the rules. I was on all those bodies and on every rules committee.

On important matters we could have a weighted majority. If people are afraid about some issue, I should be happy to say the measure will not be passed. If there is great controversy, let us have a requirement for 75 per cent. approval. That is reasonable. I sit in the Strasbourg assembly where some votes involve a weighted majority. There is nothing undemocratic about those votes, but they relate to specific issues.

If hon. Members think that the elected representatives of Northern Ireland do not have enough wit to sit down and draw up a few rules and regulations, but that we need a long debate because those representatives are ignorant and must be guided by their parent's big cane and must be called into the back room by the Secretary of State, I have to tell them that that is not the way to work with people.

Parliament should let the Northern Ireland representatives draw up their own rules and get on with their business. For hon. Members to tell the people of Northern Ireland that they can have no votes but must reach consensus on everything is ridiculous and is no way to proceed. The House of Commons, which took it on itself to do away with the structures of government in Northern Ireland, has sown the wind and reaped the whirlwind.

Let us face it: there is to be an election. People will be elected, and they will have views. They will know the situation: they will have lived with it and suffered with it. Surely those people will know how to make progress, and how to draw up a few rules for the running of a forum. I do not see any great obstacle, and I am amazed that the Committee has spent so long discussing something that should not present an obstacle to anyone.

12 midnight

Mr. McNamara: My hon. Friend the Member for Hammersmith (Mr. Soley) explained the nature of Northern Ireland society very well. It is a divided society, and, moreover, one in which large elements peacefully challenge the legitimacy of the very state itself, and its right to exist in its present form. We are trying to establish institutions that will reconcile the interests of those who look to Westminster for support and encouragement, and those who look to Dublin.

The problem is the lack of conviction in Northern Ireland society that legitimate ideas and aspirations—even from the foundation of the statelet—were being recognised by the Government and the institutions of the day. We as a society, and we as a House, are not working on the basis of a simple majority decision. We know what the result would be if there were simple majority decisions in Northern Ireland. That does not mean that the majority do not have rights and must be subservient to the minority, but it does mean that the rights and aspirations of the minority must also be recognised, and that the minority must not be overpowered by the majority.

In establishing the forum, we intended to create a body in which no one would feel under threat. People would be able to have their say on matters on which it was agreed that they should have a say, and would not feel that, under rules or procedures, they would be gagged or bullied or that decisions would be made that—even if they had no legislative, administrative or executive effect—nevertheless prejudiced their position. That is why Labour amendment No. 55—which I understand the Government may view sympathetically—is so important, although it is not the amendment that I would have tabled; I would have tabled an amendment more in line with the proposals of

my hon. Friends in the SDLP. I do not understand, and have yet to hear the Government explain coherently, why it is possible to refer to Command Paper 3232 in clause 2 but not in schedule 2.

The Labour amendment applies not only to the rules that will be drawn up by the forum as such but to the rules that the Secretary of State will introduce, under which the forum will first meet. It is therefore of the utmost importance for us to understand what "consensus" means in the amendment. Do the Government accept that, broadly, it is the same as the concept in paragraph 24 of the Command Paper? If so, we shall have framed regulations that will enable all the participants in the forum to express opinions without fear or favour and without the fear of bullying, and to know that the conclusions that result will be supported by the majority in each community. Such conclusions are likely to be accepted, carried through and supported by the whole community and not just by majorities in each section of it. That is the way to go forward.

We are not debating a British, Westminster situation. Everybody does not say, "Yes, we accept the rules of the game and the present nature of the state." It is a different situation altogether. I am worried by the suggestion that some rules may be changed by a majority of 75 per cent. voting for that. The reason for that concern is that if a grouping on either side—probably, although not necessarily, on the nationalist side—has sufficient numbers and decides, for whatever reason, to boycott the assembly, there will not be a block of 25 per cent. of the votes to prevent the evils that I spoke about earlier.

It may be argued that in such circumstances the Secretary of State, who must approve the rules, could veto it, but the damage would have been done, and we must seek to avoid that. I hope that, in responding to the debate, the Minister of State will explain how the Secretary of State will draw up the rules. Will he start with a consensus rule similar to that in the White Paper with the same purpose, push and ideas as that advanced by my hon. Friend the Member for Hammersmith? If there is such a rule, we can have some confidence in the forum, which I have never regarded as being important. However, if it is to go ahead it should have fair rules which are properly drawn up and in which people can have confidence.

If people feel that in one way or another their position is likely to be abused in the forum, they are not likely to attend and we may end up in the situation that pertained in the earlier assembly. That would be the worst of all possible worlds.

Mr. Ancram: This has been a useful and full debate. I will take the Committee through the amendments and give the Government's view. Amendment No. 139 was moved by the hon. Member for Belfast, East (Mr. Robinson) and seeks to omit the last seven words from paragraph 3(1) of the schedule. That would remove the requirement for the Secretary of State to approve the

"rules of procedure determined by the members of the forum".

We all hope that, as far as possible, the forum should not only regulate its own procedure but should operate under a broad consensus. The hon. Member for Hammersmith (Mr. Soley) made a powerful plea for the forum to operate in that way. Of course there are difficulties about making the right provision to enable that to happen. A balance has to be struck. For example, it would not be right to prescribe unanimity so that one member could derail proceedings.

Plainly, the rules of procedure will be important. The requirement for the approval of the Secretary of State for them is a valuable safeguard that should not be dispensed with. In the light of that, the Government cannot accept the amendment.

Amendment No. 58 was from a different direction. As I have said, I have taken careful note of what has been said about the importance of the forum operating, if at all possible, on the basis of consensus and agreement between the parties that will constitute it. I gladly reiterate that we believe that that is the right principle and that the rules of procedure could have a significant role to play in helping the parties to work together to develop the dialogue and understanding that is part of the forum's purpose.

It is also clear, however, that the effectiveness of the rules in bringing about the right consensual spirit will depend on the parties' willingness to work together. To foster co-operation, it may not be right to lay down a highly formalised framework at the start. There could be a danger that rules that are viewed as too prescriptive could have the opposite effect of that intended, perhaps requiring parties to focus more on what divides them than on what they have in common. There is therefore a danger that, in specifying the need for particular majorities to enable the forum to determine its business, amendment No. 58 might build in an element of confrontation which could otherwise be avoided.

In that matter, I have considerable sympathy with the point made on Second Reading by the hon. Member for Clydebank and Milngavie (Mr. Worthington), who said:

"The rules of procedure . . . cannot be about majorities and minorities."—[*Official Report*, 18 April 1996; Vol. 275, c. 928.]

He went on to say that they must be about the construction of dialogue, understanding and consensus throughout the communities.

I accept, of course, that the test that amendment No. 58 is seeking to import to the forum reflects that set out for the negotiations in the Command Paper. I say to the hon. Member for Kingston upon Hull, North (Mr. McNamara) that, earlier in these deliberations, I mentioned that phrases such as Unionist and nationalist do not necessarily have a legal status and that the application and interpretation of such phrases could cause all sorts of problems. The fact that the Bill refers to the Command Paper does not mean that it adopts everything in the paper as part of statute.

It is not certain anyway that what is appropriate for the negotiations, with their smaller numbers and ground rules, which have already been published, would be appropriate for the forum. It is worth reminding hon. Members that the ground rules make it clear that, although they set out the general area within which agreement, we hope, will be found:

"The rules for establishing sufficient consensus will be agreed in advance of negotiations by the participants".

It is also worth recollecting that, even within those rules, there are different ways in which their purpose could be met. That must be a matter for discussion between the parties before they come to an agreement as to how, for instance, a qualification such as

"a clear majority in both the unionist and nationalist communities"

might be measured within the negotiating process. It is important, therefore, that we do not feel that, because something may be appropriate in principle in one area, it

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should be adopted lock, stock and barrel in another. I cannot accept the amendment of the hon. Member for South Down, but I appreciate his point. We will reflect on how that might be dealt with in the rules of procedure.

The Bill already provides that, to be settled, the rules of procedure must be approved by a vote of 75 per cent. of those voting and by my right hon. and learned Friend the Secretary of State. The amendment tabled by the hon. Member for Clydebank and Milngavie would, in effect, place a duty on my right hon. and learned Friend, in exercising the functions of drawing up the initial rules and approving any subsequent set submitted by the forum, to make every effort to secure that the rules should facilitate the promotion of dialogue, understanding and consensus throughout the communities in Northern Ireland.

In the light of our view that consensus in desirable in the working of the forum and that those other elements are already part of the forum's purpose—I am pleased to hear the clear importance that other hon. Members attach to those—in the interests of maximising the chances of all parties working together constructively in the forum, I am willing to accept the amendment and the duty that it carries.

Obviously, at this stage it is too early for me to say how exactly we shall discharge the duty or how the rules will, in the event, be framed to promote dialogue, understanding and consensus, but I can say that, in approaching the duty, we will take careful account of what has been said during the debate and aim to consult the parties not only on the extent and nature of the initial rules that we shall make, but on the provision that, in the parties' views, should be made in the rules to facilitate that promotion of dialogue, understanding and consensus, therefore looking for the positive side of it, which should characterise both the forum and the negotiations.

Mr. Trimble: I find the Minister's decision to accept the amendment interesting, and possibly fruitful. As I understand it, in framing the initial rules that will operate before the forum draws up its own rules, the Secretary of State will be imposing upon himself a duty to facilitate understanding and consensus. Am I to take it from this that in drawing up those rules the Secretary of State has imposed upon himself a duty to consult and to seek agreement with the people who will be members of the forum? That will mark a significant change of approach in the way in which the Secretary of State has handled matters in connection with the Bill, and we welcome that.

12.15 am

Mr. Ancram: Obviously, if one is to set up procedures and rules that are to work on the basis of consensus, one wishes to carry with one those who will be operating them. That is why I repeat that it will be our aim to consult the parties not only on the extent and nature of the initial rules, but on the provision that should be made in the rules to facilitate the promotion of dialogue, understanding and consensus. I repeat that, because in all our debates we have the negative and the positive. When talking about consensus, I am looking for positive contributions as well as contributions of concern.

Mr. McNamara: I am not trying to be clever, but what do the Government and the Minister define as consensus?

Mr. Ancram: If I may say so, the hon. Gentleman is not trying to be clever, but he is trying to pre-empt what, in the ground rules, is to be left for discussion with the parties. Essentially, if the hon. Gentleman looks again—*[Interruption.]* I do not know whether the hon. Gentleman wishes to hear the answer having asked the question; if he does, perhaps he will do me the courtesy of listening. In paragraph 24 of the ground rules, the hon. Gentleman will see that the parties will have to get together before the negotiations to agree on how that sufficiency of consensus will operate. It is right, as pointed out by the hon. Member for Upper Bann, that in looking for agreements the parties should be consulted and that we do not lay down hard and fast rules at this time.

Mr. Soley: I am grateful for the Minister's response generally, but can he tell me whether my suggestion that the forum should be able to take evidence will be considered? There are many groups from both sides of the community in Northern Ireland who have many useful things to say and enable people to cross the divide that has been so destructive in the past.

Mr. Ancram: I am sorry that I did not respond to that part of the hon. Gentleman's comments. In the debate on the previous set of amendments, my right hon. and learned Friend the Secretary of State made it clear that he saw that as being a major purpose of the forum. We have looked closely at the lesson of certain elements of the forum in Dublin in terms of the valuable work that this forum will be able to do.

Amendment No. 56 focuses on paragraph 4(b) of schedule 2. It would require that a vote under that paragraph on the election or removal of a chairman and the approval or amendment of the rules of procedure should be reached not by 75 per cent. of those voting, as the Bill provides now, but once again in accordance with the procedure defined in paragraph 24 of the ground rules for negotiations. I hope that hon. Members will have heard what I have said about that and that they will accept that in the light of what I have said, particularly about amendment No. 55, the amendment is unnecessary.

Amendment No. 175 was tabled by the hon. Member for East Londonderry (Mr. Ross). He was seeking to substitute the figure 60 for 75. No numerical test can be a guarantee of broad consensus unless it is set high. I think that there would be at least a good chance that approval by 75 per cent. of those voting could represent such a consensus. Obviously that cannot be said for a figure that is very much lower, as in the amendment. I hope that the hon. Gentleman will understand that we cannot accept it.

Amendment No. 66 concerns privilege in actions for defamation. The Bill will provide such privilege in respect of statements by forum members, but not where the allegedly defamatory statement is proved to have been made with malice. The amendment would protect such malicious statements with the rest.

We very carefully considered the question of privilege in relation to defamation. There is a strong argument that in a body such as the forum, which is concerned with dialogue and understanding, it is any way incumbent on

the participants to avoid potentially defamatory statements. After all, we are seeking to encourage constructive contributions aimed at the furtherance of agreement between the communities in Northern Ireland. I would hope, therefore, that conflictual language would be avoided.

That being so, it can be argued that any sort of privilege in defamation is out of place. On the other hand, it is true that a number of bodies have such immunity in the interests of members speaking freely. We saw some force in that argument in relation to the forum. It did not seem to us appropriate to grant the full range of privilege in respect of defamation that applies in this House. The forum has, after all, neither the oversight nor the legislative responsibilities that we have here.

The limited sort of privilege that we propose has analogies in local government. For the reasons that I have given, to do with the fact that the forum is the sort of body in which we believe members should anyway be especially on their guard against defamatory language, we do not believe that we should go further, and in particular, we do not think that we should be involved in protecting defamatory statements that are found to be malicious. I cannot accept the amendment.

Mr. William Ross: The House does not have very many thugs and murderers on its Benches, but I rather expect that we shall find a number of them in the assembly. Are we to be told that we are being defamatory if we draw attention to their history? In the light of that, the Minister should reconsider what has he has just said.

Mr. Ancram: From what the hon. Gentleman has said, I am not so optimistic as I was about the frame of mind with which he will enter the forum. The forum presents the opportunity for all parties to look constructively at how actively it can promote dialogue and understanding. What the hon. Gentleman has just said does not sound very consistent with that aim. I can only say that I hope that the absence of the protection for which the hon. Gentleman is looking might be an incentive for him to move in that direction.

Mr. Trimble: I am sorry that the stomach of my hon. Friend the Member for East Londonderry (Mr. Ross) is of a rather delicate nature and not so robust as the Minister's in this matter. In this context the word "malice" is used with a special meaning. It does not mean malice as it is used in ordinary language. The amendment's objective is simply to give the opportunity for free speech to occur in the forum. Although we know that the forum is limited, its operations are more analogous to that of a convention, or the assembly that was operated between 1982 and 1985 when it had no powers. I think that those bodies had the protection and privilege that applies to such a deliberative body. It is simply a matter of free speech.

Mr. Ancram: I hear what the hon. Gentleman says. I did say that there were certain other precedents, and I can make them available to him if he wishes. Whatever construction one puts on the word "malice", I should have thought that it was not consistent with the purposes that we have set out for the forum, which I understood that he had also agreed. It is for that reason that we provide protection, but that protection is limited. For that reason, I cannot accept the amendment.

Amendment negatived.

Amendment made: No. 55, in page 8, line 18, at end insert—

'(4) In exercising his functions under sub–paragraphs (1) and (3) above, the Secretary of State shall make every effort to secure that the rules of procedure of the forum facilitate the promotion of dialogue, understanding and consensus across the communities in Northern Ireland.'.—*[Mr. Worthington.]*

Mr. Peter Robinson: I beg to move amendment No. 140, in page 8, line 30, leave out 'as he thinks appropriate' and insert

'as required by the forum for the proper exercise of its functions.'.

I can see that several hon. Members are beginning to get weary, so I shall not talk for long. There are several hours still to spend on Report, and a few more hours after that for Third Reading, so I do not want to delay the Committee unduly on the amendment. It is a probing amendment because, judging by the Secretary of State's amendment and the date given for the election, the forum will probably be sitting within two months.

Forum members will come together to deliberate on the issues in two months' time; yet we do not know where they will meet, or what services will be available. Can the Secretary of State tell us whether we shall be able to use the valuable services of someone experienced, such as Mr. John Kennedy, the clerk of the assembly? What staff will be made available? Will they be drawn from Maryfield, or perhaps Stormont? What is in the Secretary of State's mind? He has told us nothing about any of those questions, many of which will make a great deal of difference to the participants.

At an earlier stage, the Secretary of State—or possibly the Minister—suggested that the buildings at Stormont castle would be available, and said that he was looking for suggestions. Does the Northern Ireland Office not have alternatives that it is prepared to share with the Committee, even at this late stage? The harbour commissioners' building has been mentioned, and so has Queen's university. What options will the Secretary of State or the Minister offer for the venue and home of the new forum?

The Secretary of State has a definite time, a definite place and a definite purpose for the negotiating teams, but everything about the forum is vague. Perhaps that depicts graphically the way in which the Secretary of State deals with elected representatives—those who want to be based in a democratic society, as opposed to those whom he can cobble together in a corner and push in a particular direction, or perhaps allow them to push him.

I hope that when the Minister or the Secretary of State responds he will have some positive details to give the Committee, so that those who may be thinking of taking part in the elections will know what is planned for them.

Mr. Ancram: The hon. Gentleman has moved an important amendment. However, many of the questions that he asked were dealt with by my right hon. and learned Friend the Secretary of State earlier.

Mr. Robinson: When?

Mr. Ancram: When he made it clear that the castle buildings were there and available. However, in terms of

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the sort of service that people want the forum to perform, those buildings may be regarded as inadequate, in which case we want to hear representations on the subject.

We fully intend that the forum should enjoy facilities appropriate to the proper exercise of its functions. We have discussed several of those functions this evening, and we are giving much thought to precisely what they should be. Opinions vary on what would be appropriate in the circumstances, and we have heard a number of other suggestions tonight.

The problem with the amendment is that it does not say who will decide what is appropriate for the proper exercise of the forum's functions. The matter cannot be left unspecified because my right hon. and learned Friend the Secretary of State is ultimately responsible to the House for the use of resources. Ultimately, the decision on what is appropriate must be left to him. Of course, he will be very willing to listen to the views of hon. Members.

I hope that in the consultations that we shall need to have on this there will not be serious disagreements. In view of the circumstances at this time, it would not be right to press the amendment and I hope that the hon. Member for Belfast, East will seek leave to withdraw it. If he will not, I shall have to advise my hon. Friends to vote against it.

Amendment negatived.

Schedule 2, as amended, agreed to.

Bill reported, with amendments; considered.

Order for Third Reading read.

Motion made, and Question proposed, That the Bill be now read the Third time.—*[Sir Patrick Mayhew.]*

12.30 am

Sir Patrick Mayhew: Despite the speed with which the Bill has been taken through House, it has been subjected to sustained and detailed scrutiny and has been improved as a result. I believe that that scrutiny has been well merited. I pay tribute to all those on both sides of the House who contributed to our debates in Committee. I cannot reflect upon unanimity, or even a broad consensus, on many of the issues that were raised, but I fully recognise that they were all motivated by a desire to improve the prospects for securing a long-term political settlement and, ultimately, peace in Northern Ireland. Of course, there are many differing views about how that should be achieved. Those who hold them feel strongly that their particular route forward is the right one. Given the importance of the matter for the lives and well-being of the people of Northern Ireland, they are right to feel strongly about it and to press their case as forcefully and effectively as they have.

However, the overall goal is shared and I hope that we can now leave behind any adversarial feelings that may have been engendered in Committee and look forward positively together to a renewal of the talks process through the complementary mechanisms of the negotiations and the forum—they are complementary—and the elections, which will be a prelude to both. The Bill is aptly entitled the Northern Ireland (Entry to Negotiations, etc) Bill. It provides a gateway. It is intended to be a gateway and provides the only available gateway to those negotiations. I am grateful for the way in which matters have been addressed.

12.33 am

Mr. McNamara: I did not vote for the Bill and I have not voted in any of its proceedings. In many ways, I regard it as a facade introduced by a weak Government in an attempt to extend their life. It may take forward the peace process in Northern Ireland, but it is 18 months too late. The opportunities that were created by the ceasefires were wasted by the Government.

I hope that it will be possible for the talks to go forward on the suggested date, 10 June. I hope that innumerable fresh hurdles will not be raised to postpone decisions or to prevent matters from being discussed. I hope that, bearing in mind what we have heard during the proceedings on the Bill and some of the matters raised in the White Paper, there will not be one insuperable obstacle at the start which will prevent any other matters from being discussed because if that happens, we shall be right back to where we were before the legislation was introduced.

12.34 am

Mr. Wilshire: I echo the thanks to all concerned. On Second Reading, I welcomed the principle of holding elections because elections let the people decide who speaks for them and will provide the democratic mandate for the various parties. I also said that there was much in the detail of the Bill that we should worry about and that significant changes in detail were needed. A number of amendments were tabled, some of which were technical and some of which dealt with fundamental issues. In the event, the past two days have not turned out as I and, I suspect, some others, hoped. Some of the technical amendments have been accepted and I am sure that everyone welcomes that. I welcome the fact that almost all the deliberations have been conducted in good humour and have been constructive.

However, I regret to have to say at the end of these two days that absolutely nothing of real substance has been changed by our deliberations. Every attempt to ensure that the new ceasefire, which is agreed to be essential, is declared permanent has been rejected. Every attempt to get the requirement to "address" Mitchell turned into a requirement to sign up to it has been rejected and every attempt to limit Dublin to a proper relationship between two sovereign Governments has been rejected. On a number of other important matters, no progress has been made.

Although I still remain keen to see the elections take place and I welcome them, I regret having to say at the end of our consideration of the Bill that the door still remains wide open to more concessions to Dublin, more appeasement of Sinn Fein-IRA and more neglect of the Unionist majority. Elections are real progress, but the Government's stance is as depressing as ever.

12.37 am

Dr. Hendron: I was pleased that the Secretary of State and his Minister placed much emphasis on the importance of the all-party talks rather than that of the forum. In making that point, I do not in any way belittle the points made by others about the forum. I fully understand why

the forum is wanted. My party has felt from the beginning that it was not necessary, but it will be a fact of life, so there is no point in going backwards.

The hon. Member for Upper Bann (Mr. Trimble) said that some stomachs would be turned among those people who went into the forum because gunmen or former gunmen would be there. The whole point of all-party talks and the political process is to take the gun out of Irish politics permanently. It is not just the turning of stomachs but the slaughter of our people that has taken place over so many years.

The Secretary of State emphasised the fact that the functions of the forum would be deliberative. I have been present for most of the debate today and yesterday and, as I understand it, no amendments which were intended to upgrade the forum or make it more significant were accepted.

From my party's point of view, the big date is 10 June for the all-party talks. The Mitchell principles—which have been mentioned over and over again—are not preconditions; they are to do with democracy. I agree with the hon. Members who have said that anyone who really intends to make this process work should have no difficulty in accepting the Mitchell principles because they are about democracy.

My party will enter into the talks on 10 June in good faith. We are aware, as is every hon. Member, that we are divided by history. As a nationalist, I emphasise the fact that some people believe—I am thinking mainly of Irish Americans—that the Protestant Unionist people are blow-ins of the last century. However, they have been here in this country—at least in Ireland—longer than the white star of the United States of America has been there. Obviously, I could develop that point at great length.

Reference has been made to the Anglo-Irish Agreement and questions asked as to whether it worked. The exercise that we are now going through is leading to all-party talks and, hopefully, the promise will be fulfilled. We are replacing the Anglo-Irish Agreement with another agreement—a broad agreement between the two communities. As one who participated in, totally supported and still supports, the Anglo-Irish Agreement, I have no difficulty in saying that there was no consultation with the representatives of the Unionist people. That was wrong.

To say that the agreement did not work is untrue. The agreement was to do with equality between two communities, between two traditions. If one reads the Anglo-Irish Agreement and the various aspects of it and looks at what has happened, one cannot blame those who brought forward the agreement for the terrible violence that took place on our streets. When two Governments form an agreement, paramilitary people do not say, "That is the answer—we will now lay down our guns". That is absolute nonsense. One cannot say that the agreement did not work.

I conclude on a point that I have raised with the Secretary of State in the past. Yesterday the hon. Member for Redcar (Ms Mowlam) referred to young people getting their names on the register. I do not see that as a major problem. However, what is a problem is the fact that thousands of votes are stolen in every election in Northern Ireland. The votes are stolen mainly by one political group: Sinn Fein. Some years ago, the stealing of votes was an elementary thing, but now it is done professionally.

Driver's licences and medical cards are not proof of identity, and I made this point to the Secretary of State some weeks ago. Today, in the *Irish Independent*, a newspaper published in Dublin, there is a column on the fact that driver's licences are being produced in Dublin by some renegade organisation and being sold at quite a considerable profit. It is very easy to produce these documents. Any hon. Member could use another hon. Member's medical card as a means of identity—it does not prove identity at all. I have seen many medical cards—as I am a member of the medical profession, it is something that I know about.

In my constituency of Belfast, West personating agents—including people representing me or my colleagues or representatives of any other party—are not allowed to look at documents. When someone presents a document—be it a medical card or a driver's licence—we do not have the authority to look at it. If I am a candidate, I do not have the power to see whether it is a genuine medical card.

I am talking about people voting not once or twice, but 10 or 20 times from 7 am until 10 pm. I appeal to the Secretary of State—as I have done before; and I appreciate that efforts have been made in the past—on this issue. I hope that I am not being arrogant in making the point that medical cards and driver's licences came about over the years through steps taken by me in approaching the Government. I need not go into all that, but that point can be proven without difficulty.

I ask for something to be done between now and the election. One system uses what I believe is an ultra-violet light, under which the voter places a hand. Although that system does not identify the person, it ensures that the person votes only once. I can assure you, Madam Deputy Speaker, that, in my territory, even if the wrong person votes, the fact that they vote only once means something.

I am sorry for taking up so much time. As I said, we shall enter the all-party talks in good faith. My party will not take a decision for a little while. I leave that issue to my hon. Friend the Member for South Down (Mr. McGrady).

12.44 am

Mr. Peter Robinson: Hon. Members might want to keep in mind the fact that the gangsters referred to by the hon. Member for Belfast, West (Dr. Hendron) are the type of gangsters that the Secretary of State has been falling over backwards to involve in the talks process. Those are the people who organise the young fellows to impersonate voters to steal people's votes. The House apparently believes that it is productive to involve such people in the talks process. Those are the people whom the Secretary of State attempts to accommodate and the Government want to elevate.

Now that the House has heard the mild views of the hon. Member for Belfast, West—Madam Deputy Speaker, if he had the time, he could have described to you much more of his experience of what he has to face in west Belfast from that so-called party—we need to concern ourselves with the nature of the Bill as a whole.

Disappointingly—but not surprisingly—the Secretary of State, having given the House a clear undertaking that he would go away and consult and having said that, on that basis, parties should withdraw amendments that they had tabled relating to the list because on Report he would

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report his conclusions to the House, did nothing of the sort. Even on this Third Reading, he has done nothing of the sort.

It shows how much trust we can have in the Secretary of State when, in the space of a few hours, he makes a commitment to the House, breaches that commitment and does not follow it through. What faith can we or anyone in Northern Ireland have in a Secretary of State who makes such a commitment and breaks it in so cavalier a fashion?

Of course, we have no doubt about what the conclusion is, because the Secretary of State had the decency to whisper it to us. He does not allow the Democratic Unionist party to be on the ballot paper in the manner that the Democratic Unionist party chooses. One political party may have its leader specified on the ballot paper, but not this political party, because the Secretary of State wants to discriminate against it.

There are laws in Northern Ireland about discrimination and about the behaviour of a Minister, and the House may not have the last word on all those issues. It certainly will not have the last word on one issue at least, because the people of Northern Ireland will have the last word.

I look forward to the day when the Secretary of State visits my hon. Friend the Member for North Antrim or me and says, "If you would be prepared to change one wee word in this document, it would be very helpful" and I will remind the Secretary of State how helpful he was today when we wanted one wee word changed in a document and he was not prepared to budge. He made no attempt to reach a consensus or to bring parties along with him.

I want to place it clearly on the record that we satisfied the requirements that the Government specified in exactly the same way as the hon. and learned Member for North Down (Mr. McCartney) did, and that we will fulfil our obligations in exactly the same way as he did. The Minister made it clear that, because the hon. and learned Gentleman had responded in the way that he had, his party's name and his Christian name and surname were put on the list in the way that he required. Different criteria apply to the hon. and learned Member for North Down and to my party. The Government have treated the democratic parties shabbily by not allowing them to describe themselves on the list in the manner that suits them.

In the past 36 hours, we have attempted to inject some degree of democracy into flawed legislation. We attempted to introduce some democracy into the work of the forum, whose role the Secretary of State intends to diminish. We attempted to increase the responsibility of its representatives and their role vis á vis the negotiating teams. However, our every attempt was rejected by the Secretary of State. Let us be honest: he was prepared to accept only those minor amendments that did little more than change the punctuation in the Bill. He turned down all amendments of any substance.

The strength of the arguments was of no consequence because the Bill was agreed beforehand. Minor alterations could be made so long as they did not affect the agreement that allowed the Bill to be brought before the House. With whom did the Secretary of State agree the contents of the Bill? Everyone knows that he agreed the process with Dublin from the communiqué on. No doubt it was Dublin that would not allow the name of the Democratic Unionist party to be changed—everything that the Secretary of State does must meet with the approval of Dublin.

It is a disgrace that the Government of the United Kingdom must toady to the demands of the IRA, by providing it with the date of the commencement of talks and the contents of the Command Paper, and to the demands of Dublin, by agreeing the wording of the Bill. The Government will derive little credit from the way in which they have conducted the proceedings of the House in the past few hours. There will be regret in Northern Ireland that the Government have decided to bulldoze the Bill through the House without making any changes that are meaningful to the people of Northern Ireland. Ultimately, the people will decide. Although the Secretary of State may manipulate the Bill on the basis of his dealings with Dublin, he will not be able to manipulate the will of the people of Northern Ireland.

12.51 am

Ms Mowlam: The Bill, which we support this morning, has the chance to set in train events that offer the first real hope of meaningful all-party negotiations since the IRA ceasefire in August 1994. Tragically, that ceasefire is no longer in place—it was broken on 9 February by a wanton act of violence which threatened to tear the peace process apart.

With the Bill, the House has shown that we will not be diverted from the path of peace by such acts. With talks in sight and a clear route to the table marked out, there is no excuse for the IRA not to restore its ceasefire. We support those who have worked so hard since 9 February to ensure that the ceasefire is retained among loyalist groups. That work must continue.

Elections will be held on 30 May and talks will start on 10 June—after that, the route is much less clear. The issue of decommissioning paramilitary weapons will have to be addressed in line with the communiqué of 28 February and the Mitchell report. That is a crucial part of building the trust and confidence—which clearly have some way to go—that have been sought throughout the peace process. Also crucial to building that trust and confidence, as the ground rules document says, is the need for all parties to be assured that a meaningful and inclusive process of negotiations is genuinely being offered. To that effect, we fully support the two Governments in strongly commending the joint framework document as the basis for negotiations.

During the passage of the Bill, the Secretary of State has accepted a number of amendments from hon. Members on both sides of the House. We welcome in particular the amendments that addressed the question of the forum's procedures and dealt with the relationship between the forum and the negotiations, and their timing. We believe that that provides crucial reassurances to the House and to the people of Northern Ireland.

The Secretary of State's acceptance of our amendment No. 55 should provide important assurances for both communities, especially the nationalist community, that their views will not be overridden, but that the focus and culture of the forum will be to seek consensus across the communities. Word to that effect will now be in the Bill, thanks to our amendment. We are grateful to the Secretary

of State and to the Minister for offering reassurances on those points and on how consultations with the different parties on the rules of procedure will continue, based on consensus, dialogue and understanding.

The passage of the Bill in the past two days has been at times chaotic and confusing. It may not be the best legislation that the House has produced, but in terms of the time constraints, it is the best that we have managed. We wish to add our thanks to those who have serviced the House during the past 36 hours when we have sat so late. I am sorry that the hon. Member for Newry and Armagh (Mr. Mallon) was not able to be with us. We have missed his contribution and wish him a speedy recovery.

We believe that the Bill will bring about change. It will provide an unprecedented opportunity for the parties to negotiate a new future for the people of Northern Ireland, of the island of Ireland and of these islands.

12.55 am

Rev. Ian Paisley: I wish to make some remarks on the Bill and how it came to be put before us. We remember that the Prime Minister made it clear from the Dispatch Box that a door to proper negotiations should be opened. Negotiations had been going on behind closed doors, mainly with those who were responsible for bombing, killing and other atrocities. The general public never knew what happened behind those closed doors—what deals were brokered or what promises and assurances were given.

We saw those who were closely associated with vicious acts of terrorism and murder being given offices in the Stormont complex. Their leaders had separate offices and facilities and the members had separate offices and facilities, including members of IRA-Sinn Fein, who have never denounced any act of violence and whose leader refused to condemn, even slightly, the Canary wharf bomb. That leader was installed in the Stormont complex, with his name on the door as president of Sinn Fein and paid for by taxpayers' money.

I resent what was said from the Opposition Front Bench earlier, calling the loyalist groups Protestant gunmen. They are not Protestant gunmen; they are so-called loyalist gunmen. If I talked about the Roman Catholic IRA in the House, I would be shouted at from all quarters, but the Opposition are quite prepared to take the name of Protestantism and use it as a label.

Ms Mowlam: I did not.

Rev. Ian Paisley: Your deputy did that today at the Dispatch Box. That is a very serious matter as far as I am concerned. If one body can be described in one way, others should be able to describe other bodies in a similar way. I remember that when I was a young Member of the House, 20 years ago, I tried to table a motion that mentioned the Roman Catholic IRA. The Clerk told me that he could not accept that, so I took in a motion that Mr. Fitt had tabled that mentioned the Protestant UVF. I asked the Clerk about that and he said that he would have to see Mr. Fitt and get it changed.

The House must realise that it should be fair and even-handed to all parties in the dispute. Of course, even this debate has not been even-handed. The Prime Minister came to the House and said that we will have an election. Of course, that was bitterly and scurrilously opposed by Dick Spring and his ilk in Dublin, who said all manner of things about elections, as if the people of Northern Ireland were not fit to have an election. We were told that an election would only exacerbate the situation, that it would divide the community and that we could not reach a consensus. What happened? The Prime Minister persisted with the idea that we should have an election.

As I have said, on 24 January the Prime Minister intimated to the House, in reply to the Leader of Her Majesty's Opposition, that he would call for the election. The leader of the Liberal party, the Leader of the official Opposition and other leaders went with him on the proposal. The Prime Minister said:

"As for the election and the purposes for which it could be used, I see it being used to determine which parties would participate in the talks, and to give each party with elected representation a fresh electoral mandate—testing the extent of its democratic support in current circumstances. I see the election providing a pool of representatives from which party delegations to the talks could be drawn, and a means to index the strength of the parties' delegations in the talks process."

He went on:

"Apart from that, of course"—

those were his words—

"I see the election providing, by weighted majority vote, an initial mechanism for testing widespread acceptability within Northern Ireland of the outcome of any talks process."—[*Official Report*, 24 January 1996; Vol. 270, c. 357.]

That particular proposition was vigorously attacked in the House and amendments were tabled to try to bring about what the Prime Minister promised the people of Northern Ireland at the Dispatch Box would be the result of the election. Those amendments were rejected by the Government whom he leads.

As I have already pointed out, the Prime Minister made another statement to the House on 21 March. He said:

"The legislation will also provide"—

I stress, "provide"—

"for the forum to be able to conduct hearings at which public submissions by relevant bodies or individuals can be made."—[*Official Report*, 21 March 1996; Vol. 274, c. 498.]

There is no such provision. I ask the Government to show me one line of a firm provision. In fact, the Government say that they can do it, but there is no legislative power for them to do it. If that is challenged by those in the forum who do not like the forum and want to have it destroyed, what will the Government do?

A provision should have been written into the Bill giving the forum the power to conduct hearings at which public submissions by relevant bodies or individuals could be made. But those two things went by the board. Why? Because of the power of a foreign Government, the Government of the Irish Republic, who leant on the Government and said, "No, you can't do these things." Nor can they when the Dublin Government take it into their head that such things cannot be done.

We have heard great praise of the Anglo-Irish Agreement. I was amazed by the hon. Member for Belfast, West (Dr. Hendron), who told us that it was a success. If the Anglo-Irish Agreement brought about what everyone seems to want and was a success, why are we here? But it did not bring that about. It could not bring it about. Now it is said that we need a wider agreement. Why, if it was a success?

[Rev. Ian Paisley]

That agreement was supposed to be the basis of a success. The two Governments would, for the first time, sit round the table, there would be no megaphone diplomacy, they would have a love-in every month and all would go well. But it did not. Then the Government said that they must do something more and we had talks. Those talks came to an end. Who brought them to an end? The Unionists? No. The other representatives from Northern Ireland? No. The southern Government brought them to an end. The southern Government agreed that there would be no Anglo-Irish conference while those talks were going.

On two occasions, the Irish Government decided that they would bring the talks to an end. Why? Because they were not comfortable at those talks. What were they not comfortable about? They were not comfortable about articles 2 and 3 which, at the beginning of the talks, they told us they would address—the same word that has been used before—in such a way that the Unionists would be amazed at how far they would go. They said that their generosity would amaze us. When the matter was first raised at the talks, the representatives of the Dublin Government told us that the best day's work that De Valera ever did was to write articles 2 and 3 into the constitution of the Irish Republic and that they would not budge an inch. Some Unionists—not of my party—went to Dublin to see whether it would help to talk there. When they returned, I asked Sir Ninian Stephen what happened. He said that they got nothing officially or unofficially. I see the leader of the UUP—the party involved—nodding his head. Nothing was gained.

Articles 2 and 3 lay claim to Northern Ireland. They not only lay claim to Northern Ireland but are now buttressed by a finding in the Irish High Court that they are a constitutional imperative for every Minister who takes office in the south of Ireland. Thus, claiming our territory is their objective.

When one of the member states takes on the presidency of the European Union, it is a custom for that member state to play host to all the ambassadors in its capital cities. Some time ago, the United Kingdom held that presidency and the procedure started. A meeting was held in London which all the ambassadors, including the Irish ambassador, attended. There were then meetings in Edinburgh and Cardiff, and the same happened.

Then there was a meeting in Belfast at Hillsborough house. When we arrived, I asked whether all the ambassadors were there. I was told that they were not. The Irish ambassador had said that it was highly insulting for the British to have a meeting in Northern Ireland, because the only people who could really invite ambassadors from other EU countries would be the Irish ambassador and the Irish authorities. The Irish therefore boycotted the meeting. That is why, when the Anglo-Irish Agreement was signed, the Irish Government did not sign the same document but had to have a special one—an agreement between the Government of Ireland and the Government of the United Kingdom with no mention of Great Britain or Northern Ireland. Why was that? It was because of articles 2 and 3.

The Berlin wall in my country is made of articles 2 and 3, built and buttressed by the Dublin authorities. It is illegal. It is a long time since we heard it said at the Dispatch Box that it was illegal, but one Minister did say it.

Madam Deputy Speaker (Dame Janet Fookes): Order. I am sorry to interrupt the hon. Gentleman, but he is straying from the purpose of Third Reading which, I remind him, is to discuss the contents of the Bill.

Rev. Ian Paisley: I accept your ruling, Madam Deputy Speaker, but the Bill concerns the future of Northern Ireland as directed by the two Governments. I am dealing with one Government who originated the sort of legislation that we are debating. I am trying to highlight the motivation of that Government. Surely I am entitled so to do when that Government have set themselves against the very basis of the status of Northern Ireland as a part of the United Kingdom.

I am trying to point out that the Bill has on it the shadow of the Irish Republic—not only its shadow but its marks and diktats. It aims to further the interests of the Irish Republic, to take Northern Ireland out of the United Kingdom and put it under Dublin rule. That is clear from every step that has been taken in the signing of the Anglo-Irish Agreement, the Downing street declaration and the framework document. As anyone who has read the framework document will see, there is only one option in it—to go down the road to Dublin.

Articles 2 and 3 of the Irish constitution are repugnant to us. They are illegal, as Ministers have said at the Dispatch Box—although they do not like to be reminded of that. Not only are they illegal; they are immoral and criminal. The IRA, and all republican terrorists, have hidden behind the place of refuge provided by those articles. They have killed people, and then said that they are political killers.

Today and yesterday, attempts were made here to destroy the forum. The Prime Minister told us that it would be very important: he told us that it would not only supply the negotiators but serve as an initial mechanism to test what they were doing. Speaker after speaker has said that the negotiations are all-important. Why must they start on 10 June? Why is the forum to meet a month, or more than a month, after its election? The IRA has set no date for the forum, but the IRA and the Dublin Government certainly set a date for the negotiations to start. They are to start on 10 June: that is the date that we are working towards.

That is why we are here at such a late hour. That is why we have we have debated the Bill for so many hours, but so quickly. We are aiming for a deadline that was set by IRA-Sinn Fein. We do not know whether IRA-Sinn Fein will sign up to the principles, but Mr. Adams told the people of Northern Ireland last weekend that even if its members were not permitted to go they would be there, because they had a mandate. They would ensure that a republican consensus—he used the word "consensus" too—would be the agenda, and he would also ensure the ending of British rule in Northern Ireland.

It is not Members of Parliament who keep us in the United Kingdom. Some of the treatment that we have received in the House of Commons has been nauseating. We are members of the United Kingdom because of our birth and heritage, and our heartfelt loyalty to the

principles of democracy as upheld in the history of our nation and the House of Commons, not as a result of any outside force.

Many of my political opponents in the House, with whom I have had great differences, have at least stood up and said, "Let us have a bit of fairness," but the Government could not be fair. Of course it was all right to give in to the SDLP, because Dublin would be happy about that. In fact, I am glad that that happened: the SDLP had a right to ask for the initial letters of its name to be included. It should not have had to argue.

The Minister said at the outset that he recognised the existence of strong feeling and would give in to it, but when I asked him to say the same in regard to an amendment, he would not. He would not put it to us. Why not? I am a democrat. There are some aspects of democracy that we do not like, but must accept. I would have accepted that amendment, but it was not put to us. It is not on the record of the House that the Secretary of State met the other party leaders. We do not know what the other party leaders said to him. They have not harmed me or my party, but the people of Northern Ireland are already enraged. They say, "Of course, there is always a bias, but it is for nationalism and for Roman Catholics. When it comes to Ulster Protestantism, they will make sure that it will be discriminated against. We have been feeling it." That is the reaction that the Government have brought on themselves.

The Minister with responsibility for political affairs may laugh as much as he likes, but it will be no laughing matter when he returns to Northern Ireland to fulfil some of his engagements and is faced with what he did today in the House. Let us at least have fair play. Justice was not seen to be done today, and well the Minister and every right-thinking hon. Member knows it. Ulster will know it; the election will be set on fire by this very issue and the Government will be responsible for kindling that fire.

The Government have not heard the end of the matter. They can get out of this by at least granting in another place what should be given. What are we asking for? We are asking that any party can put what it likes in its description. One of the parties already has the name of its leader on the paper. Why cannot I as the leader of my party or any other leader put our name on the paper? That is not a big demand, but of course it will not be granted because of the Ulster Democratic party's strength of feeling against this whole conspiracy to sell our Province out to Dublin.

One of the strongest condemnations of the Bill came from the hon. Member for Spelthorne (Mr. Wilshire) who said that here we have Dublin's hand and the power and the voice of Dublin, and that his Government were prepared to heed that voice. Let it be. The people of Northern Ireland will have their election. In spite of all the opposition they will cast their votes, but I see little hope of the Government even listening to that election voice because, as a former Northern Ireland Minister told us, "It does not matter how you vote; we will not pay heed to your vote anyway." But the vote of the people will be decisive and its impact will result in a turning of the tide at last in our Province that has seen all the tragedy, all the agony, all the bloodletting, and all the tears and sorrows of the past years. I trust that the Government will think again and at least do what is right and honourable towards my party.

1.17 am

Mr. David Trimble (Upper Bann): Over the past couple of days we have spent about 19 hours in Committee considering the Bill. That is a reasonable period of time, but it is not excessive for the matters that are in the Bill. The record of the names of those who have spoken and for how long will show that in most of the debates the longest contributions were made by Government Front-Bench spokesmen, which is as it should be because the object of the exercise is to probe the Government's position, and that is what hon. Members from various parties have done over these two days.

I think that I am also correct in saying that in Committee the Government made some seven or eight concessions in terms of accepting Opposition amendments, in addition to a couple of Government amendments. In the circumstances, that is probably more than par for the course. It is fair to observe, as the hon. Member for Belfast, East (Mr. Robinson) observed, that most of those amendments are comparatively minor. Some of them are a bit more substantial, but perhaps more important than the amendments is the fact that we have had the opportunity to probe some of the more obscure passages in the Bill and have had some Government undertakings about its operation, which I hope will be helpful.

None the less, we send from the House a deeply flawed Bill. It is flawed partly through the unwise decision to depart from normal electoral practice and to adopt a novel procedure, and partly through the difficulties that have flowed from that, which have been reflected in the speech that we have just heard.

The Bill is also flawed in that, for political reasons, unadvisedly, in its drafting and presentation, there has been a concerted effort to overemphasise one of the two tracks. That is a misjudgment on the part of the people who have advised that action. I realise that Ministers are not free agents in the matter. They are constrained by the agreements that have been mentioned in the earlier speeches and by the realities of the forces that are acting on them, both outside and inside the Chamber. The balance, however, has not been a wise one: it has not been struck in the right place.

Looking forward to the Bill's operation in May and June, the job that lies before the parties in Northern Ireland is to make an effort to overcome the flaws in this process. Whether we can succeed remains to be seen, but we will endeavour to do that. We will, however, have to overcome some of the obstacles. I hope that, in our efforts to do so, there will be a ready response from other parties in Northern Ireland.

Some of the deepest flaws are in the so-called ground rules. I noticed the virtual quotation that the hon. Member for Redcar (Ms Mowlam) used in her speech when she referred to the need to assure people that there would be a genuine negotiations process on matters of concern to them—which I believe is a rough paraphrase of paragraph 13 of the ground rules paper. I know that, in making that comment, the hon. Lady had her mind focused on the concerns and interests of nationalists, as has been her practice in the past two days. I find that statement in the ground rules deeply ironic from my point of view, and from that of the Unionists—not just my colleagues on this Bench, but elsewhere.

[Mr. David Trimble]

One of the most striking features of the ground rules is a determined effort, primarily by the Government, to exclude us—by which I mean all the Northern Ireland parties—from any negotiations on an issue which for us, the Unionists, is the primary concern in the operation: to replace the flawed instruments of Government under which we suffer and, primarily, to replace the Anglo-Irish Agreement. The Government appear determined to exclude us from that negotiation. That runs counter to the clear statement in the ground rules that the Governments must give the parties concerned an assurance that a genuine process of negotiation has been offered. I look forward, when the time comes, to the Government making the necessary adjustments in their approach to give us a genuine opportunity to discuss the issues.

None the less, the elections will, I trust, take place—if matters go as we expect they will in another place. The two bodies will meet, unfortunately not in the right order, but we will overcome the difficulties that that will cause us. In those bodies, if the parties concerned take their places, as I hope that they will, all the people who have been elected to the forum will have their mandate willingly recognised, especially those who have a genuine mandate. The 20 extra members who have got there despite the operation of the electoral system will have to put up with getting reminders from time to time of the absence of any democratic basis for their presence, but we will tolerate them as well. I hope, however, that the parties will enter into both aspects of the process, because the two relate to each other, and that they will do so in a positive way.

The opportunity exists here for us to carry the process forward—to use the cliché again. We are looking forward to the opportunity to construct new institutions of government and to provide for a more secure future on a better democratic basis than we have had in the past. The opportunity exists to meet the needs of the people of Northern Ireland and to give them the future that they deserve.

When complaining about some aspects of the Bill, the hon. Member for Belfast, East said that the people of Northern Ireland will have the last word. I think that they will also have the first word. They will speak before others. On 30 May, the people of Northern Ireland will speak and, before any negotiations begin or any debates occur, we shall have heard their voice. I know that that voice will indicate clearly for what there is or is not consent. That will provide a basis on which we can proceed.

There is another aspect of the election that I would like to leave with hon. Members. The assumption exists in a number of quarters that any votes cast in the future will be on predictable lines. I hope that that is not so, because through the electoral process the opportunity exists for the people of Northern Ireland to send a message to all those involved in politics. We have talked about how the forum can be a way in which the public can be involved and so, more directly, can the elections. The opportunity is there for the people of Northern Ireland to send a message.

It has been a commonplace statement during the past 18 months that the people of Northern Ireland have welcomed the relative absence of violence and that they want to see real peace restored. On 30 May, the opportunity will exist for the people to send a message about that and to show by the way in which they vote that they are turning their back on those who have endorsed and tolerated violence and that they are going to support those constitutional parties that are prepared to carry the process forward, if necessary without those who cannot give the necessary commitments about peace and non-violence which will be required at the outset. That is the opportunity for all of us in Northern Ireland and I hope that on 30 May that opportunity will be taken and that we shall have a sound foundation on which to proceed.

1.22 am

Mr. McGrady: I do not intend to delay the House for long at this late hour, but when listening to the contributions to the debate one can only be struck by the fact that the genesis of the reasons for the legislation seems to have been lost entirely. The title of the Bill brings us back to reality—Northern Ireland's entry to negotiations.

It was the inability of certain parties in Northern Ireland to enter into negotiations during 18 months of peace that has precipitated the legislation. During those 18 months, which some have called the wasted months in Northern Ireland, no negotiation or movement of any nature took place. There were two main reasons for that. The first was Sinn Fein's ambivalent attitude to violence and its refusal to issue a firm condemnation of the use and pursuit of violence for political purposes. Secondly, the preconditions of the two Unionist parties included a requirement for a renewal of their elected mandate and a forum.

One can forgive a party for wanting reassurance about its position and strength within our community, but we have had 21 elections in 20 years and, with a variation of 2 per cent. or 3 per cent. in any direction, any of us in the House could predict the strength of the mandate that we shall receive, hopefully on 10 June if we all participate in the elections. So it was not a real requirement, and from where we stood it was a blocking mechanism.

Within four hours of the Mitchell report being announced, before anyone had time to consider the implications, before Sinn Fein particularly, to whom it was addressed, could digest and perhaps make a more positive response, it was announced in the House that elections would take place. That entirely diverted attention away from the Mitchell requirements regarding the abjuring of violence and towards the election process, letting Sinn Fein, the loyalist paramilitaries and others off the hook.

Members of my party and I were opposed to elections not because we are opposed to elections—we have fought them all. And we were against a forum not because we oppose a forum to which people can make submissions of their attitudes and aspirations. We were against elections and a forum because they were simply delaying tactics. Legislation for elections and a forum is not a prerequisite to negotiations, but it is now deemed to be and is treated as such. Fair enough—that is where we are at. We feared and still fear—the atmosphere tonight in the House does not in any way allay our fears—that the election process will exacerbate the differences and push people into manifesto stances that will make it more difficult for all of us to arrive at consensus in the negotiations on 10 June.

The Bill is certainly flawed in many respects. Our amendments had one main theme: to try to ensure that, whatever mechanisms were used, both the negotiations and the forum were based on the broadest possible consensus, which is stated, as I have said several times, in paragraph 24 of Command Paper 3232. That is the only way in which we can resolve the problem.

We seem to have forgotten what the problem is. It is the constant recurrence of violence over decades and centuries in our community. People are taking guns and explosives to try to resolve political problems. That is what negotiations are about. They are not about who wins elections or thumping one's chest and saying, "I did better than the other fellow; I got two more points in an election." Some of the arguments put today were party ego trips about who would do best at the election. That result will make no difference to whether we can resolve the problems of violence and form institutions that will copper fasten an agreed peace and remove violence and the gun from Irish politics from here on. That is the only objective that my party has had in all the proceedings.

If we could sacrifice our political existence for that objective to come about, we would do it willingly in the morning and retire to whatever alternative occupations we might be able to pick up. We are not looking for political advantage. We will certainly strive to get the maximum support, because in that way we can illustrate the support for the consensus politics that we are trying to promote and have tried to promote in the 25 years since the party was formed. All that we are about is getting to the negotiating table.

The ramifications and controversy of the past couple of days have been merely to enable us to get to a conference which, at the end of the day, will not take real cognisance of whether parties got 50 per cent. or 5 per cent. at the election. Negotiators will be representing a viewpoint. If the Bill's intention is in some way to insinuate that a weight of voting can impose a solution on a divided community without the reasonable consensus of the majority and the minority, we are all indulging in a pipe dream. That is what I fear may be happening with the diversion that appears to be taking place, as we forecast it would, because of the acquiescence in the idea that an election and a forum are needed in order to achieve the negotiations. Although the two arrangements will now run parallel, they are not necessarily—and need not necessarily have been—complementary.

All that I can say on behalf of my party is that presumably the Bill will pass into law—good or bad, warts and all, as we say at home. We shall try to ensure that the best possible environment is created to allow the negotiations to start and to evolve in a meaningful way towards the final resolution of the endemic violence, and towards the institutions on which I hope that we can agree, which will copper-fasten the continuance of the peace for which both communities yearn so much, and for which they have suffered so much over many years—not only for the past 25 years, but for generation after generation. My wish and my hope is that our generation can put a stop to that suffering.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

PROCEDURE

Ordered,

That Mr. Patrick McLoughlin be discharged from the Select Committee on Procedure and Mr. Richard Ottaway be added to the Committee.—*[Mr. McLoughlin.]*

PETITION

Sea Empress

1.35 am

Mr. Nick Ainger (Pembroke): I wish to present to the House tonight a petition signed by more than 25,000 people, calling for an independent inquiry into the grounding of the Sea Empress, the oil pollution that resulted from it, and related matters.

The petition says:

the people of west Wales and the United Kingdom are outraged that over 65,000 tonnes of crude oil was allowed to spill from the Sea Empress from Monday 19 February 1996 causing massive pollution, the death of thousands of seabirds, the destruction of important habitats within the Pembrokeshire Coast National Park and surrounding sites of world importance, causing serious problems for the tourist and fishing industries in Wales.

Wherefore your petitioners pray that your Honourable House calls on the government to ensure full support to those who have suffered consequential loss and immediately initiate an independent and wide-ranging inquiry into the events leading up to the grounding of the Sea Empress on Thursday 15 February 1996, the subsequent salvage operation, the safety of operations in the port of Milford Haven, the full implementation of Lord Donaldson's recommendations following the Braer disaster in January 1993 and the effectiveness of existing salvage law; this inquiry to be ideally controlled by Lord Donaldson of Lymington.

And your Petitioners, as in duty bound, will ever pray, etc.

To lie upon the Table.

Prisons (Northumberland)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. McLoughlin.]*

1.37 am

Mr. A. J. Beith (Berwick-upon-Tweed): Next to each other on what was a wartime airfield in my constituency are two prisons—Her Majesty's prison Acklington and Her Majesty's young offenders institution Castington. They are the northernmost outposts of the prison service, and their staff, who are valued members of our local community, deal with increasingly difficult and disruptive offenders.

Indeed, since the prisons were first built, both have increased the range of offenders they take beyond what was first suggested to the local community—a process that began when life sentence prisoners were placed at Acklington. Relations between both institutions and the community are generally very good, although there are inevitably anxieties from time to time. Both Acklington and Castington have been successful in achieving Prison Service targets.

The reason for this debate is the enormous anxiety among prison officers and other staff about the likely impact of the cuts that the governors are being forced to implement. They threaten not only to undo much of the good work that has been commended by the authorities but to jeopardise security, both directly and indirectly. Security will be endangered if there are not enough officers to patrol, supervise and search. It will be undermined if, because of cuts, prison activities that keep offenders occupied have to be cut back. The devil makes work for idle hands.

The background to the debate is the Government's decision to impose cuts of more than 13 per cent. across the board in the Prison Service over the next three years. That is astonishing from a Government who believe that they can find the additional money for a huge increase in the prison population in coming years as a matter of deliberate policy. It is also deplorable, because the Government can claim to have achieved some significant improvements in the prison system. However, the gains from new or improved facilities and the end of slopping out will be wasted under the cuts programme.

I want to consider in more detail the two institutions in my constituency and the way in which the cuts will affect them. The older of the two, Acklington, is a category C training prison with more than 600 prisoners. It was the subject of a recently published inspection report, although the inspection took place a year ago, and several critical points have been dealt with since then.

The inspection team commended many of the areas of work that are likely to be affected by cuts, such as education, employment training, physical education and the chaplaincy. Work to tackle drug addiction among prisoners was praised as a

"triumph of staff enthusiasm over heavy odds",

that needed more officer time and training support.

However, the inspectors said:

"that Acklington has avoided serious incident is a tribute to managers and staff because such large campus style prisons are notoriously difficult to manage".

That is a striking reminder of the high staffing needs imposed by the layout of the prison. There was concern that officers felt intimidated and were not able to prevent squalid conditions from being created by some prisoners. Higher levels of supervision were needed to prevent bullying among prisoners.

How will the cuts help to deal with those problems, create the more progressive regime for which the inspectors called, and build on the achievements? The cuts planned for Acklington are large, involving the loss of more than £600,000 from budgets over the next three years. If first indications are correct, more than 20 posts are likely to go, including discipline officers, two principal officers, seven senior officers, and a night patrol staff officer.

The entire complement of prison officers in the works section, and the whole health officer section, are expected to go. The health section officers staff the hospital and sick bay for both Acklington and Castington. All officers are to be withdrawn from catering, and there are cuts in chaplaincy and in instructional staff.

It is impossible to set those staffing losses against the background of the inspection report without concluding that the problems and difficulties will be made significantly worse. There will be fewer trained officers around to maintain and handle problems in the kitchen, where there is considerable potential for trouble. As one officer wrote to me:

"The type of inmate that is now coming to prison does not reason like normal people, they abuse any trust given and are very quick to become aggressive and violent."

How on earth is health cover to be provided satisfactorily with the complete disbandment of the team of officers that provides it? It cannot all be managed by visiting doctors and officers on the wings. How much of a reduction will there be in workshop activity, education and probation work? It is clear to all who know Acklington that, with those cuts, it cannot be expected to maintain the good things mentioned in the inspector's report and deal with the points that called for improvement.

Castington is a young offenders' institution that deals with many extremely difficult and violent offenders, including a significant number of serious sex offenders, for whom it is a national resource. Its work has been praised in the service for security, cleanliness, control, staff-inmate relationship and excellent results in the drug-testing programme. Area management seems to be of the view that efficiency savings had been made, and that present staffing levels were necessary to maintain the regime.

Even at present staffing levels, it has proved impossible to maintain normal levels of evening association. There were insufficient staff to maintain association for five nights a week. Even before the latest cuts, inmates were locked in their cells on three evenings a week, which is more than elsewhere in the prison system. Castington is being required to take cuts of around 15 per cent. over three years, including a cut of £202,000 this year. That is well above the figure that was originally suggested. The likely consequences are frightening.

A reduction in fence and ground patrols at nights and weekends would be a direct threat to security. The evening and weekend patrols were introduced as a direct result of an internal inquiry, following an escape attempt

which was spotted by an officer who happened to be in an upstairs cell when he saw inmates trying to climb the fence.

The removal of the senior officer from the segregation unit and the regular withdrawal of officers from the unit to meet staff shortages on wings means that more violent bullies will be sent back on to the wings, where they can operate a reign of terror over other inmates.

If officers are reduced, visitor searches cannot be adequate. Already there is an acute problem because there are no female officers at Castington, so searches of women visitors can be carried out only with police assistance. Drug-smuggling visitors are ready to take full advantage of this loophole and destroy Castington's much-commended record in stopping drugs from coming in.

Education, with a budget already cut by 35 per cent. since 1993, faces further cuts. Training workshops for painting and decorating and motor body repairs will close. Idle and discontented inmates are more likely to cause trouble inside the prison, and more likely to go out ready to commit further offences.

At Castington, as at Acklington, it should be remembered that the cuts do not follow a period of expansion. They follow several years of staff reductions which have already led to regular cancellation of cell searching, evening classes and gym sessions, and to the segregation unit being left undermanned. In fact, the cell search figures have not achieved the contract target. Shift systems depend on overtime, which is expensive and wasteful. The staff increases promised under fresh start did not happen, even though the efficiency savings intended to match them were achieved.

If the Minister is looking for areas in which savings could be made, she could look, for example, at doing more joint administration between Acklington and Castington. When two institutions are so close together, there must be some scope for increasing the amount of administrative work that is done jointly, without going into front-line operations in the way that I believe is being done.

The Government are prepared to spend about £28,000 a place on their boot camps scheme. Other young offenders institutions cost up to £24,000 a year per place. A place at Castington costs less than £15,000 a year—so why is Castington facing such severe cuts?

I beg the Minister to think again. I do not believe that she can defend this level of damage to widely commended regimes and programmes. She cannot justify threatening security, which is the No. 1 priority, by making reductions in key areas of control and discipline and by creating aimlessness by abandoning so much of the education, work and activity programme.

I do not intend to speculate about what could happen in Acklington and Castington if these cuts go ahead, but officers and staff on the front line have very real fears. They know just how great a cost, human as well as financial, can result from short-sighted cuts in the essentials of the custody system.

1.47 am

The Minister of State, Home Office (Miss Ann Widdecombe): May I first congratulate the right hon. Member for Berwick–upon–Tweed (Mr. Beith) on securing this Adjournment debate on two of the prisons in his constituency. I cannot say that I congratulate him on the seasonable hour that he has chosen, but I thank him for the courteous and constructive tone that he adopted during the debate. It may help the right hon. Gentleman if I offer to visit his two prisons. My timetable will not allow me to do so this side of the summer recess, but if he can spare a day in the summer recess to come with me, I shall be delighted to visit his prisons.

I shall deal with the specific issues that the right hon. Gentleman raised in a few minutes, but I must say that it is rather a pity that the Opposition parties seem to table items on the Prison Service only ever to draw attention to difficulties and perceived weaknesses. That gives the public the wrong impression of an increasingly efficient service, one which has in the past three years met its targets in increasingly difficult circumstances.

The difficult circumstances to which I refer include the ever-growing prison population, which today reached a new record of 54,045. That represents a 6.38 per cent. increase in the population since the end of April last year, and I have to add that the population is growing most rapidly in the north.

Despite this, on 12 April the Prison Service announced—the right hon. Member for Berwick–upon–Tweed alluded to it—that the degrading practice of slopping out has ended in all prisons in England and in Wales. In addition, no prisoners have been held in police cells since June 1995. Between April 1995 and February 1996, escapes fell by 59 per cent. compared to the same period in 1994-95, and by 78 per cent. compared to the same period in 1992-93. Assaults have also fallen by 8 per cent. on the 1994-95 figures over the same period.

The Prison Service is doing well on running positive regimes for prisoners in its custody, so that they now spend 8 per cent. more time in purposeful activity than in 1992-93. At the end of February 1996, 36 per cent. of prisoners were unlocked for more than 12 hours per weekday, compared to 24 per cent. at the end of March 1993—immediately before the Prison Service became an agency. Everyone who works in the Prison Service is to be congratulated on their efforts to achieve those targets and to maintain the high standards they represent.

I turn to the main thrust of the right hon. Gentleman's speech: the cost reduction strategy that is being applied to the Prison Service. Hon. Members will be aware that the Prison Service has been asked to achieve a 9.5 per cent. real-terms reduction in cost per place over the next three years. The Prison Service has responded to that request by drawing up a cost reduction strategy, and savings will need to be made across the service, including at headquarters and at central services.

Having heard the right hon. Gentleman, I need to set the record straight on a couple of issues. First, it is not true that the Prison Service has imposed cuts across the board without differentiating between those prisons that are already running efficiently and those that are not. In fact, Acklington prison is a good example of just the reverse—it is one of the most efficiently run category C prisons in the country.

Because of this, and the extra work that Her Majesty's Chief Inspector of Prisons' report identified, the governor of Acklington was not required to make as significant savings as other and rather less efficient prisons. Indeed, an increase rather than a decrease in prison officer grades is planned at Acklington.

[Miss Ann Widdecombe]

Secondly, let me put the terms "efficiency savings" and "cost reduction" in context. Efficiency savings can be made with little perceptible change to the regime. For example, by allowing prisoners to get up at 8.30 am at weekends rather than at 7.30 am, a governor would save the equivalent of two prison officer posts.

Thirdly, it is not helpful to suggest—as the right hon. Member for Berwick–upon–Tweed did—that security and control will suffer as a result of these measures. A major part of the cost reduction strategy is for governors to look at the way work is done in their prisons and by whom it is done, to ensure that trained prison officers are deployed where they will be most effective—in contact with the prisoners.

Jobs that do not involve contact with prisoners can then be carried out by civilians. This means that levels of supervision can be maintained—indeed, improved—while ensuring that the required efficiency savings are made. For example, at Acklington the governor has gone through this process, and has decided that, by flattening management structures, sharpening the operational line and introducing civilians into the prison's services, he can afford seven additional prison officers—the grade of staff that has the most direct supervision of prisoners.

Fourthly, I assure the right hon. Member and his constituents that cost reductions will not put prisoners, staff or the local public at increased risk in the event of a major incident. The Prison Service has tried and tested contingency plans to deal with such events, and has a system of mutual aid under which, in the event of an incident at a prison, staff from neighbouring prisons are called to assist until the situation is under control.

I welcome the suggestion that Acklington and Castington should share facilities to help provide quality services to both prisons efficiently. I can tell the House that this is already the case at Acklington and Castington, where one health care team and one works department serve both prisons. Sharing the facilities is one of the strategies recommended by the Prison Service to its governors, and the operational director for the north has asked his area managers to explore where that can be done in their areas.

Thus the area manager for the north-east is actively examining other ways in which Acklington and Castington might share facilities.

Mr. Beith: In that case, how will the gap be filled that will be left when the five prison officers in the health care team are removed as, to quote the document, "surplus to requirements"?

Miss Widdecombe: If health services are shared, there is room for increasing economies of scale and increasing rationalisation.

I shall now discuss staff losses. The right hon. Gentleman asked what staff would be lost at each prison as a result of the savings. Castington will lose 10 uniformed staff posts and seven support staff posts in the next two years. Some of those losses will be achieved by natural wastage, others by not filling vacancies when they arise, and the remaining reductions will probably be achieved through the Prison Service's voluntary early retirement and severance package.

The cost reduction strategy at Castington will result in a reduction in regime activities in the prison, but steps have been taken to minimise the effect of those reductions by, for example, the planned introduction of part-time education to ensure that as many prisoners as possible continue to have access to education.

I am aware that the right hon. Gentleman also expressed fears that bullying will increase as a result of cost reductions. The governor of Castington has informed me that manning levels in the residential and employment areas remain unchanged by his plans, and that he therefore does not expect any increase in bullying. Indeed, it is important, when talking about staff reductions, that we take account of where staff reductions will apply. If they do not apply on the wings and the landings, that is clear evidence that control and involvement with prisoners will remain at current levels.

Castington has had a bullying strategy since July 1995, part of which is to monitor trends in bullying and respond as necessary. I am sure that that process will continue, and that, in the unlikely event of an increase in bullying—or other misbehaviour—as a result of cost reduction, the governor and his team will take steps to tackle it.

At Acklington, two principal officer posts and four senior officer posts will be lost, but as there will be an additional seven prison officers to undertake group work with prisoners and security-related tasks, the effects of that reduction will be minimised.

The right hon. Gentleman's objections to the cost reduction strategy and the objections of the local Prison Officers Association do not seem to have taken into account that increase of the grade that has the most direct impact on supervision of prisoners and thus their secure and controlled custody. There will also be alterations in the way that support staff's tasks are staffed, including moves towards the use of civilians in catering and health care, which will allow quality of service to be maintained at reduced costs.

Part of Acklington's cost reduction strategy is to reduce hours of education available to prisoners, but it is important to emphasise that that has been done by cutting from the curriculum only those classes that were under-subscribed and could be seen as "non-essential". That has meant that it has been possible to allocate additional hours to core subjects that will most benefit prisoners on their release, while making a significant saving.

It is not anticipated at present that workshop hours will be affected. Indeed, workshop hours are currently showing an improvement, following the introduction of the incentives and earned privileges scheme in January 1996.

I can assure the House that the cost reduction strategies at both prisons have been devised carefully, bearing in mind the differential in the scope for economies at each establishment. The maintenance of good security and control has been at the forefront of the minds of the area managers and of the two governors as they have planned their approaches to cost reductions in each establishment.

I fear that the right hon. Gentleman's approach to the subject mirrors the simplistic approach often adopted to cost reductions: that they will mean a reduction in essential services. We must maintain good security and control. That is best achieved by ensuring that there is adequate direct supervision of prisoners and by maintaining officer presence on wings and on landings.

It is important to retain good regimes for the purposes of rehabilitation. Although education, for example, may have to be trimmed, that is very different from hacking into it wholesale. If cost-effective courses that serve many prisoners must be expanded at the expense of more costly courses that serve only a few prisoners, that is a reasonable reaction, which will not impact upon the quality of the existing regimes.

Mr. Beith: I seek the Minister's assurance on two points. First, where security measures have been recommended in either inspection or internal inquiry reports, will she ensure that they are not removed as a result of cost reductions? I refer, for example, to yard and perimeter night patrols. Secondly, will she confirm that action will be taken about the lack of female officers at Castington? Will she ensure that vital searching procedures are not impaired by the continuing absence of female officers?

Miss Widdecombe: I can provide assurances on both points—although perhaps not in the terms that the right hon. Gentleman seeks. Essential security will not be compromised, and necessary security measures will not be withdrawn. Both governors must make quite certain that security and control are leading considerations when implementing the cost reductions.

As to the question of searching, I accept that there is a lack of female staff, and I acknowledge that the balance is not ideal in terms of the tasks that must be carried out. Nevertheless, both prisons have made positive efforts to recruit female staff, and they will redouble those efforts during the next recruitment drive.

Prison officers must also concentrate on security methods other than direct searching of visitors. For example, visitors can be refused access, and prisoners who are found in possession of unauthorised articles may be put on closed visits and supervised closely. A number of security measures may be implemented to ensure that we supervise visits as much as possible, watch prisoner movements and take appropriate action—including prosecution—when necessary.

I assure the hon. Gentleman that, even if we are not able to produce the numbers of female staff we require immediately, we will take seriously the main thrust of his remarks about the adequacy of searching procedures and overall visitor control.

I am grateful for the support that I have received from both prison governors and from area management in preparing for the debate, and I look forward to a fruitful visit to Castington and Acklington, accompanied by the right hon. Gentleman.

Question put and agreed to.

Adjourned accordingly at three minutes past Two o'clock.

House of Commons

Wednesday 24 April 1996

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

British Film Industry

[Relevant documents: The Second Report from the National Heritage Committee of Session 1994-95, on the British Film Industry (House of Commons Paper No. 57-I,-II and-III), and the Government Reply thereto (Cm. 2884).]

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Streeter.]*

9.34 am

Mr. Gerald Kaufman (Manchester, Gorton): Madam Speaker, on behalf of the members of the National Heritage Select Committee, I thank you for making this period available for us to debate the National Heritage Select Committee report on the British film industry, which was published last year, and such developments as have taken place since then.

We are in a period of some rejoicing in this country because British artists have won Oscars, a whole collection of British Academy of Film and Television Arts awards last Sunday evening and awards at the Cannes festival. I should certainly like to congratulate everyone who won those awards and everyone who was involved in those achievements.

I must go on to say that that plethora of awards, which is a great credit to British film makers, conceals the absence of anything resembling a structured film industry of the type that we once had in this country. British film makers scramble around in their attempts to obtain finance for projects in a way that is often disheartening and only too often demeaning. Any hon. Member who has any doubts about that fact should read the newly published history of Palace Pictures, which collapsed while it was making "The Crying Game".

Our film makers go to Hollywood to make American films because they are in huge demand there. If they are able to make films here, those films are very often financed by foreign money, and the profits therefore go abroad. The enormous profits from "Four Weddings and a Funeral" ended up—via Hamburg, where the film was registered for tax purposes—in Eindhoven.

Many congratulations to Emma Thompson on scooping up awards at the Oscars and at the BAFTA ceremony for "Sense and Sensibility", but the profits of that film will go back to Columbia Tristar Pictures, in Culver City, because it financed the film. "Restoration" won the Oscar for best costumes, but it is an American-financed film.

"The Madness of King George" won the Alexander Korda BAFTA award as the best British film, but it was mainly financed by Samuel Goldwyn Jr., whom our Select Committee visited and with whom we had discussions in Hollywood when we went there. Mr. Goldwyn required Alan Bennett not only to "mid-Atlanticise" his original play, but to change the title from "The Madness of George III" to "The Madness of King George", because he feared that American audiences might think that it was the third film in a series about George.

Tim Roth won the BAFTA award for best supporting actor for his performance in "Rob Roy", but that was an American-financed film and the profits went back to the United States.

Our Select Committee issued its report on the British film industry 13 months ago. The report was praised throughout the film industry, which one may think is not surprising, because it met a very great many of the industry's demands. But on 6 June 1995, the then Secretary of State also lauded our report as "thorough and perceptive". I feared that that kind of praise was a prelude to total inaction, and that has indeed been the case. We made a raft of recommendations, but scarcely a single one has been implemented.

Some of the recommendations are quite simple and, I should have thought, uncontroversial. For example, we recommended a season ticket for work permits for key personnel from abroad to enter and re-enter the United Kingdom to work on films financed by inward investment. The then Secretary of State paid lip service to that recommendation, but nothing has been done about it.

We recommended the fullest support for the London Film Commission Initiative. The then Secretary of State promised "direct pump-priming support". A grant of £100,000 was given last October, but I am afraid that that was the end of that. As I shall explain later, there is great need for such a commission because the facilitating of filming, especially on location, is one of the most important ways to attract inward investment. Indeed, the lack of a commission was one of the reasons why the filming of "Braveheart" moved from Scotland to Ireland.

Mr. David Harris (St. Ives): Is the right hon. Gentleman aware that a film is being made of a book by a Cornish author, Judith Cook? The book is set in Cornwall and the intention was to film it in Cornwall but, because of the tax incentives given in Ireland, the shooting is to move there. Is not that absolute nonsense?

Mr. Kaufman: I know Judith Cook well and have read some of her books. She wrote one about Hilda Murrell, for example. The problem affects not only the disgraceful example cited by the hon. Gentleman. The BBC has filmed British-located television productions in the Republic of Ireland because of Ireland's section 35 incentives. The hon. Gentleman's intervention leads me directly to my next point and the next recommendation made by the Select Committee.

We recommended establishing and co-ordinating regional film commissions, which would be of enormous importance in getting productions filmed not only in London but across the country. That proposal has not been taken a single step further by the Government, even though overseas experience has demonstrated how useful such commissions can be in attracting film makers. Canadians have that system, and much Hollywood film making is taking place in Canada. The American states have that system, which means that filming is done across the United States rather than in Hollywood alone.

[Mr. Kaufman]

"Judge Dredd" is an example of what I am talking about. It is a £50 million film starring Sylvester Stallone. It was brought to this country, but filming was almost brought to a halt because of obstruction in the use of the most elementary locations in the capital. When the film was completed, its producers said that they would not wish to repeat the experience and come here again, but when they read the Committee's report, they said that if the recommendations were implemented, they would happily come back to Britain. Ministers cite "Judge Dredd" as an example of inward investment, yet it is also an example of the obstruction that inward investment meets.

We also proposed something which I should have thought was completely non-controversial and which would have cost the Government no money—that the Government hold discussions with the industry about a job placement scheme. However, as far as I can tell, the Government have ignored that recommendation, too. They have certainly ignored our recommendations on immediate write-offs of production expenditure of qualifying British films, which could help to sustain indigenous film making. They have also ignored our proposals for an amelioration of the withholding tax and our recommendation for introducing a tax incentive scheme similar to Ireland's section 35 initiative. Our recommendations for attracting inward investment and promoting indigenous film making have been ignored by the Government.

Our proposal to revoke the Channel 4 funding formula—it is extraordinary that such an anomaly is allowed to remain on the statute book—was at first rejected by the previous Secretary of State. It is now being botched, and on Second Reading of the Broadcasting Bill, I am sorry to say that the Secretary of State showed that she still has no real idea of what she is doing about that formula. However, Mr. Grade has made it clear that any moneys accruing to Channel 4 from the revoking of that formula will go towards indigenous film and television production.

The Minister will no doubt say that my approach is negative, that the Government have done other things and that, in any case, nothing much needs to be done because the British film industry is flourishing like the green bay tree.

Last June, the previous Secretary of State made a statement in which he promised £80 million of national lottery money for film production and distribution over five years. In October last year, the present Secretary of State announced £5.5 million of new money for 13 new British films.

As it happens, the Select Committee did not recommend cash subsidies for the film industry. We do not believe in them or regard them as appropriate. We do not believe in subsidising manufacturing, of which the British film industry is a part as well as being an artistic endeavour. However, if the Government promised £80 million of national lottery money for film production, they should have at least fulfilled their promise. The Government promised that film would obtain 15 per cent. of all national lottery arts funds but, so far, it has received 4.07 per cent. What the Government claimed as a great initiative is not being carried out.

The Government promised an advisory committee to recommend steps necessary to improve access to capital markets for film makers. That is extremely important because banks in this country are extraordinarily backward-looking in that respect. I and my colleagues had discussions with the Lord Mayor of London and some of his advisers in the hope that we could obtain such an advance but, so far, we have not done so. The establishment of the advisory committee promised by the Government was not even announced until December. The names of those involved have been announced, but we have yet to see any positive results of its work.

The Secretary of State promised a feasibility study into establishing a west end showcase dedicated to British films. Ten months later, consultants have just been appointed and terms of reference agreed. Indeed, we have gone backwards.

In its report, the Select Committee listed aspects of finance and assistance for British film making and drew attention to the Eurimages scheme. That scheme provided funding for 55 UK co-production films between 1993 and 1995. Quite inexplicably, the Government have now withdrawn from the scheme at a saving of £2 million. Unlike our Government, other countries accept an obligation to provide incentives for their film industries. Although its cost-effectiveness has been questioned, Ireland has now renewed its section 35 incentive at a modified rate for another three years. Even the Isle of Man is extending its tax credit scheme for film and television production.

The result of section 35 in Ireland has been phenomenal. The expenditure on film and television production in the Republic has risen from 2 million punts in 1992 to 180 million punts last year. Although the direct trade-off between tax revenue forgone and gain to the Irish Treasury may not have worked out precisely as had been hoped, the multiplier effect in Ireland has been of great value, as has the linking of section 35 with training young Irish men and women in film production. It is required that they are attached to film productions.

Compared with that 180 million punts attracted to the Republic in 1995, in Britain, despite the fact that expenditure has risen substantially in recent years, total investment in UK-linked production in the UK fell last year by 3.4 per cent. to £420.79 million. The figures are not directly comparable. It is difficult to obtain such figures. Nevertheless, there is an enormous disparity between that £420 million in the UK and the 180 million punts, taking into account the fact that we have nearly 20 times the Republic's population.

Of course, "Braveheart", the Oscar winner for best picture, is the most telling example. It is of course about a great Scottish hero, and it was decided to film it in Scotland. Pre-production work and a few weeks' filming took place there. Production was then moved to Ireland because Mel Gibson not only became aware of section 35 incentives, but was given assistance with, for example, extras for battle scenes, which was simply not available in this country. Therefore, of the £35 million spent on that high-budget epic about a Scottish hero, £3 million was spent in the United Kingdom and about £30 million in Ireland.

Britain per capita probably has the greatest roster of film-making talent in the world. Yet in film production per million population in 1995, the UK was behind not

only the United States, but France, Italy, Spain, Australia, Denmark, Finland and Norway, as well as Ireland. Only west Germany was behind us.

Our screens are swamped by American films. Last year, 83 per cent. of box office receipts in British cinemas were for American films, compared with 8.6 per cent. for UK films. In 1994, the latest year for which I have available figures, box office receipts from national films were higher in France, Denmark, Italy, Germany, Australia and Spain than in Britain.

I repeat that I am not calling for subsidies for the British film industry or for the stringent and in many ways absurd bureaucratic controls imposed by the French, under which they even lay down the nights on which films can be shown on television. I am calling for incentives. As the Select Committee report made clear, we are not asking for incentives that favour the film industry and single it out. We are asking for incentives that are available to certain other industries.

It is ludicrous, for example, that the withholding tax does not apply in the same stringent way to Barbra Streisand when she comes here to record a CD as it would if she came here to make a film. It is ridiculous that the castle built at Shepperton studios for the filming of the Sean Connery and Richard Gere film "First Knight" was regarded as a capital asset and therefore not available for write-off, although of course the moment that the film was finished, the castle was of no use to anybody. It ought to have been written off. The Select Committee asks for the same treatment for film making as is already available for television, sound recording and even shipbuilding.

Let me make it clear that although the domestic audience for films exhibited in theatres is not large—even though it has doubled in recent years—film making is not a marginal industry. It is a $53 billion-a-year global business. It is bigger than the music industry, it is expanding at about 8 per cent. a year, and, most important for us, it is predominantly an English-speaking industry. We have the huge advantage that the lingua franca of film in the world is English, and we are the custodians of the language.

More than 70 per cent. of films worldwide are in English. Yet when Kenneth Branagh made "Much Ado About Nothing", he was ordered by Samuel Goldwyn Jr. to cast Hollywood stars regardless of whether they were suitable. As I have said, when Alan Bennett adapted "The Madness of George III" for the screen, he was made to mid-Atlanticise it. The cast of Branagh's new film of "Hamlet" includes Robin Williams and Jack Lemmon—neither of whom is known as one of the world's foremost Shakespearean actors. Laurence Olivier never had to put up with that.

In this centenary year of British cinema, we can celebrate the contribution by the British industry, of some of the greatest films ever made, the role of some of the greatest directors in world cinema, and the contributions of marvellous actors and brilliant scriptwriters. A new century of cinematic endeavour in Britain is about to begin, in which our film makers not only should demonstrate their own genius, but ought to make British films whose profits return to this country, to fund further indigenous film making, instead of going to Holland, Tokyo and elsewhere.

Film is not only an important industry, but it is a voice for Britain and a face for Britain, and it provides a view of Britain from Britain by Britons. We have the talent. I deeply regret that the Government do not have the will and resolution to give that British talent the opportunity to make truly British films.

9.57 am

Mr. Kenneth Baker (Mole Valley): I am delighted to be speaking in this debate, for three reasons. First, this is the first occasion on which I have spoken during a morning sitting of the House since the previous experiment in 1969. So I am not making a habit of such early-morning sittings. On that previous occasion, I remember speaking on a Bill to reform the House of Lords—a feature film that I believe that the Labour party is going to make again and is billing as a forthcoming attraction. It might fill this House, but it will not play in Peoria.

The second reason why I am very glad to speak is that I warmly support the excellent report of the Select Committee on National Heritage. I congratulate the Select Committee Chairman, the right hon. Member for Manchester, Gorton (Mr. Kaufman), on it. It owes a great deal to his personal enthusiasm and commitment to the industry, and, like him, I support all its recommendations.

Mr. Mark Fisher (Stoke–on–Trent, Central): Hear, hear.

Mr. Baker: Jolly good. I am glad that the Labour party spokesman is saying, "Hear, hear." I shall be interested to hear his speech and the commitment that he makes to the report.

The third reason why I am glad to speak is that, for some 18 months in the 1980s, I found myself the Minister responsible for the British film industry—the responsibility that my hon. Friend the Minister of State, Department of National Heritage now has. Just after the 1983 election victory—yes, those were the days—I had added to my responsibilities as Minister for Information Technology that for the publishing and film industries. It was the first time that the responsibility for communicating technologies came together under one Minister. I drew several conclusions from that.

The first was that responsibility should not lie with the Department of Trade and Industry and the second was that responsibility for broadcasting should not lie with the Home Office. I was glad to be the first Home Secretary to recommend that responsibility for broadcasting should be moved to a new Department and I think that my proposal led to the creation of the Department of National Heritage. We now have in that Department full responsibility for all communicating technologies involving film. One of the great advantages that the British film industry has is the English language. If there is one Department that has responsibility for the development of the potential of the English language, it is the Department of National Heritage.

When I was responsible for the film industry in 1983-84, I put together a package of support. Among several proposals, it included support for that excellent institution, the British Film School, which is a real centre of excellence, and the removal of the Eady levy because I thought that recycling in the industry was not the right way in which to support the film industry. The essential element of that package was that tax incentives would be available to people who wanted to invest in British films. My whole package was based on that idea.

[Mr. Baker]

Unfortunately, that main pillar was struck down by the Chancellor of the day, now Lord Lawson, in his reform of corporation tax, because he removed all tax incentives. Being a mere Minister of State, I was not informed of his decision before the Budget, so the main pillar of that proposal, which would have built on the successes of the film industry, was struck away and I was left with a rag-bag of proposals rather similar to the statements on the film industry that we have had recently from the Government.

I strongly support, therefore, what the Committee says. In 1983-84, film admissions to cinemas were 53 million to 54 million a year; admissions are now 124 million a year. I can claim absolutely no credit for that increase over the years. It is due to a variety of factors—

Mr. Anthony Coombs (Wyre Forest): Why not?

Mr. Baker: My natural modesty would not allow me to claim credit for the increase. It is due to a variety of factors, one of which is a change in social behavioural patterns. Others are the cleaning up of old cinemas and the creation of multi-screen complexes. Above all, the increase is due to the making of better films, because, ultimately, that is what pulls people back into the cinema.

The sad history of the British film industry is that it has erratic and inconsistent bursts of real excellence. In the 1980s, we had "Chariots of Fire", "Local Hero" and a clutch of other films, but that burst sputtered out, largely as a result of the removal of tax incentives in the 1984 Budget. There have since been intermittent bursts of great glory, as the right hon. Member for Gorton said, such as "The Madness of King George", "Four Weddings and a Funeral" and "Restoration". But what has not happened in the past 20 years in the British film industry is the build-up of a critical mass. That is disappointing.

As the right hon. Member for Gorton said, the talent is here. The acting talent is here, the writing talent is here, the producing talent is here and the directing talent is here. When it comes to the technological manipulation of images and related areas, we are the world's centre. We should build on that and there is a great opportunity here for the Government.

It will not be adequate for the Government to say, "Well, it is going very well. There has been quite good investment, some of the studios have been revived and Warner has invested £75 million in multiplex screens around London." That is all very well. However, the opportunity is much greater than what has been achieved.

There was a conference last year at the Queen Elizabeth II conference centre, which the Prime Minister and the Foreign Secretary attended. One of its purposes was to try to enhance the potential of our country, and one of the things on which it focused was the importance of the English language. Central to that is software and film production. I believe that the Government's response so far has not been adequate.

The right hon. Member for Gorton made it clear, as does the report, that those of us who support the Committee's proposals are not asking for extra special treatment for the film industry. In many cases, we are asking for parity of treatment. As the right hon. Gentleman said, if a film is made for television facilities in this country, one gets the 100 per cent. write-off. If, however, a film is made for the cinema, one is left with capital assets, such as a castle, stuck on one's books and they are written off over three years.

I do not believe that it is defensible for the Treasury to say that there should not be parity of tax treatment. I believe that there should be and that there is an unanswerable argument. I do not see the logic of the Treasury's position. I suspect that in his heart, my hon. Friend the Minister supports parity of treatment, but that the Treasury and the Inland Revenue will not allow it. That would not surprise me, because their job is largely one of negation.

When the history of the present Chancellor of the Exchequer is written, as long as he does not write it himself, two points will be made. The first will be that his economic judgment on the whole has been good and right. I do not expect any Opposition Member to agree with that, but I believe that impartial observers will say that he has got it right and that the Governor of the Bank of England has got it wrong. The second point will be that on tax, his approach has been unimaginative and not very exciting—a matter of trying harder next year or trying harder later this year.

I hope, therefore, that my hon. Friend the Minister will relate those comments to the Chancellor of the Exchequer and the Treasury. There is an unanswerable case for parity of treatment for the production costs of films in relation to the television industry and sound recording.

I agree with the right hon. Member for Gorton that there should not necessarily be direct production subsidies, such as money from the lottery. I would much prefer to operate within a generous and incentive-laden tax system. However, if subsidy is the course on which the Government have embarked and if money is to be made available, the amount available should be the amount that has been promised. The right hon. Gentleman said that there had been a promise of £80 million over five years and that so far, only £4.5 million had been made available. When my hon. Friend the Minister stops talking to the hon. Member for Stoke-on-Trent, Central (Mr. Fisher), I shall ask him specifically—*[Interruption.]* I am so glad that my hon. Friend is now back in his place.

Like the right hon. Member for Gorton, I do not believe that subsidy is the right way. However, if that is the course that the Government have followed and if £80 million is to be made available—so far, only £4.5 million has been made available—I hope that my hon. Friend the Minister will announce that there will be another £10 million or so today and that he can chart how the remaining £75 million will be made available. That may be the only card that my hon. Friend has left to play today. I believe that the Select Committee's proposals should be accepted.

I agree with the right hon. Member for Gorton that investment in the film industry is mobile. Investment moves from country to country and goes to the countries that have the best facilities and the best tax treatment. Therefore, we have to set out our stall to attract that investment. Certain factors bring people to invest in this country. I think that I am right in saying that about 70 per cent. of all films are made in English, but that we happen to make only 4 per cent. in this country. We really must do better than that.

I am not talking about propping up an ailing industry; the film industry is not a lame duck industry, but a very successful one. However, the natural hurdles that the tax

regime places in front of the industry should be removed. I very much hope that the Minister will be forthcoming in his reply. I, having held responsibility in this area, suspect that he will be totally constrained by the Treasury, but that is not good enough.

I hope that my hon. Friend realises that my vote is keeping the Government in office, as are the votes of my hon. Friends the Members for Southport (Mr. Banks) and for Macclesfield (Mr. Winterton). We expect our voices to be listened to very carefully in these matters. After all, there is an open door and we should push at it. The British film industry is life-enhancing and it is actually rather good.

I hope that for all those reasons, my hon. Friend the Minister will be sympathetic and warm to the Select Committee report. I congratulate the right hon. Member for Gorton on producing the report. He will continue to have my strong support for the Committee's proposals.

10.9 am

Mr. Jim Callaghan (Heywood and Middleton): I am proud and privileged to be a member of the Select Committee on National Heritage, which is so ably led by my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman). However, that leaves me with a problem, because my right hon. Friend's expertise on the film industry is so great that I cannot think of anyone else in the House with such a depth of knowledge, and it is therefore difficult to follow the speech that he made on behalf of the Select Committee.

In the few moments that I have for my speech, I shall be positive. The former Secretary of State for National Heritage, now the Secretary of State for Health, said of the Select Committee's report:

"The Government welcomes your report, and the clear, detailed and perceptive overview it provides of the history and current state of the industry".

I welcome those words, because, although the Committee has produced many reports, I feel that the best one so far is our report on the film industry. The Committee took a lot of stick when it announced that it intended to report on that industry, so I welcome the former Secretary of State's statement.

The right hon. Gentleman continued:

"Like the Committee, we believe the United Kingdom film industry is an important one, whose skills, talents and creativity have justly earned an international reputation"—

the right hon. Member for Mole Valley (Mr. Baker), too, said as much—

"the Government has been able to accept a number of the recommendations in your report".

As children ask for many presents at Christmas, knowing that they will not get all of them, although the Committee has made a lot of recommendations I am realistic enough to know that they will not all be accepted by the Government.

The response to the Committee's tax recommendations was as follows:

"tax decisions are by tradition announced in the Budget. This paper cannot, therefore, respond conclusively to this area of the Committee's Report. Nonetheless the Government will certainly bear in mind the Committee's recommendations, and the logic which underpins them".

So I shall not refer to the tax recommendations either.

I am delighted that the Government agree that we have a film industry in which we can take genuine pride. There is considerable opportunity for growth, as is shown by the following statistics. United Kingdom cinema admissions have increased from an all-time low of 58 million in 1984 to 124 million in 1994—a notable growth. The number of screens in the United Kingdom increased from 1,250 in 1985 to 1,929 in 1994, and overall investment was up from £245 million in 1986 to £457 million in 1994.

Despite those encouraging figures, the industry has two main problems. First, British films captured only 2.5 per cent. of British box office receipts in 1993, compared with the United States product, which took a 94.2 per cent. share. So we have a long way to go to catch up with the American film industry. The United Kingdom industry is a cottage industry in comparison.

Nevertheless, there are opportunities, because the United Kingdom cinema audience is growing fast, and Britain offers skills and facilities of international renown, as well as the advantage of the English language, which the right hon. Member for Mole Valley mentioned. The Americans are making good use of those factors.

Another major problem for the United Kingdom film industry is the fact that most of the distribution in this country is in the hands of the United States majors. As a result, many British films have great difficulty in gaining large-scale distribution here. One witness who came before the Select Committee, representing the Cinema Exhibitors Association, runs a cinema in Withington in Manchester, and he spoke at length about the difficulties that private cinemas experience in trying to show major films.

Mr. Michael Fabricant (Mid–Staffordshire): Does the hon. Gentleman share my sadness at the fact that, when the major American production companies approached what were then the large cinema chains in the United Kingdom, Rank and EMI, and said that there was a future for the film industry not only in the United States but in the United Kingdom, that that industry would not be permanently dominated by television, but that cinemas would have to be refurbished and made more attractive, Rank and EMI rejected the idea, so that now, sadly, the large cinema chains in the United Kingdom, the UCIs and the MGMs, are based in the United States?

Mr. Callaghan: Yes; the hon. Gentleman is a little ahead of me, I shall come to that point in a few moments. Most of the new multiplex cinemas are owned by American companies, and account for 33 per cent. of all United Kingdom screens.

The Monopolies and Mergers Commission's report of October 1994 found that a complex monopoly existed. It did not attribute the low proportion of United Kingdom films shown in cinemas to any conspiracy but recognised that the United States studios are skilled in producing and promoting films that the United Kingdom public wish to see. However, the report suggested that the Director General of Fair Trading should monitor the market.

On the positive side, there is a new factor that could help to promote and develop the United Kingdom's film industry. The Arts Council of England has plans for using lottery money to encourage the production and distribution of films. My right hon. Friend the Member for Gorton has already mentioned those plans.

There is an absence of significant investment in the film industry in the United Kingdom, because the risks are high and the returns volatile and unpredictable. I therefore

[Mr. Callaghan]

welcome the Government's proposal to convene an advisory committee of representatives from the leading financial institutions and production companies to discuss and promote ways of addressing those problems.

Large-scale subsidy is favoured by neither the Government nor the industry. Nevertheless, since 1986 the Government have supported British Screen Finance Ltd., with an annual contribution to help to finance feature films. I drew attention to that body many times in our Committee deliberations, and welcomed what it had done. To date, British Screen Finance has invested in 101 feature films, 86 of which involved directors, writers, actors or producers embarking on their first or second project. I welcome that development.

The Government have announced their intention to use lottery money to support British film makers as British Screen Finance has done, and their hope that the lottery support will encourage the private sector to back British films. I hope so, too.

The Arts Council estimates that it could spend more than £70 million up to the year 2000 on film production, which would enable it to attract more private sector support, and to increase the level of film support and the range of investment opportunities. It also estimates that it could spend more than £14 million up to the year 2000 on distribution and cinema refurbishment. I am sorry that the hon. Member for Mid–Staffordshire (Mr. Fabricant) is not listening now, because I am talking about refurbishing cinemas, and I hope that what I have said meets the point that he made earlier.

I am delighted that the Government welcomed the Select Committee's report. It also drew attention to training, and consequently the Government propose to lead discussions at ministerial level on how the Committee's proposals can best be given effect. That is because its skilled work force is one of the UK film industry's main strengths. Our seedcorn lies with our youth. Youngsters who want to study dance or drama and apply for local authorities often find that grants are discretionary, not mandatory. That is a great tragedy. I hope that the Government will consider that.

I would have liked to comment on many of the Government's other responses to the Select Committee's recommendations, but time will not allow it. However, I draw attention to the Committee's visit to the United States of America and our two-day visit to Ireland to discuss their film industries. I was surprised by what I saw in both countries. I was impressed by the Irish film initiative, which encouraged an increase in film and television production from £1 million to £100 million over two years. That is a tremendous leap forward.

Mr. Nicholas Winterton (Macclesfield): I am sorry that the hon. Gentleman has said that he will not venture into the subject of taxation, because it is primarily through that that the Irish Government have attracted film makers to Ireland. I hope that he will say that a 100 per cent. write-off of production costs in the first year would be a positive way of enabling the British film industry to achieve its immense potential.

Mr. Callaghan: I agree with the hon. Gentleman. The Government have said that they will not deal with tax matters in this debate because they are for the Chancellor. I was keeping to the recommendations that the Government have put before the House. Having visited Ireland, met Mr. Higgins, of whom I shall say more, and examined their section 35, I know that the Irish tax incentives encouraged Mel Gibson to stop filming in Scotland—it was a film about Scottish heritage—and take the whole production to Ireland. I would have liked to speak at length on that, but I am trying to keep to the brief.

Ireland's tremendous leap forward was due in no small measure to the enthusiasm and drive of its Minister for Arts, Michael D. Higgins. I was impressed by that gentleman, as was the whole Committee. I do not want to pour cold water, but I am saddened that we have not in recent times had an Arts Minister with a similar drive and love of the arts. The heritage and arts portfolios have been safe havens for Ministers who have had difficulties in their previous ministerial posts. I hope that I am wrong, but none of our Ministers has matched the drive and enthusiasm of Mr. Higgins. However, I always live in hope and I look to our present Minister to match them.

10.22 am

Mr. Anthony Coombs (Wyre Forest): I want to support a generally well-received report and pay tribute to the excellent and well-informed chairmanship of the right hon. Member for Manchester, Gorton (Mr. Kaufman). It was the Committee's basic intention that the report should bring about steps to improve the British film industry. To be fair, it does that against a promising backdrop in terms of the market for film in Britain. We have heard about the massive increase in cinema audiences and the huge improvement in facilities for exhibition, especially the increase in multiplexes. I shall be looking for the development of Kidderminster town centre to include a multiplex cinema.

We also heard of the increase in the number of British produced films, at least when compared with the low levels of the past 10 years, and the increase, to £176 million, in expenditure on films made in this country by British and foreign producers. That is small compared with what it could be, but it is evidence of a buoyant market. The best evidence of that is the expenditure in the UK on film over the past 12 years, which, according to the Department of National Heritage, has increased by some 500 per cent. in real terms. That is a buoyant market in which the British film industry should be specifically involved.

One problem with the industry is that it is difficult to define a British film. Does it involve a film being produced in Britain, the genesis of the idea or the people involved? Secondly, the film industry is, by definition, footloose. I have reservations about the consistency of the position of people in the film industry who bemoan the fact that they cannot make films in Britain but who, as soon as an opportunity presents itself, zoom off to Hollywood. They take large salaries and sit there thinking of nice warm beer and sandwiches back in good old blighty.

Thirdly, the British film industry is heavily fragmented compared with the American monoliths. As a result, there is no continuity of supply. We noticed that only seven of 49 British films last year had a budget of more than £6 million, while the average for the US product made in Britain was £22 million. More than that, the mortality rate of feature film production companies in Britain is very high.

Three issues must be addressed in acting on the report. First, there is the vertical integration of production, distribution and exhibition, and the huge power of the US and Japanese conglomerates. In what is, in essence, an international market, we have only 7.25 per cent. of the world market. No film will succeed, especially if it is in English—that is a two-edged sword in this case—unless it is oriented at the international market and especially the US market. Such integration, especially in the distribution and exhibition markets, will operate to the disadvantage of British film makers unless they have access to it. I note that the 1994 Monopolies and Mergers Commission report said that the commission would consult on alignment and minimum exhibition periods. It would be helpful if the Government could say what progress has been made in those discussions.

Although we are not likely to get worldwide integration in the British film industry, one of the Government's responses to the report, which, after all, was brought out just under a year ago, was an advisory committee to consider the problem of integration. Again, I would like to hear what the Government say about that.

To ensure continuity for film production companies, it is important that the issue of tax should be addressed. That has been well and truly rehearsed today, so I will not go on about it. However, only to say, as the Government's response does, that venture capital trusts and enterprise initiative schemes are the answer to the lack of continuity is mistaken. I suspect that the amount of money going into VCTs and EISs for film production finance is disappointing. That calls for more general tax write-offs.

The second major issue is the sort of films that the British film industry makes. There has been slight confusion about whether the British film industry is, as the hon. Member for Heywood and Middleton (Mr. Callaghan) said, a cottage industry making art films or one designed to compete substantively on the world stage. I have reservations about the Arts Council using subsidies to get more involved in film production. That would encourage art house films that may satisfy in terms of their intellectual artistic integrity but do not fully build the British film industry so that it can reach its potential. If the Arts Council of England is going to give £70 million of lottery money by the year 2000 to independent film companies, it should be conditional on a minimum budget size for films and be done on the basis of an active partnership with distributors or exhibitors to ensure that those films get a commercial hearing.

Another slight confusion is the role of television and feature films. Although the BBC, ITV and Channel 4 have to make available 25 per cent. of their product to independent film production companies, that could well be increased. The amount of film being shown on television has not increased significantly in the past 10 years and that is a valuable market for the industry.

On the other hand, the pricing policy has to be genuine. I have had representations from an independent film producer who talked about an effective cartel on pricing between the BBC, ITV and Channel 4—it is even proposed by Channel 5—which he said had contributed to the fact that television production, which was the 17th largest contributor to the balance of payments in 1974, has now fallen into an adverse balance.

We must deal with the problems of tax relief, attitude and structure in the British film industry, as well as taking commercial advantage of the large and increased market that is available to film.

Finally, the recommendations of the National Heritage Select Committee, on beefing up the London Film Commission Initiative and on its co-ordinating role with regional film commissions, which the Government dismissed slightly, are very important. One of the things that will sell Britain is for international audiences to see that films are made well here and are associated with different parts of our heritage.

It is interesting that "Braveheart", although it was not made in Scotland, has already had a significant impact on Scottish tourism. In Stirling, the national Wallace monument has seen an increase in visitors in the three months since the exhibition of the film from 10,000 to 30,000, which gives us a sign of the film industry's impact on another responsibility of the Department of National Heritage, tourism, which is the fourth largest industry in this country. I think that the report is excellent and the Government would do well to heed it, particularly the tax relief aspects.

10.31 am

Mr. John Maxton (Glasgow, Cathcart): First, I congratulate my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman) on his introduction to this short debate and on leading us—I am also a member of the Select Committee on National Heritage—in producing the report.

I shall limit my remarks to the Scottish film industry, to some extent following on from the hon. Member for Wyre Forest (Mr. Coombs). First, I must express surprise at the fact that the representative of the Scottish National party, the hon. Member for Perth and Kinross (Ms Cunningham), is not present for this debate as she has been trying to make considerable play of the role of the Scottish film industry and the Scots in it. Although I share the delight of the hon. Member for Wyre Forest that tourism is coming to Scotland as a result of "Braveheart", as a politician I have reservations about the way in which the SNP blatantly tried to use it to further its cause, particularly when it is such historical nonsense—at least, a large part of it is. It may be a good cowboy film, but it has not got a great deal to do with Scottish history. Although I obviously cannot use the language that Mr. Billy Connolly used to describe it, I certainly share a fair amount of his sentiments.

The Scottish film industry has been undergoing something of a revival with not only "Braveheart" and "Rob Roy" but, more important, films such as "Shallow Grave", "Small Faces" and, of course, "Trainspotting", which represent a much more thoughtful side of Scottish film production.

It may be unusual for me to do so, but I must take the opportunity to say that, at least in Scotland, the Scottish Office and the Secretary of State for Scotland have gone further than their colleagues in the Department of National Heritage to try to bring some coherence to the Scottish film industry. In New York recently, the Secretary of State announced that he is going to streamline the various agencies in Scotland into a new Scottish screen agency, bringing together the Scottish Film Council, the Scottish Film Production Fund, Scottish Broadcast and Film Training Ltd. and Scottish Screen Locations. That is probably a step in the right direction, because it will give a coherence to all those organisations and will mean that they will start to work together.

[Mr. John Maxton]

The Secretary of State has also committed public spending of £3 million to film in Scotland in the next three years. I hope, therefore, that the Minister will promise today that an equivalent £30 million will be spent on film in England and Wales. Using the Barnett formula, that is roughly the sum that should be used to get an equivalency.

In my view, it was not just the tax incentives that caused "Braveheart" to go to Ireland, or even just the use of the army for extras, but the excellence of the Ardmore studio, which ensures that, when one has to move out of location because of bad weather or whatever, a studio facility is available close to hand in which one can do other production work.

The recent Hydra report in Scotland on the film industry suggested building a studio complex of the same type as Ardmore studio just outside Dublin—or even better, in Scotland—and the Secretary of State is committed to considering the viability of the suggestion. That would allow studio work to be done in Scotland, as well as major location work. Then we would have to do some post-production development in Scotland, to ensure the continuation of the whole package and the production of film in Scotland.

Finally—I am aware that the two Front-Bench spokesmen want to speak—I wish to comment on the continuing convergence of film and television production, which is the one point on which my right hon. Friend the Member for Gorton and I mildly diverge. Increasingly, that will also mean computer work, the Internet, and so on; a convergence is taking place in the way in which we produce all those. We have to be wary of not taking account of the base of directors, actors, production teams and so forth that our strong television work gives us.

I will finish on Scotland as I started on it; that is true in Scotland too. Without BBC Scotland producing more than it produces, without Scottish Television producing more than at present, giving employment to the directors, actors, producers and so forth in Scotland, it would not be possible to have a strong Scottish film industry. I hope, therefore, that when we consider the matter we take that into account as well as simply considering the film industry separately from the rest of audio-visual production.

10.38 am

Mr. Matthew Banks (Southport): I congratulate the right hon. Member for Manchester, Gorton (Mr. Kaufman) on giving us the opportunity to debate this important issue; I also congratulate his fellow members of the Select Committee on National Heritage. I listened with great interest to what he said, and agreed with him on a number of points, particularly on tax concessions in preference to subsidy.

I also listened with great interest to the remarks of my right hon. Friend the Member for Mole Valley (Mr. Baker). It is frightening to think that his last contribution on a Wednesday morning was in 1969, when I was only eight years old. I also agreed with the comments of my hon. Friend the Member for Wyre Forest (Mr. Coombs) about tourism. Regrettably, a number of aspects have been touched on all too briefly in this debate, and tourism is one of the biggest earners for this country. I entirely endorse what he said about the Irish Republic and Scotland.

One of the biggest obstacles to building up the film industry appears simply to be producing even more popular films. As the Select Committee report makes clear, however, much more could be done to create a more welcoming atmosphere for movie makers in this country.

The British Film Commission has been successful in encouraging film producers to produce more films in the United Kingdom. During 1995-96, more films were made in this country than in any year since 1965. I back the BFC's proposals for a production permit, for season tickets for key personnel, and for an accelerated process of work permits in general. I am also keen to see a greater interest taken by the European Investment Bank, especially in helping to reduce the risks incurred by banks and institutions in financing audiovisual projects.

The Irish Republic was successful in creating a more welcoming atmosphere for film making. I agree with the comments of the hon. Member for Glasgow, Cathcart (Mr. Maxton), particularly about the Scottish National party, but so far as "Braveheart" is concerned, it is going a bit too far to imagine that we could put our defence forces at the disposal of film makers. The armed forces have been a little busy of late as a result of the renewal of IRA terrorism, particularly in Northern Ireland.

In addition, when audiences around the world view "Braveheart", they do not think of visiting the Irish Republic. When they think about going to the places where the battles took place, they think of Scotland. We should not encourage the production of films in this country that encourage tourism elsewhere.

I am sorry that I do not have more time to touch on some of the nitty-gritty issues. I have listened to the remarks that have been made about tax concessions, and I know that the hon. Member for Stoke–on–Trent, Central (Mr. Fisher) is itching to get to the Dispatch Box to tell us about the tax concessions that the Labour party would introduce if it had the opportunity to do so. I think that Labour's current economic policies are a recipe for disaster, in the film industry and elsewhere.

The role of the British Film Commission to act as an inward investment body would be far harder if we did not have one of the lowest effective corporate rates of tax and one of the most liberal employment regimes in Europe. Signing up to the social chapter will not do a great deal for the British film industry. It is vital that we look at the issue of tax concessions—it is the way forward. I hope that that it is something that the Treasury, rather than just the Department of National Heritage, will consider.

10.41 am

Mr. Mark Fisher (Stoke–on–Trent, Central): This is an excellent report, as hon. Members on both sides of the House have recognised, and I welcome the chance to debate it. The report is of real substance, and relates to an important industry. Therefore, one and a half hours in which to debate it—although welcome—is too short a time, as the way that speeches have been squeezed demonstrates. It is April 1996, and we are debating an important report that was published on 8 March 1995. We should have debated the report sooner, although it is timely that we are debating it in the centenary year of the British film industry.

The report has been needed for a long time, because the Government have perversely been neglecting our film industry for years, and have comprehensively failed to

produce a policy. As hon. Members from both sides of the House have recognised, the report is the bones of a policy. I hope that the Government listen to it, and that we will have a positive response from the Minister.

This is a thorough report: it asked the right questions, it took the right evidence, it went to the right places and—in my view—it came to the right conclusions. I join other hon. Members in congratulating my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman), the Chairman of the Committee. Everyone knows his commitment to, huge knowledge and understanding of, and love and passion for, the industry. The work of the Committee, and the people who gave evidence to it, was very good.

I care for the film industry a lot, having worked in it for eight or nine years in the 1960s and early 1970s in virtually every role—from documentary producer and writer, to editor, to negative cutter, to location manager and assistant producer. I was a terrific failure in the industry, because I failed to raise the money for the sorts of film that I wanted to make.

In the 1960s, the film industry appeared to be in decline, and, as my family and the number of my children got larger and the film industry got smaller, the two could not sustain each other. What appeared to be a small industry in the 1960s is something that we would very much like to have now. The problems we faced in the 1960s—of not being able to sustain investment year on year and of having peaks and troughs—have remained with us.

At last we have a report that says all the right things not only about the issues facing the industry but about the importance of film and the film industry. The report recognises the economic importance of the industry: the huge international industry of £53 billion—and that is without the wider audiovisual industries of which this is a key but only one part; the employment implications for the country; the relationship with trade—Samuel Goldwyn said that trade follows the film and he was right, as the Americans have demonstrated; and questions of national identity, pride and culture.

This is an important industry. As my right hon. Friend the Member for Gorton said, it is something that we are good at in this country. We have the creative talent but, too often, it does not have the opportunity to work in this country. It is not perverse that people go abroad—they have to do so to work. People such as Nick Hytner would like to make films in this country, but there are more opportunities to do so on the west coast of America. As my right hon. Friend said, we have the English language. We are uniquely well placed, and we ought to be taking advantage of that.

The report concentrates on the right problems—it looks at funding and at how we should have a structure of incentives and other initiatives to sustain funding or to provide a critical mass. It comes to the right conclusions on all those things. It is right to look at accelerated write-offs in paragraph 187, and it is right to look at and approve tax incentives—later, I shall refer to the types of tax incentive that I think are best. The report looks at the business incentive scheme, the enterprise investment scheme and the Irish Finance Act 1988, section 35, which would need to be adapted for our fiscal regime but takes the right approach.

The only area of tax reform with which I have difficulty in the report is its emphasis on withholding tax. There is not sufficient evidence that American films are being deterred because of that. My right hon. Friend is quite right: there are ridiculous anomalies about it in relation to the music recording industry, and the treatment of actors and other talent and film directors who are not caught by it. However, I do not see any evidence that American-financed feature films are being deterred. I am more sceptical.

In its excellent approach, the report is right not to go back to the days of the Eady levy. I also pay tribute to the report on arts funding, which came out a couple of weeks ago, but which has not had the attention it ought to have had. I hope that we will debate that report much sooner than a year from now, because it is very important. Obviously, the Select Committee is faced with many issues.

The report is not quite about the British film industry; it concentrates on feature film finance and production. The Select Committee did not have time to look at the other facets of the industry—training, exhibition, education, the relationship to new technologies, production and distribution. The quality of its work on feature film finance shows that it will come to interesting and important conclusions. As this is such a good report, I hope that the my right hon. Friend will go back to the Committee and extend the range of issues it examines in future.

The bipartisan spirit of the debate may be broken, because I believe that the Government have not done well in this area. The report's conclusions implicitly criticise the Government's lack of interest and action.

Mr. Kenneth Baker: I agree with much of what the hon. Gentleman has said. He warmly welcomed the report, but its recommendations are specific. Will he commit his party to implementing those recommendations, and if so, which ones? We can all talk of how much we love the British film industry, but if, by any chance, the Labour party wins the general election, what will it do to support that industry?

Mr. Fisher: I was going to take the Government to task before returning to the point that the right hon. Gentleman makes.

The right hon. Member for Mole Valley (Mr. Baker) was probably the last film Minister who had an interest in and passion for the industry; since then, things have gone from bad to the worse. The Films Act 1985 began dismantling the structural support: probably correctly, it abolished the Eady levy, but it did not replace it with anything. When, later, capital allowances were abandoned, the industry was left in a much worse position fiscally than any comparable English language film industry. The Government put nothing in their place.

Although Mrs. Thatcher took a personal interest, held high-profile meetings at Downing street, asked all the right people and listened to all the right evidence, she did nothing. I suspect that that is another example of the DTI, the DNH—then known as the Office of Arts and Libraries—and the Treasury being unable to agree. Without cross-departmental co-operation and work, we shall not get this industry right. As every Member who has spoken has said, the key is not subsidy or direct grant aid but fiscal incentive, so the Treasury must be brought on board. We had no action, no policy and no understanding.

[Mr. Fisher]

The debate cannot pass without the Government being held to book for the disgrace about Eurimages. As was said, for a £2 million ante-up dividend, as it were, we are losing out on £40 million to £50 million of co-production. Everyone in Europe wants to be our co-production partner. The Minister knows that something went terribly wrong. It slipped through people's fingers, I suspect because they did not understand its significance. I suspect that the Foreign Office was as angry as we were about our withdrawal from Eurimages, because it did understand, as did the rest of the world. The Minister should say something about Eurimages, and make a commitment to rejoining as soon as possible.

I now come to the point made by the right hon. Member for Mole Valley. The Labour party will have a policy. It will be an updating of, and similar to, the policy that we published in 1991-92, which, I am glad to say, was developed with my hon. Friend the Member for Dunfermline, East (Mr. Brown), who is now the shadow Chancellor of the Exchequer, when he was Labour's trade and industry spokesman before the last general election.

If and when we are elected, we shall at last have, in my hon. Friend, a Chancellor of the Exchequer who knows about, understands and is committed to the cultural industries generally, and the film industry in particular. His knowledge is perhaps not as great as that of my right hon. Friend the Member for Gorton, the Chairman of the Committee, but it is considerable. Although, obviously, what I shall say now must receive the approval of the various committees of the Labour party before it becomes policy, I am able to give an idea this morning of the direction in which we are moving, and of our priorities and approach.

Our policy is largely based on the report. It is a matter not of subsidy but of fiscal incentives—accelerated write-offs, an adaptation of section 35 of the Irish Finance Act 1988. It is not difficult to do, and we shall do it, although we shall do it, unlike the Irish, for a specified period—probably of five years, with a review after two. It should not be a permanent regime. It is a way of kick-starting, and we shall monitor how and whether it is working.

The industry has problems of internal inflation, and such fiscal incentives may attract investment for investment's sake rather than for feature film production's sake. Nevertheless, our approach is right and practicable, and a Labour Government will seek to adopt it. It is necessary, but it is not sufficient, and we would need to develop the Green Light fund, the £5 million national lottery fund administered by British Screen—ably managed by Simon Perry. We shall consider with interest new ideas being floated for studio franchises. We shall certainly rejoin Eurimages.

We shall have a wider policy, covering training, educational, national and regional film production—including Scotland, which is doing so well—post-production, and relationships within the audiovisual industry. We have in this country a fast-growing multi-media sector and a relationship between publishing, publishing and CD-ROM and film.

Perhaps we shall need to reconsider the definition of the word "film" in the 1985 Act, because the scale of budgets for CD-ROM interactive videos is about the same as that of full-length feature films, and very profitable. We are very good at creating those interactive videos, but once again the investment is coming from Time Warner and so on. We should use our talent, but we are not making the investment. We need to, and the Labour Government will, see film in that context.

Most particularly, our attitude will be supportive of film. As the hon. Member for Heywood and Middleton (Mr. Callaghan) said, the most interesting thing about Ireland is not the fiscal incentives. The Minister for Arts, Culture and the Gaeltacht, Michael D. Higgins, is committed and passionate, and goes out and beats the drum for the Irish film industry. His commitment, wanting people to come to Ireland to make films, is as important as the fiscal incentives.

We need a Government who are equally enthusiastic about our cultural industries, and specifically about the audiovisual industries and film; we do not have one at the moment. The Labour Government will be such a Government.

10.54 am

The Minister of State, Department of National Heritage (Mr. Iain Sproat): I start by paying a true tribute to the work of the right hon. Member for Manchester, Gorton (Mr. Kaufman) and the National Heritage Select Committee. Their report is extremely valuable. Unfortunately, I have but five minutes to reply to the debate. I do not complain about that, because it is more important for as many Back Benchers as possible to say where their concerns lie than for Front-Bench Members to take up time saying what we already know.

Nevertheless, five minutes is obviously not enough time in which to describe the considerable framework of help and support for the film industry, and I hope that another time will be found for hon. Members to discuss the different elements in depth.

The hon. Member for Stoke-on-Trent, Central (Mr. Fisher) rightly said that the report was not, in a sense, about the film industry, but about the important part of the film industry. My hon. Friend the Member for Macclesfield (Mr. Winterton) has deep concerns about the exhibition process in this country, which merits a speech in itself. I therefore hope that it will be possible to get a real crack at this, consonant and commensurate with the importance of the industry.

I agreed with much of what the hon. Member for Heywood and Middleton (Mr. Callaghan) said, but I am sorry if he gained the impression that the Department is not interested in the film industry; he is mistaken. Last night, my right hon. Friend the Secretary of State went to the premiere of "Richard III". She is extremely keen to get this matter right. I know that she would point out that not only is "Richard III" a British film, but it was made in conjunction with the National theatre—another element of the Department's interests, the National theatre having recently received funds from the national lottery.

The film pulls together several threads, and we need time to debate them, but I can assure the House that my right hon. Friend is determined to work out a policy, which I hope would have bipartisan support, to support and encourage the industry.

In the few remaining minutes, I shall speak, not ludicrously fast but as speedily as is sensible, to say as much as I can.

The Government's detailed response to the Select Committee's report was published in June 1995 in our policy paper, "The British Film Industry". Our policy addressed all the recommendations made by the Committee except for those on tax incentives, which are, as the House has noted and said this morning, a matter for my Treasury colleagues. We had no hesitation in accepting many of the Committee's recommendations, and we are now advancing the work involved in implementing them. I am sorry that time does not allow me to say in detail what that work is, but I hope that we shall find another occasion.

We have also announced further initiatives of our own, which are proceeding. The debate takes place against a background of the growing success of the British film industry. Of course, we still wish to do many things that we have not yet been able to do.

It would be quite wrong if, in concentrating—as did some hon. Members—on what still needs to be done, we failed to remember the successes of the British film industry. The recent academy awards ceremony in Los Angeles underlined once again the excellent reputation that is enjoyed by British talent across the whole range of the film makers' arts. Britons were nominated in virtually every category, from acting, directing and writing to our costume design, documentary films and animation.

All our nominees deserve high praise for achieving that recognition in such a competitive international industry. I know that the House joins me in congratulating Emma Thompson, Nick Park, Jon Blair and James Acheson on their achievements in winning Oscars.

Will there be a prospering film industry to support those talents in the future? I believe that the answer is strongly yes. Last year, 81 films were produced in the United Kingdom—the highest figure for 20 years. The total value of the films produced amounted to more than £420 million—almost seven times the equivalent figure for 1981. In real terms, the value of films produced in this country—

Madam Deputy Speaker (Dame Janet Fookes): Order.

Child Support Agency

[*Relevant documents: Third Report of the Parliamentary Commissioner for Administration of Session 1994-95 on the Investigation of Complaints against the Child Support Agency (House of Commons Paper No. 135), the Third Report from the Select Committee on the Parliamentary Commissioner for Administration of Session 1994-95 on the Child Support Agency (House of Commons Paper No. 199), the Government Reply thereto (Cm. 2865), the Third Report of the Parliamentary Commissioner for Administration of Session 1995-96 on Investigation of Complaints against the Child Support Agency (House of Commons Paper No. 20), the Minutes of Evidence taken by the Select Committee on the Parliamentary Commissioner for Administration on 27th March (House of Commons Paper No. 330-i), the Second Report from the Social Security Committee of Session 1995-96 on the Performance and Operation of the Child Support Agency (House of Commons Paper No. 50) and the Government Reply thereto (Cm. 3191).*]

11 am

Mr. James Pawsey (Rugby and Kenilworth): I am pleased to introduce this short but important debate about the Child Support Agency. I am sorry that the Chairman of the Social Security Select Committee, the hon. Member for Birkenhead (Mr. Field), is not in his place, but I note that my hon. Friend the Member for Harrow, West (Mr. Hughes) is present and I am sure that he will be a more than adequate deputy. We look forward to hearing his comments in due course.

In 1991 I, like the overwhelming majority of hon. Members, supported the establishment of the Child Support Agency. We did so in the belief that it is wrong for men and women to walk away from their parental responsibilities. I remind the House that, somewhat unusually, there was no Division on Third Reading—a fact which underlined the perceived need for the legislation.

The Child Support Agency has had a difficult birth—indeed, it has been somewhat star-crossed. I acknowledge the great efforts made by my hon. Friend the Under-Secretary of State for Social Security, who will respond to the debate, and by the agency's chief executive to improve matters. My hon. Friend has introduced no fewer than 112 changes in the past 10 months that are designed to improve the work of the agency. He and the chief executive have grabbed the CSA by the scruff of its neck, and I have no doubt that, as the changes filter through, the instances of maladministration will decrease.

The ombudsman has identified certain serious failures in administration. He referred to

> "confusion over jurisdiction; breaching of confidentiality of information; delays in dealing with applications for maintenance; problems with intra-maintenance assessments; delays in enforcement action leading to loss of maintenance; and delays in passing on maintenance collected from the absent parent to the parent with care of children."

The work of the Child Support Agency touches upon some of the most difficult and sensitive aspects of people's lives. I suspect that an overwhelming majority of hon. Members have been alerted by their constituents to instances of maladministration within the Child Support Agency. This morning I shall concentrate on three specific

[Mr. James Pawsey]

areas: first, the current performance of the agency; secondly, the way in which complaints are handled; and, thirdly, the granting of redress.

My hon. Friend the Under-Secretary recently answered questions at the Dispatch Box about the performance of the Child Support Agency. In response to a question from my hon. Friend the Member for Harrow, West, he said:

"I noted that of the 20 cases the ombudsman looked at, some 14 involved problems which began in 1993. In that sense, his report is historic".—[*Official Report*, 19 March 1996; Vol. 274, c. 165.]

However, I draw my hon. Friend's attention to the minutes of evidence taken before the Select Committee on the Parliamentary Commissioner for Administration on Wednesday 27 March. On that occasion, the ombudsman said:

"Miss Chant kindly admitted that old mistakes were still being made and she did not refute the fact that I included in my report cases which arose in 1995".

The ombudsman continued:

"I did not want to give the impression that I was only looking at old matters. I included reference to types of case where I am investigating, but of which I had not concluded my investigation by the time I published my second special report. You will see on pages 11 and 12 of my report examples of that; you will see examples on pages 13 and 14; you will see examples on pages 15 and 16, on page 18, page 19 and page 20. These are all examples of complaints put to me about mistakes that were certainly not 1993 or 1994; these are all 1995 examples of maladministration".

My hon. Friend referred also to the ombudsman's criticisms regarding delay in transferring money from the agency to the parent with care. He pointed out, quite properly, that 97 per cent. of payments—an extraordinary figure—are now sent out within 10 days. My hon. Friend also emphasised the fact that, while the ombudsman looked at just under 200 CSA cases, the agency deals with 1.25 million cases. Therefore, two lines of defence are being advanced in response to the ombudsman's report: first, the ombudsman's investigations deal with historic difficulties; and, secondly, the Child Support Agency handles a large number of cases.

In fairness to the House, I concede that 195 investigations are not many when viewed in the context of 1.25 million cases. It might, however, assist hon. Members if I were to adopt a more global perspective. In 1994, the Parliamentary Commissioner for Administration received 30 complaints about the Inland Revenue, which handles between 30 million and 35 million cases each year.

Miss Chant, the chief executive of the Child Support Agency, recently gave evidence to the Select Committee. She contended that, as a result of the nature of the ombudsman's work, the cases in his report were not of recent origin. She gave examples of the way in which the agency's performance had improved. She pointed out that 18 months ago the agency received 370 complaints each week from Members of Parliament and that that rate had now steadied at just under 200. I think that that is an interesting measurement of success and improvement. I appreciate that any reduction in the number of complaints is laudable, but 200 complaints from hon. Members is still a substantial number.

Mr. David Nicholson (Taunton) *rose—*

Mr. Pawsey: I shall give way to my hon. Friend, who is an indefatigable member of the Select Committee on the Parliamentary Commissioner for Administration.

Mr. Nicholson: My hon. Friend is right to point out the large number of complaints that Members of Parliament continue to make to the Child Support Agency. Does he agree that the parliamentary ombudsman does not investigate every complaint that Members of Parliament make about the agency, because many of them fall into the category of generic orders which he is already investigating? My hon. Friend mentioned a figure of 195 investigations, and I must have referred a dozen complaints to the ombudsman. Does my hon. Friend agree that, in view of the importance that the House attaches to some of the agency's successes—for example, in chasing 120,000 absent parents—it is regrettable, and damages the legislation and the persons who promoted it, that such maladministration should be continuing?

Mr. Pawsey: My hon. Friend makes a genuinely important point, and as it may be of interest to other hon. Members, I shall refer to it later.

When I spoke to the ombudsman this morning, he told me that, since 1 January this year, he has received 205 complaints from Members of Parliament, and that 1,500 telephone inquiries have been received by his office—50 per cent. of which referred specifically to the Child Support Agency.

Having said that, let me stress the other side of the equation. There have been a substantial number of genuine improvements to the agency's performance over the past 12 months. I commend my hon. Friend the Minister and the CSA's chief executive on their work. Their task is clearly herculean. The agency's staff have to cope with couples who have broken up, often in the most acrimonious circumstances, and with a campaign of deliberate obstruction. Piled on top of all those difficulties have been the changes to the law designed to improve the agency's operations. Such changes are necessary and beneficial but in the short term, they place an added burden on CSA staff.

I make it clear that the problems highlighted by the ombudsman are not historical. In the interests of objectivity, I must inform the House that the ombudsman advised me today that there have been

"a lot of improvements made to the work of the Child Support Agency."

I am sure that the ombudsman would want me to put that comment firmly on the record.

I will refer next to maladministration and the way in which complaints about the agency are dominating the ombudsman's case load.

Mr. Michael Mates (East Hampshire): I am glad to interrupt my hon. Friend at the moment when he is saying that the ombudsman is pleased, as we all are, with the agency's improvements. I ask my hon. Friend to address the fundamental reason that the parliamentary ombudsman was established—to serve as a backstop for the individual citizen who feels that any area of the Administration has let him down. My understanding is that, as a result of the case load, the individual citizen is

being deprived of that backup. I quote a specific example, because it may help everybody to address the problem. A constituent of mine, Mr. Jubin, made a complaint to me about maladministration by the CSA, which was looked at by the screening unit.

Madam Deputy Speaker (Dame Janet Fookes): Order. I am sorry to interrupt the hon. Gentleman, but interventions should be short. It sounds to me as though the hon. Gentleman is making more of a speech.

Mr. Mates: I apologise, Madam Deputy Speaker, I will be as brief as I can. My hon. Friend was about to address the specific question of whether the ombudsman is able to carry out the duty that Parliament gave him. I want briefly to quote one example because—

Madam Deputy Speaker: Order. The hon. Gentleman's intervention is far too long. I cannot allow him to continue.

Mr. Mates: Then I cannot make my point.

Madam Deputy Speaker: No, the hon. Gentleman cannot. That is precisely correct.

Mr. Pawsey: Despite the fact that my hon. Friend was cut off in mid-flow, I understand the essential thrust of his comments. The important point to which he referred was raised also by my hon. Friend the Member for Taunton (Mr. Nicholson).

My hon. Friend the Member for East Hampshire (Mr. Mates) draws attention to the number of CSA cases that are reaching the ombudsman. The Select Committee will, as part of its continuing work, be taking evidence from the ombudsman about workload, the time taken to complete investigations, the number of staff and the resources available. I share my hon. Friend's concern. The ombudsman is the citizen's backstop. If the ombudsman is not seen to be performing the duties and responsibilities imposed on him by the House, that is a serious matter.

As the issue is so important, I sought advice from colleagues. The view has been taken that a number of representative cases should identify administrative shortcomings needing to be remedied, and that the resulting improvements to the system should bring general improvement—so that complaints should not have to be referred to the Parliamentary Commissioner.

Mr. Mates *rose—*

Madam Deputy Speaker: Make it snappy, Mr. Mates.

Mr. Mates: I will, Madam Deputy Speaker. Forgive me, but I am raising a fundamental point—and I hope that you, Madam Deputy Speaker, will allow me to make it. The ombudsman himself is saying, "I cannot do the job that Parliament gave me to do. I acknowledge that your constituent has a complaint, but I cannot look at it because there are so many of the same type." Where does that leave the ombudsman, in his duty to look after individual cases of maladministration? If he cannot examine a case because it has been raised before, that is denying the purpose for which Parliament established the ombudsman. I hope that my hon. Friend's Committee will address that aspect.

Mr. Pawsey: My hon. Friend made his point most succinctly. I give him the assurance that the Select Committee that I have the honour to chair will examine that specific matter. His comments emphasise the need for a complaints examiner to be established within the CSA, so that problems will not filter through to the ombudsman but can be resolved within the agency. I believe that I saw my hon. Friend, the Minister, nodding his head sagely in agreement.

As to maladministration and the agency's domination of the ombudsman's case load, complaints concerning the CSA accounted for one third of all those accepted for investigation in 1995. By the end of 1995, 195 cases were being investigated. The ombudsman has now decided to investigate only cases that appear to involve new issues or financial loss. Many other cases suggested maladministration but were not accepted for investigation. In parenthesis, I will observe that the ombudsman's office is not of the largest. It has 55 staff to deal with maladministration cases referred to the ombudsman by Departments, which is fewer than one member of staff for every 1 million of the population.

Mr. Ronnie Campbell (Blyth Valley): Will the hon. Gentleman give way?

Mr. Pawsey: I will give way to the hon. Gentleman, who is a staunch member of the Select Committee on the Parliamentary Commissioner. I am not at all surprised to see the hon. Gentleman in his place, because he is always in attendance at meetings of the Committee.

Mr. Campbell: I thank the hon. Gentleman for his comments.

Does not the Parliamentary Commissioner's report state that he is extremely concerned at further reductions in staffing levels? If further cuts are made in civil servants in Departments, complaints will become more frequent. If staff are cut in Departments, they will also be cut in the ombudsman's office.

Mr. Pawsey: The hon. Gentleman makes a valid point. He is right and that issue is being closely observed by the Select Committee, of which he is an important member. Throughout my time on the Select Committee, which must go back for nine years or so, we have always pressed to ensure that adequate resources exist properly to service the ombudsman's committee. It is important that I put on record the fact that resources have never been denied, and I think that the hon. Gentleman would agree with that.

The Parliamentary Under-Secretary of State for Social Security (Mr. Andrew Mitchell): I hope that I can satisfy the hon. Member for Blyth Valley (Mr. Campbell) on his point. In the ombudsman's report, he acknowledges the help given to the CSA, in the form of additional staffing, since his first special report. I hope that the hon. Gentleman will accept that the agency has got the staffing right.

Mr. Pawsey: I am enjoying the interventions, but I should make some progress in order to allow other hon. Members to speak.

As my hon. Friend the Member for Taunton suggested, many complaints submitted by Members of Parliament suggest, at face value, maladministration. They were not

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accepted because they did not raise new issues and because the ombudsman's resources are finite. Therefore, those complaints do not feature in his report. The House will also understand that it takes time to recruit and train new staff.

The Select Committee was somewhat disconcerted last year to discover that the CSA did not mention the ombudsman in its complaints literature. We wonder how many additional complaints would have been made had the public been aware of the ombudsman's existence and his responsibilities. I believe, and I am sure that I am supported by other hon. Members, that complaints can be regarded as an audit of quality, but when an internal complaints system does not refer to the ombudsman, it is unwise to claim success from the smallness of the number of complaints that find their way to him.

I remind the House that the ombudsman is both impartial and independent. As my hon. Friend the Member for East Hampshire said, the ombudsman is charged by Parliament itself to investigate complaints about maladministration. He is above party and departmental battles. He has no axe to grind and it is important that the House remembers that.

My second issue is complaints handling. In his recent report, the ombudsman stated:

"A particularly disturbing theme in the complaints put to me is the number of individuals who have taken up their grievances with the Child Support Agency in a constructive and reasoned way without getting satisfaction. In some cases, the CSA have had matters under consideration for a very long time without resolving them. In other cases, complaints have simply not been given proper consideration or have been ignored altogether."

Mr. Reid—the ombudsman—added, in oral evidence to the Select Committee:

"Far too often in the cases I have investigated, they complain to me that they write, they get no reply and when they do get a reply it is generated by a computer that knows nothing about the up-to-date circumstances."

The House will therefore not be surprised to learn that, when we took evidence from Miss Chant, we specifically asked about local complaints handling. She believed that the delegation of case responsibility to local offices would help with the efficient handling of complaints. I was, however, more than a little concerned at the lack of firm measures being advanced to improve complaints handling. Indeed, the failure to deal competently with complaints at an early stage suggests that there should be fresh initiatives within the agency. In my view, the agency should be given a maximum time after which complaints about maladministration will be considered. I look forward specifically to my hon. Friend the Under-Secretary's response on that point.

I remind the House that one third of all complaints last year to the Parliamentary Commissioner concerned the CSA. That means that the Parliamentary Commissioner for Administration is carrying the burden of an ineffective internal complaints system. The Select Committee welcomes the recent announcement about a complaints examiner, similar to the revenue adjudicator. That is good news, and I am delighted by it. The agency, my hon. Friend the Under-Secretary and the chief executive must take a great deal of credit for establishing that post. We welcome it and we think it is good news.

We also have reason to believe that the creation of the post was a direct response to the recommendations both of the ombudsman and of the Select Committee, but whatever the reasons, we welcome it. It shows clearly that the agency is taking on board the recommendations that are made by the Select Committee and by the ombudsman.

Sir David Madel (South–West Bedfordshire): Does my hon. Friend agree that, if the new system is to work properly, once individuals have complained they should not get letters and demands from another office in the agency? They would be furious about that, but one of the central problems of the CSA is that the left hand and the right hand do not know what the other is doing. When individuals' earnings change, the officer will order less to be paid in maintenance, but it takes too long to get the information across.

Mr. Pawsey: That is a valid point. I have sought to persuade the chief executive of the CSA to appoint a named official to deal with each person's case, so that there is a direct point of reference. Miss Chant believes that that cannot be done because of the complexity of the agency's operations and because of its geographical spread. However, I look forward to proposals that will further improve the work of the agency.

My third issue is that of redress. The Select Committee previously commented on the practice of the Department of Social Security and the CSA and the way in which redress is given to those who have been harmed by maladministration. That is an especial concern of the hon. Gentleman, whose constituency I cannot recall—

Mr. Ronnie Campbell: Blyth Valley.

Mr. Pawsey: Thank you. The specific concern is about those who have been wrongly identified as the absent parent. The hon. Member for Blyth Valley has brought that point to the notice of the Select Committee on several occasions. I shall bring matters up to date. In the ombudsman's second report on the CSA, he included three further misidentification cases and added that he was still investigating a further three. Mr. Reid says, with an element of Scottish understatement:

"I regard cases of this kind as being particularly serious and having the potential for ruining stable relationships."

I suspect that no one in the House will disagree with that.

In all fairness, I must stress that the number of such cases is limited. At the time of the Select Committee's first inquiry into the agency, we were told that, out of the 203,000 maintenance inquiry forms sent out between 1 April 1994 and 2 December 1994, 70 had gone to the wrong person. From 1 April 1995 to 31 January 1996, the number of identifications made in error, in which the CSA was at fault, amounted to 28 out of 170,000 cases. That is a welcome improvement and the agency undoubtedly deserves credit.

Both the Select Committee and the ombudsman believe, however, that, when misidentification has occurred, there must be a prima facie case for compensation. Clearly, the person wrongly identified has been the victim of a wrong and scandalous allegation. In the Select Committee's report last year, we recommended that financial compensation be paid to those who have been falsely identified as the absent parent.

The Select Committee was pleased that the Government have recently accepted the recommendation and, from 1 April this year, those wrongly identified as absent parents, through the fault of the agency, will receive a consolatory payment of £100. The House may feel that that is a small enough sum when compared to the magnitude of the false allegation.

The consolatory payment does not, however, preclude a request for more generous compensation for worry and distress. Nor will it stop the ombudsman recommending greater generosity should he deem it appropriate. I deeply regret the fact that consolatory payments, small as they are, are to be paid only from 1 April this year. Payments will not be retrospective. The Select Committee—most of its members are present in the Chamber—asks the Government to reconsider the principle of consolatory payments. If it is admitted that payment is due, it is surely entirely indefensible to withhold payment from those who suffered before April. The numbers are small and the amount of cash involved is small.

The Government have changed their policy on interest being paid on delayed payments. That is another change that must be welcomed. The Select Committee certainly applauds it. The ombudsman, in welcoming such changes, makes it clear that there should be a more fundamental reassessment within the DSS of its attitude to compensation and redress. A review is taking place and we look forward to a speedy and helpful conclusion.

We were disappointed by the Department's attitude to making payments for worry and distress caused by maladministration. The Department has always insisted that such payments will be made only where medical evidence can be produced. The Select Committee has always criticised that approach as being far too inflexible. There must surely be occasions—erroneous identification of an absent parent would be one—where the mere facts of the case present ample grounds for assuming exceptional worry and distress. I was pleased when Miss Chant suggested that the agency is moving towards that position.

The Select Committee believes that the Department should move away from its rigid insistence on a medical certificate to prove distress. The Select Committee asks for humane consideration. It will pursue with vigour those cases where it believes that compensation is being denied unreasonably.

Mr. Roy Beggs (East Antrim): Does the hon. Gentleman agree that even modest compensation, where the ombudsman finds in favour of the complainant and accepts that there has been maladministration, would be acceptable and more tangible than a report finding in favour of complaint, and that the agency should be required to make some compensation when a recommendation is made?

Mr. Pawsey: The hon. Gentleman makes a valid point. I watched my hon. Friend the Minister noting carefully what the hon. Gentleman said. My hon. Friend may refer to the hon. Gentleman's intervention when he contributes to the debate. I have utmost sympathy with the hon. Gentleman's approach.

The Select Committee wishes to express appreciation to the ombudsman and his staff for their work in connection with the CSA. The members of the Committee welcome Miss Chant's assurance that the ombudsman's reports are disseminated throughout the agency and are used in the training of its staff. I hope that as a result the failures that the ombudsman has identified in the past will be avoided in the future. I commend my hon. Friend the Minister and the chief executive of the agency for the work that they have done to improve the standards of the agency's work.

11.33 am

Mr. Jeremy Corbyn (Islington, North): This is an extremely important subject and the debate will be far too short. We are debating a subject that has probably been a significant feature of most hon. Members' constituency mailbags, certainly for the past two years since the agency came into operation. As the Chairman of the Select Committee on the Parliamentary Commissioner for Administration took half an hour to introduce his topics, only an hour is left before the debate must be brought to an end. I hope that, in future, we can have at least three hours on these matters, especially when two Select Committees are involved in a major issue.

The Select Committee on Social Security has produced three reports on the Child Support Agency, the third quite recently. Two features have characterised the taking of evidence and the preparation of reports. First, there have been many principled objections to the CSA and its operations in general. Secondly, there have been some serious criticisms of its administrative ability and its lack of sensitivity in dealing with the individual cases of a large number of people.

The break-up of a partnership is a difficult and traumatic experience. When children are involved, it is difficult for both parents. It is also difficult for the child or children. I know that my hon. Friend the Member for Vauxhall (Miss Hoey) wishes to talk about the difficulties that ensue.

The Social Security Committee's second report drew attention to the descriptions of parents—the "parent with care" and the "absent parent". The parent who is not living with the children who are a product of the partnership is, of course, absent, but that does not mean that he or she does not care for them, is not interested in them and does not want to have a long-term relationship with them. Indeed, the opposite is the case. I hope that the Minister will recognise that that is not a minor point of political correctness. Descriptions are important because much flows from them. I hope that the Minister will take that on board.

Many of those who have objected to the CSA have done so on the ground that it collects money to meet targets set by the Secretary of State. It attempts to meet those targets. It has often gone for targets that are easy to deal with rather than the more difficult ones because that has been the way to meet short-term objectives. The amount of money collected and handed back to the Treasury is considerable, whereas the amount collected to benefit the children involved in break-ups is very much smaller.

There has been much discussion about the administrative procedures and principles that lie behind the CSA; little consideration has been given to what is happening to children, who have often gone through a traumatic experience, and who continue to do so. As the hon. Member for Rugby and Kenilworth (Mr. Pawsey) said, the inefficiencies and lack of sensitivity of the CSA in dealing with many cases have led to further problems for children and exacerbated an already difficult situation in relationships.

[Mr. Jeremy Corbyn]

There are many who strongly supported the approach of a court order system for settlements of marital break-up and dispute. They did so because there would be an element of discretion. The court would have been able to consider the situation in the round, take a sensible view of things and apply orders accordingly. In its initial stages, the CSA had no discretion to enable it to operate any half-sensible policy. That resulted in many difficulties.

The Secretary of State sets collection targets. The Government's obsession with targeting is not necessarily helpful. It leads to a culture of grabbing the fastest return possible, which permeates the agency. Those who work in the agency should be considering the needs and happiness of children of partnerships that, unfortunately, have broken up. Perhaps they should consider the parties and the children involved in a more caring way than they do at present.

I shall be brief, because I know that many hon. Members wish to contribute to the debate. It is important to say, however, that the Social Security Committee's role in these matters must be to try to reflect public opinion about the efficiency and administration of the CSA. The Committee must try to ensure that the public's opinions are taken up in debates—as we, its members, will try to do this morning.

Opposition to the Child Support Agency will not diminish or go away because of the high level of demand that it places on parents who are no longer in a partnership and who no longer live with their children—I do not want to use the title "absent parents" because many of them are not. They feel bitter and aggrieved at the way in which the CSA has treated them, and we must reflect that.

The main conclusion of the most recent report of the Select Committee on the Parliamentary Commissioner for Administration states:

"It has not been our intention to investigate or question the policy decisions relating to the CSA. Recent changes introduced by the Government are an implicit acknowledgment that . . . not all such decisions were correct."

There have been enormous changes—112 have already been made. The report continues:

"What is evident, however, both from a mass of circumstantial evidence and from the Ombudsman's report, is that any policy deficiency was cruelly exacerbated by administrative incompetence. Despite the recent experience of the DLA, basic measures to improve the handling of correspondence and complaints, the training of staff, replying to MPs, dealing with backlogs of work, were all delayed far too long. We trust that any review arising from the experience at the CSA will take much more seriously the need to learn permanent lessons about how to administer any major new project."

Serious questions must be asked about an agency that was rushed in in such a way, which has resulted in massive public criticism and huge mailbags for Members of Parliament.

Initially, the CSA was not able to deal even with the criticisms of Members of Parliament. I am not asking for privileges for Members of Parliament—I do not think that anyone is asking that—but if a constituent cannot get anything done by a Government Department or Government agency, they properly go to their Member of Parliament, who rightly demands a rapid response and rapid treatment. What credibility do Members of Parliament or this place have if they, too, cannot get an answer from a Government Department? That matter must be considered thoroughly.

In 1994-95, only 44 per cent. of all assessments were accurate. I know that claims have been made of an improvement in accuracy, but only 44 per cent.—less than half—is a dismal performance by any stretch of the imagination. There has also been a failure to meet assessment targets, so arrears of payment have built up, which is a serious matter.

In 1995, unpaid maintenance reached a total of £701 million, which is a serious figure. I recall dealing with cases in which the failure to pay maintenance to the family or the caring parent with the child meant that they had to go back to the Department of Social Security to try to secure a crisis loan to get through a process that should have been resolved in the first place. That is bureaucratic inefficiency gone mad, and must be examined.

From the evidence that the Select Committee took, there were suggestions that self-employed people were treated much less rigorously than employed people, and that self-employed people could deflate their income by transferring legitimate personal expenditure to business expenditure, thus falsely lowering their income and the amount that they were liable to pay. That is easy to do and must be examined much more assiduously.

There are concerns about poor customer service, which we have referred to in our report. There are also extreme concerns about the poor quality of information and its comprehensibility.

We must consider other concerns. The level of assessment that is being made by the Child Support Agency often means that the parent who is no longer in direct care of the children—who is described as the absent parent in all the reports—is often left with insufficient money on which to survive. I think that, in our advice surgeries, we have all met people whose partnership has broken up, who are no longer in direct day-to-day charge of the children, but who want to have a good relationship with them.

Women and men have visited my surgery who are no longer in a direct day-to-day relationship and who have been told to pay such a huge amount of money to the CSA that they can barely live themselves, never mind find the fare to visit the children, buy presents for them or take them on holiday, which are all important for a proper caring relationship between parents and their children. The complete lack of discretion in the CSA formula has led to many of the problems.

Likewise, where parents on income support are in care of the children, the lack of a sufficient maintenance disregard means that they are no better off. The state is benefiting because it is taking money from the so-called absent parent, but the money is not going through to the parent to pass on to the children. There should be a sufficient maintenance disregard. The Select Committee has discussed that in previous reports.

The CSA has been targeting cases that are the easiest to deal with. More complex cases, where threats of violence are involved and where a parent feels extreme fear, seem to be shoved to one side as too difficult to deal with—and because the CSA must deal with the targets that the Government are always pushing it to meet as rapidly as possible.

The other general point is that, sometimes, on the break-up of a partnership, informal arrangements between the parents have been effective. Both parents are satisfied with the arrangements. The children are happy with them. They see that their estranged parents at least have a relaxed relationship. I have come across cases where such a satisfactory arrangement has been made, where a sum of money has been paid to the parent who is looking after the children and where, informally, the other parent is spending much more money on the children—presents, holidays and trips—as part of the relationship. The CSA, however, comes along and demands a doubling or trebling of the amount being paid, so the other parent has no money left to develop a normal relationship. There is a complete lack of flexibility in the arrangement.

Mr. Andrew Mitchell: In the case that the hon. Gentleman has cited, the Child Support Agency would not be involved. Where a mother and father agree on the maintenance that should be paid and the taxpayer is not involved by paying benefit, that is an arrangement between them and there is no need for the agency to become involved.

Mr. Corbyn: I appreciate that, but where one of the parents is on benefit, the CSA does become involved. I was referring to that situation. I hope that the Minister understood my point.

Mr. Mitchell: I am sorry to interrupt the hon. Gentleman again but, in that situation, it must be right and proper for the CSA to hold the ring—that is what Parliament decided when the Child Support Act 1991 was passed—between the mother, the father and the taxpayer. It is wrong that the taxpayer should have to pay unnecessarily. Taxpayers often bring up children of their own on low incomes. We must have an eye to that in deciding the fair maintenance level that should be paid.

Mr. Corbyn: It is all very well for the Minister to say that, but there are two problems. First, the child is not any better off as a result of money being taken from the other parent—necessarily if the family is on benefit. Secondly, the Minister will be aware of the disruption that can be caused to other arrangements and other relationships, which is a serious consideration. There must be much greater flexibility.

The Social Security Committee has considered and visited Child Support Agency offices and centres. We remain concerned about the service's efficiency. The agency's apparent achievement of targets in 1995-96 is astounding. For example, the target of 90 per cent. of payments to be made to the parent with care within 10 working days of receipt from the absent parent has apparently been overshot by 7 percentage points—it is 97 per cent. I should like to know the basis on which that information was collected because, knowing just the cases that I deal with, I have some serious questions about it. I am sure that other hon. Members are in the same position. A little more detail, therefore, on how the scores have been achieved would be extremely welcome.

11.48 am

Mr. Michael Lord (Central Suffolk): I want to make just two points, but before making either of them, may I say how sad it is that we must have a Child Support Agency in the first place. It is a sad comment on the state of our country. Whatever financial arrangements are made for children when marriages or partnerships—as they are now sometimes called—break up, the children are almost always deeply damaged. We fool ourselves, as a House and as a nation, if we think that by making proper financial provision for them—at whatever level—we can compensate for the damage that has been done. We should not think that money, new arrangements and what is sometimes called quality time with children can put things right.

My first point relates to whether legislation passed by the House does what the House expects it to do. When we debated the Bill that became the Child Support Act 1991, we all thought that its purpose was to chase errant parents who were contributing nothing to their children's welfare; but once the Act was in operation, the priority seemed to be increasing existing payments, about which we already knew, because they were the easier targets. Meanwhile, the errant parents got away with it because it was harder to catch up with them.

The figures suggest that we are now getting those people into the net, and that they are contributing to their children's upbringing. Nevertheless, I urge my hon. Friend the Minister not just to increase the payments of absent parents to a reasonable level—it should not be an unreasonable level, as hon. Members have pointed out—but, despite the complications, to pursue even more vigorously parents who are paying nothing. That, after all, was the driving force behind the Act.

Secondly, as a member of the Select Committee on the Parliamentary Commissioner for Administration, I must say that I am appalled that we could introduce a Bill that would have such far-reaching consequences, and affect so many people in relation to such sensitive issues, without having the faintest idea how we would cope once it was in operation. Our Select Committee has seen example after example of grotesque incompetence—and nothing is worse than the fact that, the day before the button was pressed to launch the system, it must have been clear to those involved that it simply would not work. On one occasion, in the Select Committee, I compared it to the charge of the Light Brigade. The idea that the administrative system could deal with the volume of problems and the deluge of correspondence was clearly nonsense, and it should have been recognised as such long before the legislation was initiated.

Every hon. Member can cite individual cases. I encountered a happily married man who was suddenly told that he would have to start paying for an eight-year-old son who did not exist. Despite his protestations—his letters telling the agency that it had the wrong initials and the wrong details, and my letters trying to put the matter right—the case dragged on for months, doing huge damage to the man and his family, until, finally, the agency admitted that it was wrong and relieved the family of their distress. There has been much talk of compensation this morning, and I agree with what has been said, but I think that all that my constituent and his wife want is to be left in peace. They wish that they had never been assaulted by the Child Support Agency in the first place.

Mr. Michael Connarty (Falkirk, East): As a fellow member of the Select Committee, the hon. Gentleman will remember that that happened twice to a constituent of mine. Although he was assured that his experience would not be repeated, in the following year the same claim was made against my constituent in relation to a child whom

[Mr. Michael Connarty]

he had not fathered. It turned out that the actual father lived 300 miles away. Should not the victims of such errors—especially double errors of that kind—be allowed compensation, even if their cases date from before April 1996?

Mr. Lord: I entirely agree, but my point is that there are some things that money cannot put right. Those responsible should bear that in mind, and think carefully before they act.

I believe that the system operated by the CSA is fundamentally wrong. It has now introduced an arrangement known as "total functionalisation". The hon. Member for Falkirk, East (Mr. Connarty) will know that one of my big beefs in the Select Committee is about communication, and the way in which we get things wrong through the use of jargon. "Total functionalisation"—two words that no one can understand—is a prime example. I understand that it means that, when an organisation such as the CSA is being set up from scratch and there are misgivings about how it will work, instead of one member of staff being responsible for a particular client there is something resembling a car production line: different people have different inputs at different stages, whether the case relates to birth certificates, national insurance numbers or whatever.

If one person does not have individual responsibility, it is not surprising that there are problems. It may not be possible to remedy the situation in the short term—I acknowledge that there are huge pressures on the CSA—but I urge my hon. Friend the Minister to think seriously about changing the system fundamentally, so that individual members of staff can have individual responsibility for individual cases and see those cases through. We should know who is responsible for a case, our constituents should know and, most important, the member of staff concerned should know that the buck stops with him or her.

The Select Committee constantly emphasises that, although there is a good deal of point in dealing with complaints as we do, if, when the Parliamentary Commissioner makes his reports, we do not learn from all the damage and distress that our constituents have experienced—if we do not put things right so that we do not keep receiving complaints—we shall have missed a golden opportunity.

11.56 am

Ms Liz Lynne (Rochdale): I realise that we have very little time, so I shall try to be as brief as possible.

We are debating some important reports, and I think that it would be wrong not to mention the report of the Joseph Rowntree Foundation as well. It stated that lone mothers and children had obtained no net financial gain from the Child Support Agency and that there was no evidence that lone mothers were getting back into work, or being encouraged to do so. It also stated that emotional harm was being done to children. We know that that is true from what we are told by constituents in our surgeries; I know from a man who was sitting in my surgery in floods of tears.

The man in question had had a reasonable relationship with his ex-wife and an excellent relationship with his son, who lived some distance away. He used to visit his son regularly, take presents, and make masses of telephone calls. As soon as the Child Support Agency became involved, his ex-wife used it as a stick to beat him with. She started to say to his son, "Your father does not love you any more. He is not giving you presents; he is not coming to see you as much." The man—who was a tough man—sat in my surgery in floods of tears. He had just received a telephone call from his son, who had told him, "I don't want to see you any more. I don't love you any more," and then put down the receiver. That is the emotional harm. That is the cost of the CSA in human terms.

In his report, the Parliamentary Commissioner says that the same mistakes are being made as were being made at the time of his last report. There are cases of mistaken identity, inadequate procedures, delays and confusion, but now new faults have been identified, such as breaches of confidentiality. At long last, the Minister is to appoint an independent complaints examiner. I welcome that, but let us consider mistaken identity.

Is £100 any compensation for what might happen to a family when a letter accusing a man of fathering a child arrives on the doormat? Of course he will discuss the matter with his wife, but the untold damage that results from wrongly accusing a man of fathering a child—perhaps during the course of his relationship with his wife—cannot be compensated by £100. Those mistakes should not be occurring.

The DSS says that the CSA is getting better, but it still has a dismal record. In April 1995, 50 per cent. of cases were being cleared within 26 weeks. I gather that provisional figures show that, by the end of March, the rate was 48 per cent.—down, even, on April 1995.

In response to a parliamentary question about confidential information, I was told that, up to 31 October 1995, eight staff had been dismissed and that 10 had been disciplined. The CSA has a worse record than any other agency in the Department of Social Security.

What about telephone calls? A letter arrives—again—from the CSA, panic sets in because someone is being asked for more money than they can afford, and they try to make a telephone call to the CSA. In about 50 per cent. of cases, they do not get through—they either give up trying or calls are not answered. That cannot be right when people are supposed to try to have their queries answered as quickly as possible.

On the Social Security Committee report—

Dr. John Reid (Motherwell, North): Will the hon. Lady give way?

Ms Lynne: I have very little time, I am afraid.

The Select Committee used as a source the answer to one of my parliamentary questions. The answer to that question revealed that, of the 46,000 full assessments between April and August 1995, 20,700—45 per cent. of the total—were for £2.35 or less. That really is small beer when we consider what the CSA was supposed to accomplish.

In evidence to the Select Committee, the Child Poverty Action Group spoke of the review backlog—it was one of the main aspects of its evidence. That problem has to be dealt with.

As for the computer system, why on earth was a system that was based on a Florida system—and used in a collection agency—chosen in the first place? The hon.

Member for Dover (Mr. Shaw) drew that matter to the attention of the Select Committee. The Department of Social Security must have realised, in view of the work that the CSA would have to do, that it was simply not adequate—and it was brought in far too quickly. I gather that the same company is being used by the Inland Revenue, and that that system, too, will be brought in far too quickly. If there have been problems with the CSA's system, imagine the problems that the Inland Revenue will have using it for self-assessment. The system is just not up to the job.

I do not believe that there is any evidence that the CSA is improving the lot of the parent with care. It is certainly not improving the lot of the liable parent, and it is damaging children. First and foremost, children should come first—as the Child Support Act 1991 stated.

The CSA is causing untold human misery, and it is less effective than the old liable relatives unit—although that operated in a pretty crazy way and certainly did not collect the maintenance that it should have done. The CSA is even worse than the liable relatives unit. It is a total, unmitigated failure, and it should be scrapped. A fair unified family court system should be introduced so that every case can be assessed individually. Children might then come first.

12.3 pm

Mr. Malcolm Wicks (Croydon, North-West): I was struck by the coincidence that the House is this morning discussing child support and, this afternoon, the Family Law Bill. In broader terms, the timing is not a coincidence because Governments and Parliaments, not only in Europe but worldwide, have to grapple with the very difficult issues of family formation and family dissolution, and particularly with the issue of divorce. I was struck by those links.

I wonder whether the Under-Secretary of State has had any talks with the Lord Chancellor's Department about the relationship between child maintenance processes and the new divorce procedures—not least for mediation—that are being proposed in the Family Law Bill. I know that the issues are complex and that they differ from one another in many respects, but if this Parliament is to discuss and perhaps adopt a new process of mediation for divorce cases, the issue of child maintenance will not be irrelevant to those proceedings. I should like to feel that the Lord Chancellor's Department and the Department of Social Security are at least in talks, and that any interface has been explored by the Government.

Much has been said—not only in this debate—about the sorry history of the Child Support Agency. I listened with great interest to the way in which the debate was introduced by the hon. Member for Rugby and Kenilworth (Mr. Pawsey). I also listened to the other speeches with great care.

We do not need to rehearse the arguments about the CSA because we all know that it has, in many respects, been an administrative failure on a very large scale. My concern is that we are in danger of missing a great opportunity of getting this policy right. One way or another, we have to establish—not only in principle but in practice—the fact that both parents have a financial responsibility for their children. If we fail to bring about, in some respects, a cultural change so that it is widely accepted that both parents have a financial responsibility for their children's maintenance—almost whatever the circumstances, although there will always be some exceptions—it will remain a recipe for new forms of family and child poverty, growing social disadvantage and new forms of social and economic inequality.

My anger about the CSA debacle is that it may have eroded public confidence in the Government's ability to introduce decent proposals for child maintenance. We need to rescue the policy. It started off in public debate as a recognition that fathers who had never paid a penny in support should be traced and made to face up to their responsibilities, but it has now led to a grave undermining of public confidence. There is much work to be done.

The Minister will no doubt talk about the Government's indicators and he will point to improvements. I recognise that there have been improvements, but I also recognise that we are starting from a very dire base. The word "dire" was, in fact, used by the Select Committee on Social Security to describe the history of the policy's first 18 months.

The agency's targets, such as procedures taking no more than 26 weeks, are fairly modest. If we were dealt with in 26 weeks by our bank or some other crucial institution in relation to our personal affairs, we would not be overly impressed.

I also argue that the targets do not include all the right objectives, and that other indicators are more important. At the broadest level, it is crucial for social policy and family law to enable more parents, whatever their situation, to be responsible for bringing up their children. One of the saddest statistics that I have seen in recent years was from the York survey—commissioned by the Department of Social Security a few years ago—which showed that, in 43 per cent. of one-parent families, there was no contact between the child and the so-called absent parent, who was usually the father. That is an extraordinarily sad statistic. We need to encourage in various ways—in very difficult demographic circumstances—both parents to have a responsibility. That responsibility includes financial maintenance, but it is hardly the only issue.

As mentioned earlier in the debate, one of the crucial indicators will be how the policy impacts on children's material circumstances and on the issue of child poverty. One of the reasons why we have consistently argued for a disregard is that we feel that people on income support should receive some net benefit and net income increase from what is, after all, meant to be a child support policy rather than a policy to support the Exchequer. Will the Minister tell the House what proportion of parents with care have a net benefit and net income increase from child support policy as the strategy is now operated?

Another important indicator is whether the child support policy can be made to ensure that more parents with care who are currently out of work can return to the labour market should they wish to do so. We need to examine the strategy in those circumstances, too. I am concerned that many parents with care who are in work and receiving family credit can find that, because of a rule that many of us regard as beneficial in general—the rule that states that family credit is reassessed only after six months—they are worse off when child maintenance stops. Will the Minister share his thoughts on that with the House? Can we improve the situation so that mothers who are doing their best to be independent, albeit with

[Mr. Malcolm Wicks]

support from the state, are not penalised when child maintenance suddenly dries up and family credit appears to be pretty inflexible?

I am also concerned that there are still a large number of cases in which, sometimes literally, fathers have never paid a penny or a pound, but are still getting away with not doing so. I am impressed by the fact that, alongside cases of fathers complaining about the inequities of the CSA and how it affects them, I am receiving more correspondence from mothers—or the parents with care—saying that they thought that Parliament had passed an Act for them, that they have given the CSA all the details but that, two or three years later, the guy is still getting away with it. Often, those people have children from more than one relationship. How is Government policy working out in that instance?

The Select Committee had something to say about collusion and the "good cause" for the parent with care not to give information to the CSA. We are concerned to tackle the problem of collusion. We recognise that it exists and that it has to be targeted as part of a more comprehensive anti-fraud strategy, but the safety and welfare of the mother who is genuinely worried about violence and who may have been the victim of domestic violence is still absolutely paramount when it comes to trying to get a difficult policy right in practice.

The Select Committee also made some interesting noises about whether the Inland Revenue might be the best agency to collect child support. We are interested in what proposals the Committee will come up with and we are very open-minded about it. It would be interesting to hear the Minister's view at this stage.

12.12 pm

The Parliamentary Under-Secretary of State for Social Security (Mr. Andrew Mitchell): I am grateful to the Chairmen of the two Select Committees for providing us with an opportunity to discuss the Child Support Agency's work. I thank my hon. Friend the Member for Rugby and Kenilworth (Mr. Pawsey), the Chairman of the Select Committee on the Parliamentary Commissioner for Administration, for his generous personal remarks and for what I thought was a balanced presentation of his Committee's work in respect of the CSA. I reiterate what the chief executive of the agency said in giving evidence to that Committee. She said that the agency was truly sorry for the enormous work load that it had imposed on the ombudsman and that it was determined to make considerable advances, to ensure that the work load in the future was dramatically reduced.

My remarks will be brief as I do not wish to detain the House for long. This is an opportunity for my colleagues and me to listen to the comments of the members of the two Committees, and I have certainly done just that. I shall respond in writing to any comments that they may have made which I cannot respond to now.

There is no doubt that the context of our debate on the CSA has changed, despite the views of the Liberal Democrats. Its targets, which were referred to rather dismissively by the hon. Member for Islington, North (Mr. Corbyn), concern not only collection and arrangement but a range of the agency's other activities. If the hon. Gentleman thinks that there are other aspects that we should try to target in terms of service standards, I hope that he will tell us, because we would certainly consider his views.

The funding arranged for children and for mothers, principally, over the past year has increased dramatically. It is not money for the Treasury, as the hon. Member for Islington, North suggested. In fact, 75 per cent. of the £301.5 million maintenance paid by absent parents has gone to parents with care, and 25 per cent. has been retained by the Secretary of State, but that, of course, is to offset social security benefits that have been paid for their children by the taxpayer. That is a remarkable improvement. In the last month alone, the agency collected more money than in the whole of its first year of operation. That reveals how dire the performance was in the early days, but it also shows how far the agency has come.

Accuracy has been mentioned. Accuracy to within 1p, which is the measure that we use, has increased from 50 per cent. to 79 per cent., exceeding the target of 75 per cent. Accuracy is a matter of great concern to both Select Committees, and I pay tribute to the agency for that dramatic increase. We have set the agency a harsh target for next year, and I am determined that it shall meet it.

Mention was made of the speed with which money is passed to the parent with care. The hon. Member for Islington, North said that he found the figure of 97 per cent. suspicious. The figure is all the more remarkable, in that the remaining 3 per cent. covers bouncing cheques and so on. That shows that the agency is getting the money through quickly, which I know has been a matter of great concern.

My hon. Friend the Member for Central Suffolk (Mr. Lord) hit the nail on the head when he explained the circumstances in which the CSA operates. In relation to the CSA's performance and whether it aims at soft targets, I can say that about 77 per cent. of all clients of the agency were getting nothing at all when they first approached the agency. Therefore, it is not a case of the agency aiming at easy targets.

The agency has traced 133,000 absent parents and now traces about 1,000 a week. They are people who are trying to get away without meeting their commitments. The agency's performance in that respect has also improved significantly.

Of course, the CSA undertakes not only a child support assessment operation but enforcement, which has also been mentioned today. One thousand deduction from earnings orders are imposed each week, and there has been a massive increase in the number of liability orders that have been sought and obtained in the past year. The CSA will shortly be able to register debt on the register of county court judgments which, in other instances, have proved to be an effective way of ensuring that the self-employed meet their obligations.

As I said, my hon. Friend the Member for Rugby and Kenilworth made a very balanced speech from the point of view of the Select Committee on the Parliamentary Commissioner for Administration. We shall shortly hear from my hon. Friend the Member for Harrow, West (Mr. Hughes), the deputy Chairman of the Select Committee on Social Security. The Chairman has an unbreakable appointment and is not able to be with us, but my hon. Friend will fill his shoes admirably.

The Government have replied to the report published by the Select Committee on the Parliamentary Commissioner for Administration, and we greatly welcome that issued by the Social Security Select Committee. Its robust approach to and support for the principles of our child support policies are greatly welcomed. I also welcome the comments made by the Opposition spokesman, the hon. Member for Croydon, North-West (Mr. Wicks), and agree with all of them except for that in relation to the disregard.

The agency is unique among Government operations in that it needs to balance the interests of a number of parties, including the mother, father and taxpayer, in every case that it handles. The process is inevitably complex and therefore at risk of error or deliberate obstruction. There is therefore the potential for any part of the processes involved to break down, and there is more likelihood that one or other of the parents in any case will complain. A good result for the parent with care may well be a bad result for an absent parent, or vice versa.

The changes that the Government introduced in—

Mr. Connarty *rose—*

Mr. Mitchell: I apologise for not giving way, but time is short. I must make progress.

The changes that the Government introduced in 1995 addressed the main areas of concern. They were introduced to avoid undue hardship for the parents involved and to enable the CSA to operate more effectively. Some of the changes resulted from the considered and helpful Select Committee reports.

We introduced a cap on maintenance assessments, which restricts the amount that an absent parent can be assessed as having to pay to a maximum of 30 per cent. of his net income. I urge the House to judge some of the lurid hardship stories that we read about in that context.

There is now also an allowance in the formula for travel-to-work costs and provision to recognise existing property and capital settlements. Future changes, which are currently being piloted, will allow for a departure from the formula assessment in prescribed circumstances. We also plan to introduce a child maintenance bonus, which will provide a lump sum payment for parents with care moving off benefit into work, which will be introduced in April 1997.

In addition, we have introduced changes to improve the agency's administration, including some simplifications in the assessment of housing costs and earnings, and changes in the review procedures. The agency has introduced measures to improve the accuracy of its assessments through enhanced training and better targeted quality checks. It is making better use of local office staff, by extending the availability of the child support computer system to local offices. Those changes have led to the significant improvement in accuracy that I mentioned earlier.

My hon. Friend the Member for Rugby and Kenilworth referred to the CSA's functional approach to inquiries. What in CSA jargon is called the CAST—complete action service team—system, which means that cases will be handled virtually totally on one desk, will be introduced in the coming year and result in a much more user-friendly service being available to the agency's clients.

Those and other changes to the policies have been introduced speedily and efficiently by the agency, which has been acknowledged by the Select Committees on Social Security and on the Parliamentary Commissioner for Administration in recent reports.

Mr. Ronnie Campbell: Will the Minister give way?

Mr. Mitchell: I apologise to the hon. Gentleman, because I shall not. I want to make a number of other points.

As I announced recently, an independent complaints examiner will be appointed later this year, which is in response to the ombudsman's suggestion in his report. I also recently announced improvements that we are introducing to the CSA's compensation scheme. Parents with care will now receive interest payments on any maintenance that is collected by the agency but not passed on quickly. In addition, we have reduced from three months to one month the period after which compensation will be considered for "culpable delay". A new type of conciliatory payment has been introduced for cases where a maintenance inquiry form is sent to the wrong person.

The Social Security Committee is critical of the fact that some

"violent or threatening absent parents are rewarded for their unacceptable behaviour by being exempt from paying maintenance".

We share that concern. The extent of the problem has been highlighted by the report, "Good Cause", which we recently published. Its findings suggest that there is a high level of collusion among some parents with care and absent parents who use the alleged threat of harm and undue distress to avoid being assessed by the agency.

We have therefore made a number of recommendations to address those findings. In particular, we are considering doubling the amount of the reduced benefit direction. That penalty is imposed when the parent refuses to co-operate with the agency for no good reason. We are also proposing that the penalty should remain in force for as long as the relevant child qualifies for child support maintenance, rather than for 18 months as at present.

The Social Security Committee has said that it is considering a radical simplification of the formula method of assessment. The less complex the formula, the greater the level of rough justice. I should tell the hon. Member for Croydon, North–West that in Australia and New Zealand, where there is a simpler method of assessment, pressure groups claim that the approach is less fair than those in use elsewhere.

Last year there was major change in primary legislation. There have been many further administrative and legislative changes in the agency. The aim is to improve the effectiveness and efficiency of its work, and the figures that I was able to announce to the House yesterday demonstrate that a significant start has been made. The agency is getting maintenance through for children. Above all, it is increasingly doing what is absolutely key to its work—providing for fair maintenance levels.

There will still be difficulties. Both Select Committees are at pains to point out that the agency touches on the most difficult and sensitive aspects of many people's lives. There are still far too many complaints about its work, but the nature of them is changing. As the hon. Member for Croydon, North–West said, the balance of complaints often comes from women who know that they can receive the

[Mr. Mitchell]

maintenance to which they are entitled because of examples of payments among their friends and neighbours. They write to the agency to ensure that they get what they deserve.

It is also true that, by and large, complaints from fathers are about the imposition of a deduction from earnings order. That is the nature of the vast majority of complaints that I receive from absent parents. It is right, however, and in the interests of children that a deduction from earnings order should be imposed, and we do so only when it is impossible to secure payments by any other means.

The Government are committed to doing whatever is necessary to continue the recent steep improvement in the CSA's work, and to ensure that it delivers the service that Parliament originally set for it, and which its clients have a right to expect.

12.24 pm

Mr. Robert G. Hughes (Harrow, West): I thank my hon. Friend the Minister for creating the new position of deputy Chairman of the Select Committee on Social Security and for appointing me to it. Doubtless I shall recover eventually.

Mr. Corbyn: I doubt it.

Mr. Hughes: I have been told that I shall not recover from it, and I do not blame the hon. Gentleman for saying so.

Debates on the CSA are too often more historical than contemporary, as my hon. Friend the Member for Rugby and Kenilworth (Mr. Pawsey), the Chairman of the Select Committee on the Parliamentary Commissioner for Administration, said. That is in essence the apparent difference between the reports of the two Select Committees.

I do not want to put it too strongly, but I am impelled to question how seriously we should take the comments of the Parliamentary Commissioner, who does not have targets to meet on the time taken to consider cases, on how long the CSA takes to consider cases—

Mr. Connarty: That is not true.

Mr. Hughes: He takes rather longer than the CSA. I welcome what my hon. Friends the Chairman and the Minister said about the improvements in meeting those targets.

Mr. Connarty: Will the hon. Gentleman give way?

Mr. Hughes: No, I will not, because I have very little time.

The Social Security Committee's recent report marks quite a change. It says:

"The Agency has shown that it is able to implement significant changes . . . quickly and efficiently . . . the Government should be confident that the Agency will be able to efficiently implement further changes".

It is important that people recognise that and that the CSA is here to stay. It will need to change and to continue to evolve. I echo the praise of my hon. Friend the Member for Rugby and Kenilworth for the changes that have been made by my hon. Friend the Minister and by the chief executive, Ann Chant, who has transformed the way in which the agency works.

Managers and staff at the agency have worked extremely hard and effectively in dealing with a backlog, a raft of substantial changes and abuse from people who do not like either the way in which they have been treated or—very often—the decisions that have been made. We should consider two things. First is the effect of our words on the staff. They need to understand that we recognise that improvements have been made. Of course there are problems, but we recognise that they have worked hard and made improvements.

Secondly, we need to recognise the effect on CSA customers. A rather rose-tinted view of absent parents has run through the debate. Yet many such people are absent. They connive and lie to exempt themselves from paying for the upkeep of their own children and simply think that the taxpayer should pick up the tab. Of course, many have been the victims of bad administration, but many others deserve—and will receive—the full weight and pressure of the CSA.

I should like to comment on the report "Good Cause", to which my hon. Friend the Minister and the hon. Member for Croydon, North–West (Mr. Wicks) referred. The Social Security Committee's recent report recommended that a review of the practice and procedure in this area should be undertaken by the agency, and that its findings should be made known and acted on. We wanted a simplified complaints procedure.

My hon. Friend the Minister has broken new ground. He has set an admirable precedent in asking the Select Committee to consider a number of issues such as the level of benefit deductions made because of non-co-operation, the duration and circumstances of those deductions, whether the cooling-off period should be abolished, whether benefit should be dependent on co-operation, and how procedures can best be applied to guard against collusion. This afternoon, we shall consider when and how we shall respond.

I agreed entirely with what the hon. Member for Croydon, North–West said about the protection of the woman who has been threatened with violence. However, apple pie is not policy and that is all that he gave us today.

Plainly, our Committee, like the other Select Committee, will return to the subject many times. However, we must accept that when changes are made, those very improvements and administrative successes will be used by people to criticise the work of the CSA. If one does not want to pay, an effective CSA is worse than an ineffective CSA.

There are three messages. We welcome the massive improvements, we look for more effective administration and better handling of customers—

Mr. Deputy Speaker (Sir Geoffrey Lofthouse): Order.

Housing (Sheffield)

12.30 pm

Mr. Clive Betts (Sheffield, Attercliffe): I put on record what may be a technical interest, in that, whenever I refer to the need for additional resources for Sheffield city council, I am arguing not for resources for the organisation itself, but for resources that may be spent to the benefit of my constituents.

I am pleased to be able to raise this issue today. Before becoming a Member of Parliament, I spent 16 years on Sheffield city council, nine years of which were spent on the housing committee—of which I was chair for six years. I intend to address several matters. First, there is the requirement for new house building in Sheffield, which was set out by the city council in its strategy statement. More than 5,000 new homes are required by the turn of the century and it is estimated that about half those new homes should be provided in the rented sector at affordable rents because not all individuals can afford to buy their homes, whatever their aspirations may be.

There is a need for more money to be spent on improvements and repairs in older private sector housing. Again, the council strategy statement says that, on the latest estimate, 9,000 homes in the private sector in Sheffield are unfit. Some 900 people are on the waiting list for improvement grants.

In the council sector, there is a need for expenditure on repairs and improvements. There is a need to modernise all our inter-war property and a need for major refurbishment work on tower blocks. I do not have such tower blocks in my constituency, but I know that my hon. Friend the Member for Sheffield, Heeley (Mr. Michie), who is sitting beside me, has a number of tower blocks in need of refurbishment.

Work is needed on deck access blocks, although Sheffield has already done a lot of work on them. I think especially of the partial demolition and partial renovation of the Hyde Park scheme to which the then Minister, David Trippier, gave special approval as part of the package of facilities provided for the world student games. That was one housing benefit that came out of that event.

Work is also needed on basic improvements, such as the installation of central heating. The difficulty is that the city's housing investment programme of £30 million is totally inadequate to deal with that range of problems within a reasonable time scale.

We have in this case a local authority with an excellent track record of identifying and using all kinds of capital resources. Throughout the 1980s and 1990s, it has used all its housing investment programme and it has used other programmes such as the urban programme. It has frequently been given additional resources because it has been able to spend its money up to the limit and in a proper way.

The authority used prescribed receipts in the 1980s up to the maximum possible and it therefore developed very good planned maintenance programmes. In the 1980s, it installed almost 30,000 central heating schemes in local authority homes through a leasing arrangement. It developed a housing partnership scheme with local builders and housing associations which built more than 1,500 homes to rent. It used original techniques, such as the enveloping scheme which benefited 2,000 homes in the private sector, which was followed by the use of the block grant scheme. That benefited 250 households in the private sector.

During the 1980s, perhaps in contrast with what was happening in some parts of the country and despite Government policy, Sheffield city council boosted its housing investment programme from about £20 million to about £100 million. That was a substantial increase to the benefit of local people. That was where much of Sheffield's expansion of capital development went.

Sheffield also pioneered many innovative measures in housing management. The area-based management scheme was introduced to devolve and decentralise arrangements, and area offices were built so that people could have access to housing services at a local level. A major consultation programme was introduced to ensure that tenants participated in the decisions being taken about their homes.

Tenants' associations were formally recognised, and a tenants' levy scheme—the only one of its kind still operating in this country—was introduced whereby, through their rents, tenants could pay a levy that was passed on to recognised local tenants' associations so that they could have a full and active involvement in what happened in their locality.

An official repairs scheme was introduced. It is interesting that, when I became a councillor in 1976, the majority of complaints in my surgery were about repairs. Now they are about the fact that people cannot get a home at all, and few complaints are about the repairs system operating in the city.

The problem is one of reduced resources; that is the key issue in this debate. Housing investment programme allocations were cut progressively throughout the 1980s and into the 1990s. At the same time, investment for housing associations and the housing action grant were reduced.

The Local Government and Housing Act 1989 meant that local authorities could no longer use non-prescribed receipts for planned maintenance schemes. That was a devastating blow because planned maintenance schemes were an efficient use of resources. Roofs were replaced, homes were rewired and windows were replaced. Maintaining the basic fabric of properties eventually saved money because less money had to be spent on responsive repairs.

The council embarked on a partnership scheme; again, that was an original idea and the scheme was the only one of its kind in the country. Some 1,500 new homes were built, but what did the Government do? They introduced specific legislation to stop such schemes. I remember sitting in a room in Sheffield town hall and signing the agreement for the scheme at 11.30 pm as the new legislation, which would stop such schemes, was coming into effect at midnight.

The council introduced a leasing scheme for central heating whereby tenants paid a rent increase to cover the cost. That was stopped as part of the Government's clamp-down on local authorities' right to borrow in various ways to improve their housing stock. It is nonsense that people who buy their council house can go to a gas company and can borrow money to have central heating put in from the financial institutions that were doing deals with Sheffield city council to put central heating in council houses through a leasing scheme.

[Mr. Clive Betts]

One is good; the other, apparently, is bad. If it is investment in the private sector involving borrowing from private institutions, it is good. If the public sector borrows from the same private institutions and tenants pay a rent increase to cover the cost, apparently that is bad and should be stopped. That was nonsense, but it stopped a worthwhile programme in its tracks.

Nationally, the Government have cut housing investment by almost half since 1992. The figures I have given show that, since 1990, Sheffield's investment programme has been cut from £100 million to £30 million. That is the scale of the reduction. The problems have not lessened, but the resources to tackle them have.

The Government's belief that, if they stopped local authority building, the resources would go elsewhere was not true. The number of private homes started in Sheffield was about 800 a year throughout the 1980s. The figure has not risen since 1980. In the 1980s, housing associations developed about 400 homes a year; the figure was lower at the beginning of the 1980s, but similar to the figure for the end of the 1970s. It is simply a fact that local authority building has come to a complete standstill, whereas during the 1970s, Sheffield built more than 1,000 homes a year. As late as 1980, it built 1,200 homes.

I now turn to the problems in my constituency which reflect those across the city in many respects. There is a diversity of needs. We need new homes. We have an innovative project called the Attercliffe village project. Local housing associations, the local authority, local builders and the local community are working together and we have the prospect of building new homes.

The difficulty is that there is no housing action grant to support the housing association scheme, although it is hoped that English Partnerships may help. The project is brown-field development on contaminated land. It can be cleaned up, but there is a price because housing there is more expensive. However, it is housing relatively near the city centre which local people want. If we could develop a scheme that also involved local people training to build those homes, so that we could do something about the high unemployment in the Darnall area, that would be a bonus. We shall work hard at that, but so far we have not had the necessary Government support.

In another part of my constituency, which is nearly out in the countryside, what almost amounts to a new town is being built in the Mosborough area. My hon. Friend the Member for Heeley, who was chair of the planning committee, will remember the initial aspirations to build a balanced community there, with public and private sector housing. Of course that balance has gone, because only the private housing is being built. It is a shame that some green fields are being built on, when we ought to concentrate our investment on the brown-field sites—the disused industrial sites nearer the city centre. Again the balance is wrong, and we need to sort it out.

Many people who have moved to private housing in the Mosborough area say that they want their elderly parents to come and join them there—but where is the council housing and the housing association property for them to move to? All too often, it does not exist.

There is enormous demand in the council sector. There are 13,000 people wanting immediate housing on the waiting list in Sheffield, and there are now nearly 10 times as many homelessness acceptances as there were in 1979. The right to buy has had a disproportionate effect on the number of rented properties in my constituency. In parts of my area, we have had the highest percentage use of right to buy in the city, and for some sorts of property there is a ten-year waiting list.

When one talks to housing officers in Sheffield, it is interesting to find out that although there is a great demand for some property, at the other end of the scale properties are becoming almost unlettable. People's aspirations have increased, and they also know that if they get into an unmodernised property without central heating, they will have little chance of getting a transfer out in the foreseeable future. With the current resources available, there is also little chance that the house will be modernised,

So people say, "We'll wait a bit; we'll wait for a modernised property." In this day and age, who wants to move into a home without central heating? There are still 15,000 such homes in Sheffield, and that is not acceptable in this country, as we move into the new century.

Mr. Bill Michie (Sheffield, Heeley): There is a logjam in all housing authorities nowadays. Because of the lack of investment, many families and single people are in the wrong properties. We are not building new housing, which would give them a choice, so we are left with people in three-bedroomed houses who could do with only two bedrooms. Unless we get some new build, that anomaly will remain for years to come.

Mr. Betts: My hon. Friend is right; in certain parts of the city there are shortages of larger properties for larger families, of properties for disabled people and elderly people, and of various other sorts of specialist housing.

All the time there is the feeling that the clamp-down on local authority housing resources is worsening the quality of the housing stock. The Government's policy of always talking down council housing and local authorities leads to such property being stigmatised and treated as a form of "welfare housing", rather than as an alternative form of tenure.

In my constituency there are estates of good quality houses built to Bevan standards in the 1950s, such as Ballifield, Thornbridge and Base Green. Although the houses are basically good, they need investment in improvements such as central heating. After 40 years, the metal windows in the houses in the Hackenthorpe estate are rotting and decaying, and they need replacing. People deserve better than that.

A delegation came to me from the flats in Richmond road. The old-age pensioners there look at the condensation running down their windows and the rotting frames, and know that there is no money to replace them. That is not acceptable. In the 1980s we used non-proscribed receipts for planned maintenance schemes to rectify such problems.

The city council has been imaginative. It has put in for Government schemes such as estate action and single regeneration budgets, and has been successful. We are not pushing Government schemes, or any other help that is offered, to one side; we simply say that that help is not sufficient.

In the private sector we have a major renewal project in the Darnall area. Did I say a major renewal project? In fact we are renewing only 40 homes a year. At that rate

it would take more than 10 years to do all those houses, and that is not acceptable, considering that many of them are unfit. Alongside them, we can see the great successes in Tinsley road and Staniforth road, where enveloping schemes saved the houses and the communities. We went in and did all the work on all the roofs and walls, the damp proofing and the rewiring. The fabric of the properties was tackled all together. Those were good schemes but, unfortunately, Government legislation stopped them.

The Minister will probably say, "The solutions are obvious. All Sheffield city council has to do is to let its vacant properties." So before he does, let me tell him that the council has an excellent record. Only 1.6 per cent. of its properties are vacant—a figure below the Government target of 2 per cent. And before the Minister tells us that we should collect our rents better, I shall tell him that in each of the past five years Sheffield city council has collected 99 per cent. of the rent due for the year. Last year it collected more than 100 per cent., and over a five-year period it has reduced arrears as a percentage of the rent due by one third. The council can be proud of that record, which has been achieved despite the fact that in cash terms rents have increased fivefold since 1979.

Mr. Michie: Tell the Prime Minister.

Mr. Betts: My hon. Friend is talking about the response that he got from the Prime Minister to one of his questions last week.

The solution is obvious. It is about more investment, and the release of capital receipts. Sheffield now has £40 million that could be spent on housing investment, and if it were available we could start the process of renewing housing there, and creating more new homes.

I accept that that would be only a start, but the Government could signal a different attitude towards local authority and other public sector housing. They could accept that there should be diversity in housing, that public sector housing is not second class, and that different people need different types of housing because they have different housing needs at different times in their lives. Some of those needs will properly be met by local authorities, and some by housing associations. There should be no stigma attached to being a council tenant. People should not be regarded as failures if they have not achieved owner-occupier status.

We can investigate innovations such as local housing companies, which are allowed under the Housing Bill. However, I argue strongly that most tenants—certainly those in Sheffield—want to remain with the local authority. Of course there are occasionally complaints about the authority, but by and large there is a good relationship, and tenants want to remain. We should allow investment from the private sector to be made in local housing companies that remain within the public sector.

We must also tackle the problem of renewal in private housing in the old inner-city areas such as Darnall. We need more resources for that, and perhaps we should consider innovations such as combinations of loans and grants to maximise the use of resources, both public and private, to save the infrastructure of those houses before we have to embark on a new slum clearance programme.

We must also deal with the rents in the housing association sector. The idea of rents of £60 a week, which take one third of the income of people who move into the properties, is nonsense.

The housing needs of Sheffield are clear for anyone to see. It is now time to give housing there and throughout the country the priority that it deserves. It is time to give to Sheffield council and other local authorities, and to housing associations, the resources that they need to ensure that housing needs are met. We cannot tackle all the problems at once—no Government can—but at least we can start moving in the right direction.

12.46 pm

The Parliamentary Under-Secretary of State for the Environment (Mr. James Clappison): I welcome the opportunity to set out the Government's policies to meet housing needs. It may assist the hon. Member for Sheffield, Attercliffe (Mr. Betts) if, before turning to the particular issues that he has raised in connection with Sheffield, which I shall discuss in due course, I set those policies in a wider context and deal with some of the wider issues that arise from what he said.

The issue of housing need in general has achieved some prominence recently, with my Department's White Paper and with the work of the Select Committee on the Environment. It may be helpful if I take those, and the Government's policies, as a starting point.

The Select Committee commended the Government for publishing estimates of future housing need. We want to encourage debate—informed debate. The Committee also acknowledged many of the uncertainties in estimating need, and the fact that there is no clear "right answer". It also commended our efforts to improve methodology.

The Committee supported the Government's estimate that 60,000 to 100,000 additional social lettings were required each year. In view of the hon. Gentleman's comments, and his concentration on local authority new build, I shall deal in some detail later with exactly how we are meeting those needs in diverse ways. We share the Committee's view that that estimate is a good starting point for debate. We are considering the Committee's recommendations carefully and will respond to them shortly, so I do not want to anticipate that response today.

At the lower end of the range, public investment is providing an average of about 60,000 additional lettings a year. Investment at that level means that about 300,000 households every year move into a home in the social sector. Provision at that level leaves proper scope for some of the demand to be met by the private sector through additional growth in home ownership and renting.

Home ownership has continued to grow in recent years, and the number of private rented homes has increased faster than expected—to some extent as a result of the Government's successes in reforming the legislative framework for the private rented sector. That does not bear out the view of the pessimists who argue for very high levels of provision of social housing. The number of people in severe housing need is small in absolute terms, and the Government are taking steps to drive the figure lower. We regularly monitor a number of indicators of housing stress, and those show that the numbers of people in overcrowded conditions, in bed-and-breakfast accommodation and sleeping rough have all fallen substantially in recent years.

It is right to put it on record that home ownership is still what the vast majority of people want. Low interest rates, stable house prices and sustained growth in the economy and jobs help to make it more affordable for many.

[Mr. James Clappison]

Our estimate of 1.5 million more owner-occupiers over the next 10 years reflects current trends. They include the replacement of older households by younger and middle-aged households that are more likely to own, and existing rates of right-to-buy sales, to which we attach considerable importance. With continuing growth in home ownership, there has been a 200,000 increase in the past five years in the number of private rented homes and an improvement in quality.

It is important to emphasise, in response to the hon. Gentleman's concentration on local authority new build as the form of provision for social housing, that we must consider the total number of new social lettings that public expenditure provides in several different ways in addition to those that he specified. It would be inaccurate to consider only the figure for local authority new build. That ignores the homes built by housing associations, with local authority housing association grant in some cases; building for low-cost home ownership through housing associations; housing associations that buy rundown private property; and the dwellings freed by incentives to buy in the private sector. All those means help to create provision for meeting social housing need.

Over the five years from 1991 to 1996, public investment has provided about 250,000 homes for social renting or shared ownership by building new homes and rehabilitating old ones. That is meeting the need of the social tenants who move into those properties, irrespective of whether the accommodation is provided by the local authority, a housing association or whatever. The important point is that social housing need is being met. An additional 7,000 social lettings have been created by incentives for tenants to buy their own homes in the private sector, which is good in itself because it gives tenants opportunities as well as releasing homes for others who need social housing.

Public expenditure on new social housing remains high. The Housing Corporation's approved development programme in 1996-97 exceeds £1 billion and it is expected to lever in £827 million in private finance. I take issue with the distinctions that the hon. Gentleman made between public and private finance. He should bear it in mind that that private finance is, in its own way, going to help meet social housing need. It is not adding to the burden on public expenditure and the public sector borrowing requirement. That is an important point. Housing associations have attracted around £6 billion in private finance since 1988-89 to supplement approved development programme and local authority funding.

It is also essential that we make the best use of existing housing stock, both for the housing opportunity that empty dwellings represent and to reduce the need for new development. More than 4 per cent. of housing in England is vacant—about 800,000 homes. In the White Paper, we set a target to reduce that figure to 3 per cent. over the next decade. We intend to do that by encouraging people to rent property rather than leave it empty, by creating the conditions for a healthy housing market so empty homes are sold, by investing through housing associations that buy up rundown properties, repair them and bring them back into use, and by improving the performance of all parts of the public sector, including the local authorities' strategic role working with the Empty Homes Agency. We are also addressing the issue of homelessness in the Housing Bill that is currently before the House.

The debate about the provision of affordable housing usually involves comments what about could be achieved by freeing up authorities' accumulated capital receipts. That has been touched on tangentially today. There is no escaping the fact that any extra money spent by local authorities from their capital receipts would add to public expenditure and to the public sector borrowing requirement. Local authority debt stood at more than £36 billion in March 1995 and it cost £3.4 billion to service in 1994-95. Our policy of requiring certain proportions of capital receipts to be set aside for debt redemption reduces the burden of servicing local authority debt. That is a prudent approach.

It is important to recognise the separation between the need to spend and the ability to generate receipts. The competitive housing investment programme and local authority capital control systems allow resources to be allocated to the authorities with the greatest needs and those that make the most effective use of them.

As the hon. Gentleman said, in its housing strategy, Sheffield city council estimates a need for 5,600 new homes by the year 2001 and that 40 to 50 per cent. would need to be rented by households that cannot afford to buy at current prices. During the five and a half years to the end of June 1995, an annual average of just over 900 dwellings were started. Sheffield will, of course, benefit from the range of policies that I have described. Homelessness in Sheffield has been falling, from an earlier peak than the national one. In 1995, the homelessness rate in Sheffield was 0.9 per thousand households, compared with the national rate of 1.4.

The hon. Gentleman adverted to the housing investment programme. As he knows, HIP resources are distributed first to regions, then to local authorities using the generalised needs index and indicators for specified capital grant. Housing Corporation resources are allocated in a similar way through another index. A fundamental review of those indicators, especially the new provision indicator, was completed last year and used in the allocations for 1996-97. The changes to both indicators have significantly benefited Sheffield. In addition, stress area enhancement was introduced into the generalised needs index and Sheffield has been a significant beneficiary of that.

On the Housing Corporation and meeting need through housing association, the Housing Corporation's approved development programme resources allocated to Sheffield increased from £5.8 million for 1995-96 to £8.2 million for 1996-97. The total number of lettings provided through all programmes is up from 323 to 500. The competitive approach to housing investment programme allocations continued in allocations for 1996-97, and that produced a £17.9 million HIP allocation to Sheffield.

Sheffield has also benefited from the single regeneration challenge fund, providing a new opportunity for partnerships locally to determine their priorities and develop a holistic approach to regeneration. In the first two years of the single regeneration budget, Sheffield has chosen to concentrate regeneration on areas of housing disadvantage. It has secured two of the largest SRB awards nationally, with approvals of £38 million and £36 million in rounds 1 and 2 respectively. The content of any round 3 bids will be for local decision.

However, Sheffield's performance on some of the housing management indicators remains disappointing in some respects. The hon. Gentleman referred to some of those. There is an issue over the number of empty local authority dwellings available for letting. I understand that there are 708 empty local authority dwellings available for letting. That represents a management voids rate of 1.6 per cent. compared with an average of 1.2 per cent. for similar authorities in the region. It takes an average of 48 days to re-let management voids in Sheffield. I understand that current tenants' rent arrears amount to 4.4 per cent. of the rent roll. That compares with a regional average for similar authorities of 2.8 per cent.

Mr. Betts: First, will the Minister confirm that, in its allocation policy, Sheffield gives people on waiting lists a choice so that they do not have to accept the first home that is offered? That can mean longer periods in which houses are vacant, but it is a good policy. Secondly, on rents, does he accept that overpayments of benefit are put into rent arrears figures in Sheffield but that they are not in many authorities? That distorts the comparison.

Mr. Clappison: The hon. Gentleman speaks with his special knowledge of Sheffield. The comparisons that I am making are relevant—

Mr. Betts: They are wrong.

Mr. Clappison: They are not wrong; they are accurate. They are between the performance of Sheffield and that of other local authorities in the region.

While I am pleased when Sheffield benefits from Government programmes such as the SRB and estate action, it is important to consider its performance and the ways in which it can be improved. I am sure that the hon. Gentleman would want to cast a critical eye over that performance when it comes to important issues such as voids, which are keeping additional people in housing need through inefficiency, and also rent arrears, which must be an important issue for any local authority. Those are important matters to which Sheffield must give some attention. Clearly, there is room for improvement.

The White Paper emphasised the Government's continuing commitment to improving the condition and diversifying the ownership of social housing through the voluntary transfer of council housing to local landlords. I welcome Sheffield's work on the local authority stock management options study, which has been developing our knowledge of the practicalities of such transfers. We have also initiated the estates renewal challenge fund with £310 million of new money to deal with those issues.

That approach is somewhat at odds with the hon. Gentleman's approach, which concentrated heavily on local authority new build provision as being the only way to meet need. The hon. Gentleman is aware that there are many other ways of doing that.

West Bromwich Building Society

1 pm

Mr. William Powell (Corby): I rise to express the anger, frustration, disappointment and despair of thousands of our fellow countrymen and their families who found themselves caught up in the disgraceful scandal over the selling of failed bond-based home income plans.

This is not the first time that the matter has been raised in the House or that I have spoken about it. My hon. Friend the Member for Romsey and Waterside (Mr. Colvin) was the first person to raise the matter in the House, and did so before the last general election. Since early 1992, I do not think that a single day has passed without my being faced with some problem that has arisen because of the outrageous and dishonest way in which such plans were sold, leaving in their wake a trail of human tragedy and disaster.

The home income plans have been a major cause of the suicides of at least three people, because of the circumstances in which they found themselves trapped. The first was a former constituent of mine, Mr. Cyril Whitta. The matter before the House has caused immense grief and great pain, and there is much frustration that, after all these years, the problem has still not been solved.

Although that is the basic background and the general picture is one of gloom and despair, a few shining lights of heroism have inspired me and other right hon. and hon. Members as we have tried in one way and another to tackle the consequences of this fiasco.

I must single out three remarkable individuals—one, a Mr. Craven from east Yorkshire, whom I have never met; the redoubtable and determined Mrs. Hawkins of Bromley in Kent; and Mr. Philip Cheal, formerly of Peterborough and now of Charford—who have held together the group of people who have found themselves to be victims—I use the word advisedly—of that scandal. Their constant work, all of which has been given freely despite the fact that they are no longer as young as they were and have been substantial victims of the scandal, has enabled countless hundreds and even thousands of people to fight on and try to achieve some recompense and justice in the circumstances. Without their efforts, the matter would have been forgotten a long time ago.

I pay tribute to the scores of hon. Members on both sides of the House who have been in touch with me and other hon. Members to ensure that matters that their constituents raised with them were properly pursued with the various authorities, including, but not exclusively, those in government. I also pay tribute to the courageous and determined way in which the hon. Members for Birmingham, Selly Oak (Dr. Jones) and for North Cornwall (Mr. Tyler) have pursued the matter.

Again and again, we three have endeavoured to co-operate on this matter at least, to ensure that it was pursued on an all-party basis and not merely as a series of one-offs affecting individual Members of Parliament but without any co-ordination. Informally, we have tried to act together, and have spent many hours pursuing the matter.

Many other hon. Members have played a part. I am delighted to see that the hon. Member for North Warwickshire (Mr. O'Brien) has come into the Chamber

[Mr. William Powell]

for the debate, because he played a distinguished part in the proceedings of the Treasury Select Committee when it looked into the operation of the Financial Services Act 1986.

I also pay tribute to my hon. Friend the Economic Secretary to the Treasury, who inherited the responsibility last summer, taking over from my hon Friend the Member for Chichester (Mr. Nelson), who is now Minister for Trade and who had handled it for years. She has done all she possibly can, as he did, to ensure that some justice is found for those who were so unhappily caught up in this scandal.

I pay tribute to those in the Securities and Investments Board and the Building Societies Commission. I have taken the matter to the Serious Fraud Office, and it has been in the hands of a number of police forces. All sorts of public authorities of one sort or another have tried to use their influence to bring some pressure to bear and to achieve some solution, so far, for the most part, with an inadequate result.

Those who took out home income plans certainly number more than 10,000. Incredibly, we keep discovering new ones every day. It is likely that around 18,000 people purchased between 1986 and 1988, and the average age is now 74 to 75. Some have achieved settlements with societies and are assured of lifetime occupation, but many are left with debts of £20,000 or more and rising. As time passes, they find that they own less of their home, and, in many cases, the larger part of their equity has already gone.

Several hundred, including most recently Mrs. Vera O'Neil of Woodfield grove, Corby, a constituent of mine, have died not knowing how the matter would finally be resolved. The strain that she and others have been under and the worry of not knowing how the matter could be properly sorted out was extraordinary. All of us who have had personal contact with those involved have seen some of the enormous pressures they faced as a consequence.

The simple fact is that the financial regulatory system has failed because of widespread mis-selling by undertrained and largely under-regulated sales people. Many independent financial advisers have been involved in selling failed plans, which were regulated by the Financial Intermediaries, Managers and Brokers Regulatory Organisation—FIMBRA—but which have defaulted.

There are some extraordinary examples. Fisher Pruw Smith was a front for the West Bromwich building society. One of the gentlemen concerned—Mr. Fisher—is still in this country, in Southport, Lancashire, but Mr. Pruw Smith is enjoying the life of Riley no doubt, in Spain. Aylesbury Associates is another front responsible for selling many such plans. Mr. Boerr, the gentleman behind it, is no doubt currently trout farming with great success at Westerham in Kent.

These organisations made outrageous claims to the people who purchased the plans—in particular, that there would be no mortgage involved and that they could not possibly lose their homes. Solicitors acting on behalf of various people failed to point out the legal implications of these matters. I raised this matter in the House a couple of years ago, when we were debating the Report stage of a Finance Bill. We saw examples of application forms stating incomes that had been forged—sometimes a nought was added on the end of the alleged income of the applicant. We have seen fraudulent misrepresentations, forgery, and disastrous misrepresentations that have left human misery in their wake.

The West Bromwich building society heads the list of infamy of those who were responsible for this behaviour. However, it is not the only building society in the list—alas, Cheltenham and Gloucester building society has not played a distinguished role. I know that my hon. Friend the Economic Secretary to the Treasury will draw the remarks that are made in the Chamber today to the attention of those who are mentioned.

When Lloyds bank was contemplating buying out the Cheltenham and Gloucester building society, I wrote to the chairman of the bank and asked him what its policy would be towards Cheltenham and Gloucester home income plan holders. However, I did not have the courtesy of a reply—a matter that did not reflect any credit on Lloyds bank. There are many people in the list of infamy.

Today the Chelsea building society has been drawn to my attention. It is hiding behind another independent financial consultant and claiming that it was not involved in this fraudulent and dishonest behaviour. The case relates to constituents of my right hon. Friend and neighbour the Member for Kettering (Mr. Freeman)—the Shawcrofts, of Burton Latimer, Kettering, Northamptonshire.

I shall concentrate on the West Bromwich building society. At least 800 people purchased home income plans that were backed by the West Bromwich building society. The building society has always sought to defend itself on the grounds that it did not sell the plans, but that independent financial agents did so on its behalf. If that is true, the building society made no attempt to check the integrity of the claims that were being made by independent financial agents who were using the building society to back, sustain and support their product.

I indict the management and the directors of the West Bromwich building society for behaviour and conduct that can be described only as an utter disgrace. These matters were drawn to the attention of the House in early-day motion No. 99 in the session 1994-95 and in a subsequent early-day motion in the following Session of Parliament. They are on the record. The only reaction to the charges that have been made against the West Bromwich building society is libel writs. Like the late Mr. Maxwell, as soon as they are caught and cornered, they aim to stifle criticism by the use of writs.

That is exactly what happened when the Treasury and Civil Service Select Committee took evidence from the West Bromwich building society—evidence that many hon. Members will have the opportunity to read. They will see what a miserable show Mr. Baker and Mr. Elliot made of defending the building society. As soon as they left, they issued a libel writ to prevent the Treasury and Civil Service Select Committee from publishing documents in its memorandum of evidence that indicted that the building society in the most savage and lethal terms.

Mr. Paul Tyler (North Cornwall): I thank the hon. Member for Corby (Mr. Powell) for the way in which he has led our little informal group on this issue. I underline the point that he was making, and ask him to extend it one step further.

Is it not true that the perception outside this place and outside Government is that this exercise has been one of prevarication, procrastination and gagging, and that it involves some frail and vulnerable people, whose livelihoods, security and homes are at stake? As the case of the West Bromwich building society indicates, the system has not worked for some of our most frail and vulnerable citizens.

Mr. Powell: The hon. Gentleman is absolutely right: I am quite certain that, if thousands of depositors in the West Bromwich building society knew the truth about the way in which the managers and directors of the building society have behaved, they would shift their money out of it and hang their heads in shame that a building society could behave like that.

Until recently, I had assumed that the chief executive was the principal villain in this matter and that the board of directors was incapable of controlling a chief executive who was clearly out of control. There is some evidence—I put it no higher than that—that I may have been unkind about the former chief executive, Mr. Elliot, who has now left the West Bromwich building society.

There is no decisive evidence that I am wrong, but one of the ways in which Mr. Elliot can seek to redeem his reputation is by lifting the veil on the true relationship between the West Bromwich building society and Fisher Pruw Smith. He can do that by going to the police. He can spell out exactly what the secret commissions were, and why Fisher Pruw Smith was constantly putting those who sought to borrow in this way under greater pressure to borrow larger sums of money. At no stage was it spelt out that these bond-based plans could never succeed. It has been claimed that a collapse in the housing market and in the stock exchange is why it went wrong. That is not true.

I shall outline a case for hon. Members. A couple borrow £18,000 and, under the bond, in the first month and ever thereafter they have to repay at least £400 per month. If they fail, the shortfall is met out of capital. Meanwhile, if power of attorney is given—whereby the managers of the fund can reinvest it in whatever way they choose to maximise the amount of money that they receive for the investment—each time a reinvestment in different stocks, shares or whatever is made, the managers take 1 per cent. and the building society takes 1 per cent.; that is, 2 per cent. is taken immediately. It is exactly like churning in the Lloyd's market—one does this as often as one possibly can. The capital that was supposed to produce the income that would pay the mortgage was constantly being reduced and, often, fines were added on top. It is small wonder that so many of our constituents now find themselves with debts that cannot possibly be repaid.

The West Bromwich building society has gone out of its way to avoid accepting the moral responsibility it faces for allowing Fisher Pruw Smith, Aylesbury Associates and others to behave as they did. It failed to recognise that it was the principal in all this. In the circumstances, any building society concerned about its reputation would have acted at once to put right the wrong that had taken place. In these cases, the borrowers did not know the truth, and it was never spelt out. The West Bromwich building society took no steps whatsoever to ensure that the truth was spelt out. That is why it deserves our contempt.

Beyond our contempt, and beyond the police action that needs to take place in relation to the directors and the senior managers of the building society, we need to recognise that bodies such as the SIB and others who have the responsibility of making the best they can of our legislation, have stretched the elastic—if I can put it that way—as far as they possibly can. Even then, they have not reached a settlement, because the Financial Services Act 1986 did not contemplate or allow for that position; those who saw teh opportunity to drive a coach and horses through investor protection did so by stealth, and often dishonestly.

I hope that my hon. Friend the Minister, having regard to the report of the Treasury and Civil Service Select Committee, will take urgent steps to introduce legislation as soon as possible to fill the gaps that have been revealed in this case, and to ensure that a similar scandal can never happen.

1.19 pm

The Economic Secretary to the Treasury (Mrs. Angela Knight): I thank my hon. Friend the Member for Corby (Mr. Powell) for initiating the debate and for drawing attention to important points. He has worked hard and assiduously on behalf of his constituents and all those who have home income plans. The hon. Members for Birmingham, Selly Oak (Dr. Jones) and for North Cornwall (Mr. Tyler) have also played a valuable part in ensuring that the matter is discussed continually in the House and elsewhere, so that the cases of the many people who have been affected are properly and thoroughly considered.

The story of home income plans has been a long and unhappy one for many elderly people. I recognise that it continues to be a worrying time for a considerable number of those who took out such plans. I sympathise deeply.

The schemes were attractive in their time to a specific vulnerable section of the community. Retired people tend to live on a fixed income, which they have little opportunity to augment. Members of that generation believe in helping themselves, and the schemes appeared to offer a way to do just that.

Home income plans were associated with a range of deferred interest mortgages offered by mortgage lenders in the late 1980s. As the term implies, equity release schemes were devised to enable borrowers to release some of the capital from their houses to spend on something specific, to improve their income or for other purposes. In the case of home income plans, which were often targeted at the elderly, the borrower used the proceeds of the loan to purchase a bond or other investment instrument, often from an independent financial adviser, to provide that additional income.

As my hon. Friend the Member for Corby has ably shown, difficulties have arisen for a sizeable number of elderly people who purchased home income plans in that period, for a combination of reasons that I do not propose to go into, as they have been described so well.

The Securities and Investments Board and the other financial services regulators, the Building Societies Commission, and the Investors Compensation Scheme Ltd. have made strenuous efforts to help. To a large degree, they have been successful in dealing with the investment element of those schemes and encouraging many lenders involved to put in place measures that go some way to reassuring people.

[Mrs. Angela Knight]

The financial services regulators issued strong warnings from 1989, and effectively put a stop to investment-based schemes in 1991. In addition, the Building Societies Commission gave prudential guidance from September 1989 onwards, warning societies of the special problems associated with the equity release loans offered to older people.

Dr. Lynne Jones (Birmingham, Selly Oak): Does the Minister agree that, although those home income plans were fundamentally flawed, the West Bromwich building society continued to process applications after the Building Societies Commission had issued those prudential notes? We agree that the regulatory bodies have done their best to encourage the West Bromwich building society to shoulder its responsibilities.

Will the Minister join me in urging the West Bromwich building society today that, if it does not accept any legal obligation toward those borrowers, it should accept a moral obligation? Those elderly people would not have taken out those loans had they not been associated with the good name of building societies, so the West Bromwich building society has a moral obligation to compensate those people and put them back where they began—and certainly not charge premium rates of interest, as it continues to do.

Mrs. Knight: I cannot comment on the reasoning of every individual who took out such a scheme, but, like the hon. Lady, I am worried that some building societies—she mentioned the West Bromwich building society specifically—may not have granted terms similar to those that other building societies have granted in dealing with customers with those plans. The legal position must be considered in detail, but there is a moral obligation.

I hope that the hon. Member for Selly Oak will agree that the meetings that she has had with the Building Societies Commission and the Securities and Investments Board, which have been offered to the three hon. Members who take a special interest in this problem, have been satisfactory—indeed, helpful. I hope that hon. Members will join me in congratulating those two organisations on the help that they have given and the efforts that they have put into this case.

Compensation totalling about £67 million has been paid, which has covered claims from 2,700 investors. I accept that it is not a perfect solution for those who feel themselves victims of home investment plans, but without the compensation arrangements under the Financial Services Act 1986, their position would have been even more difficult. Considerable resources have been deployed by regulators to try to help with these problems.

The subject of the debate is home income plans and West Bromwich building society. The SIB has worked hard to make an arrangement with the society, and is satisfied that the agreement reached is the best that could be achieved in the circumstances.

Mr. William Powell: My hon. Friend mentions the agreement of 11 December between the SIB and the West Bromwich building society. Several other building societies which backed home income plans—such as the Chelsea building society—are not party to that agreement, and are offering terms even less generous than those that the West Bromwich building society is offering as a result of the agreement of 11 December. Will she therefore use her position to try to ensure that all building societies are covered in similar terms to those laid down in the 11 December document?

Mrs. Knight: I thank my hon. Friend for bringing that to my attention; I will look into that matter as soon as the debate is over. I understand that the West Bromwich building society is now explaining to every individual borrower what the terms mean and how they apply to them. The Building Societies Commission has launched a separate investigation into several issues that fall within its responsibility as a prudential supervisor, arising from the FIMBRA material about the activities of the West Bromwich building society in connection with home income plans.

Legal actions are pending. Their conduct is for the courts, but I hope that there will not be too many delays. I deplore heel dragging by any group, organisation or individual. It would inevitably have detrimental effects on borrowers who are already in a difficult position. We must wait to find out what happens in the courts, but I sincerely trust that no one will delay the cases or impede their reaching court as soon as possible.

I am told by the West Bromwich building society that hon. Members especially concerned about the activities of the society have not taken advantage of an invitation to visit the society for a discussion with the directors. Obviously, I do not know the ins and outs of invitations that may have been made, but it might be a useful avenue. In a time when annual general meetings provide an opportunity for shareholders to question companies' policies, it is open to members—including borrowing members—of building societies to express their views and anxieties to the board. That avenue is worth considering.

Where does that leave us? Several other building societies have been, and still are, negotiating settlements with individual borrowers. I commend their efforts to help home income plan victims to reach acceptable solutions to their problems. It worries me that cases are still coming to light. Perhaps it does not surprise me, because it is often difficult for people—especially members of the generation involved—to acknowledge that they are in difficulty.

Lenders can take action only if they are aware of the problems. Therefore, I reiterate the advice that has been given on many occasions: borrowers who are in difficulties should approach their lenders to discuss ways in which they can resolve them.

I take this opportunity to welcome the proposed code of mortgage practice about which the Council of Mortgage Lenders is consulting currently. The scheme will enable an ombudsman to oversee the affairs of members who are not parties to existing schemes. The code's form has not yet been worked out, but extending an existing code seems to be a practical way forward. It will certainly assist people in future.

I sincerely sympathise with the difficulties faced by home income plan borrowers and with the views expressed during this brief debate. I will continue to do all within my power to push matters forward and to see the issue resolved. Leaving aside the strict legal argument,

I add my voice to those urging all building societies and other lenders to follow the route of those who have agreed settlements, and to consider seriously—

Mr. Deputy Speaker (Sir Geoffrey Lofthouse): Order.

Sea Empress Disaster

1.30 pm

Mr. Nick Ainger (Pembroke): At the outset, I put on record my tribute to those individuals who were involved in the struggle to save the Sea Empress and to limit the pollution that resulted from her grounding. I pay tribute also to those who have been involved in cleaning up the significant oil pollution affecting not just my constituency but that of my hon. Friend the Member for Carmarthen (Mr. Williams) and those of other hon. Members who represent West Glamorgan.

The debate is about the need for a wide-ranging inquiry—independent of the Department of Transport—into how 70,000 tonnes of oil was allowed to pollute probably the most sensitive and environmentally important marine habitat in the United Kingdom. The Government have asked the marine accident investigation branch to conduct an inquiry, but we do not accept that the inquiry is independent, as Ministers, officials and agencies of the Department of Transport were involved in the disaster, either directly or indirectly. It is the first time that the MAIB has been asked to investigate the actions of Ministers and of civil servants who were operationally involved in an accident which resulted in probably the most damaging oil spillage ever to affect United Kingdom shores.

To appreciate why the marine accident investigation branch inquiry is inadequate, one must understand the events leading to the grounding of the Sea Empress at 20.07 on Thursday 15 February, its subsequent grounding on the night of Monday 19 February, and its final refloating from that position on Wednesday 21 February. The vessel ran aground at seven minutes past 8, and she was refloated within three hours. It is now accepted that less than 2,000 tonnes of oil—possibly as little as 250 tonnes—was spilt in the initial grounding, as the vessel was rapidly refloated by harbour tugs.

On Friday morning, the salvers, Smit Tak—in consortium with the towing companies Cory and Klyne—were appointed. A strategy was apparently agreed early on with the salvers, the marine pollution control unit, the Coastguard Agency and the Milford Haven port authority, that the vessel should be lightened using a small tanker, and held in position in deep water from where she could float safely. It was then planned either to bring the vessel into port or to take her elsewhere for repairs. In the press conferences—fronted by an official from the marine pollution control unit—that were held regularly over the weekend, the media were informed that the situation was under control.

On 15 March, *Lloyd's List International* published an interview with Mr. Geert Koffeman, the salvage master working for Smit Tak. When asked about the strategy and the decisions that were taken, he replied:

> "We did not make this decision alone. All parties, from the owner, to the coastguard to everyone involved, contributed to the decision".

It is patently obvious that the marine pollution control unit and the Coastguard Agency were involved in the decision-making process regarding the salvage operation.

Sadly, the expert knowledge of local pilots was ignored, and two opportunities were lost to take the vessel away from what is probably the most dangerous stretch of coastline in western Europe. On Saturday afternoon,

[Mr. Nick Ainger]

an opportunity was lost to move the vessel from its position, when a pilot with more than 20 years experience suggested that he could take the vessel out to sea safely at high tide. The harbour master informed him, "I'm in a room full of men, and they are all saying no." I believe that the strategy was fundamentally flawed, because the tugs available were not powerful enough to hold the vessel safely in position.

On Monday afternoon, the Secretary of State for Transport made a statement to the House, in which he said:

"Every effort will be made to prevent any further release of oil."—[*Official Report*, 19 February 1996; Vol. 272, c. 34.]

Within two hours of the Secretary of State's resuming his seat, the salvers had put the Sea Empress on to the rocks in calm weather, during one of the highest tides not just of the year, but of the decade. Despite claims to the contrary, the incident occurred in good weather. That night, I asked pilots who were involved in the operation what had gone wrong. They said that the vessel had been towing the tugs and not the other way round. That is a very important point.

The Government have accepted 80 of the recommendations in Lord Donaldson's report "Safer Ships, Cleaner Seas"—including those relating to salvage. In chapter 20, paragraph 127 of the report, Lord Donaldson says:

"We therefore propose that there should be interim arrangements during the winter months until the new system is fully operational."

He is referring to placing powerful salvage tugs at key positions around the United Kingdom coast.

Lord Donaldson continued:

"the UK Government should be prepared to bear the full cost of such interim arrangements. We cannot specify just what interim arrangements will be needed, but they should concentrate on the three key areas we identified: north west Scotland, the Dover Strait and the Western Approaches."

Only two salvage tugs were put in place—one in the Dover strait and the other in north-west Scotland. No tugs were placed in the western approaches. Lord Donaldson also recommended that five powerful salvage tugs should be stationed around our coast.

As a result of the failure to control the Sea Empress, 70,000 tonnes of oil was spilt. Eye witnesses allege that, following the second major grounding on Monday evening, oil was forced from the cargo tank in order to increase the vessel's buoyancy and refloat it. It had been planned to force water from the tanks, but it is alleged that oil was also forced from the vessel in order to allow it to float free. In other words, oil was discharged deliberately—which we know is an offence—and it is claimed that that was done with the agreement of the marine pollution control unit.

The damage caused to the coast of south-west Wales, to the Bristol channel and to the Irish coast is quite appalling. More than 3,000 seabirds were killed. A similar number were cleaned, but, unfortunately, many of them will not live very long. Two marine nature reserves, Skomer and Lundy, were polluted, and 26 sites of special scientific interest were affected. Many forms of wildlife have suffered, and we believe that one—a rare species of starfish, the asterina phylactica—has been wiped out. It was only discovered in 1979 in West Angle bay, and that bay was the one most polluted by the spillage.

Miles of holiday beaches have also been heavily polluted. The whole fishing industry operating between St. David's head and Port Eynon point has been put on stop, as well as all angling on the rivers leading into that sea area. In addition to the massive environmental damage, from which the area will take years to recover, there is likely to be long-term economic damage.

The main holiday beaches have been cleaned and other beaches are being tackled. I pay tribute again to all the people who have done that excellent job. There is no reason for tourists not to return to those beaches. The intention is to have all amenity beaches fully cleaned by Whitsun—but the damage has been done. It is impossible to cost the environmental damage. What price a rare starfish or oiled scotes? The estimated clean-up costs are in the region of £10 million, and compensation for the fishing and tourist industries is likely to run into many tens of millions of pounds.

No wonder such anger is felt in my constituency, in Wales and throughout the United Kingdom. Last night, I presented a petition to the House signed by 25,000 people, calling for an independent inquiry. This morning, I was part of a deputation that delivered to 10 Downing street pledges and petitions signed by more than 80,000 people, calling for the protection of wildlife and an independent inquiry. More than 100,000 people have expressed their outrage at the environmental damage done, and the need for a truly independent, comprehensive inquiry.

Not only individuals but literally every organisation directly or indirectly connected with the environment—including local councils, community councils, district councils, new unitary authorities, the National Trust and the Royal Society for the Protection of Birds—is calling for an independent inquiry, which should examine not just why the Sea Empress grounded and the salvage operation, but why Lord Donaldson's recommendations were not fully implemented.

The inquiry should also examine salvage law and the operation of Milford Haven port authority, which did not have an operational radar covering the entrance to a particularly dangerous stretch of water. That inadequacy is almost beyond belief, and that radar is still not fully operational.

It is clear from evidence already available that the current marine accident investigation branch inquiry is perceived as an inquiry by the Department of Transport into itself. How can we ask civil servants—at the end of the day, that is what they are—to investigate and comment on the decisions of their political masters, Ministers, in relation to whether Donaldson's recommendations were implemented? How can we ask civil servants to investigate their colleagues in the Department of Transport who were directly involved in the salvage operation?

The MAIB inquiry cannot, by any stretch of the imagination, be perceived as independent. It is like the arms to Iraq scandal, which Lord Justice Scott was rightly appointed to investigate. What would have been the public's response if civil servants from the Department of Trade and Industry and the Foreign Office had been asked to investigate the actions of Ministers and other civil servants? Such a proposal would have been laughed out of court, yet that is the situation in relation to the Sea Empress incident.

I do not cast any aspersions on the integrity or expertise of the marine accident investigation branch, but it is totally unfair of the Secretary of State to make it undertake such an inquiry. The Secretary of State has told me that nobody questions the independence of the air accident investigation branch. However, as far as I am aware, the AAIB has never been asked to investigate an air crash in which civil servants from the Department of Transport were in the pilot seat and the Secretary of State was in the air traffic control tower—which was the comparable situation in the case of the Sea Empress.

The Government fail to understand that the Sea Empress incident was different in its size and impact from any other major pollution incident. It was also more complex, and, most importantly, Ministers and civil servants were directly or indirectly involved in the whole operation. It is vital for my constituents, the rest of Wales and everyone concerned about the environment that the inquiry and its report has credibility and the confidence of the individuals and organisations affected directly or indirectly by the pollution. The inquiry's recommendations must carry weight.

Effective recommendations are urgently needed and lessons must be quickly learned, so that such a disaster can never happen again. I urge the Government to appoint Lord Donaldson of Lymington, who has already said that, if the Government were minded to invite him to oversee the inquiry, he would be pleased to accept. That is the only way to produce rapidly a report that is thorough, objective and independent.

I have been assured by my hon. Friends on the Front Bench that, when the next Government are in place—and it will be ours—they will insist that an independent element is injected into the inquiry. We do not want to restart the inquiry, but if the report is to be credible, it is vital that the inquiry is independent and that Lord Donaldson is asked to oversee it.

1.46 pm

The Parliamentary Under-Secretary of State for Transport (Mr. Steve Norris): I congratulate the hon. Member for Pembroke (Mr. Ainger) on securing a debate on the circumstances surrounding the Sea Empress disaster. I heard a large number of assertions, anecdotes, conversations at third hand and snippets of apparent conversations with some of the persons involved in the inquiry. No doubt some of that material is relevant, but I suspect that a great deal of it will prove not to be so.

There is no disagreement between us that, following the grounding of the Sea Empress at the entrance to Milford Haven harbour on that fateful 15 February, the subsequent salvage operation was severely hampered by heavy weather—and that, by the time the ship could be successfully refloated and its remaining cargo transferred to another vessel, an estimated 72,000 tonnes of oil, roughly half the ship's cargo, had been spilled.

The Government—not only the Department of Transport but the Welsh Office; I note that my hon. Friend the Under-Secretary of State for Wales is in his place—are as concerned as anyone about the incident, particularly as it occurred in an area of outstanding natural beauty and environmental importance.

I acknowledge entirely what the hon. Member for Pembroke said about the crisis nature of the effect on some of the flora and fauna; that is to be regretted, whatever the outcome of subsequent inquiries or proceedings. It is accepted that, despite the best efforts of Governments and industry in every country, we will never be able totally to eradicate the possibility of marine accidents of that type. We must do, we are doing and we will continue to do, all that we can to reduce the risk.

The marine accident investigation branch, about which I will say more later, has begun a comprehensive investigation into all aspects of the grounding and the planning, execution and direction of the salvage operation and its effectiveness in minimising the pollution. It has already released a special bulletin that included its interim findings on the cause of the incident. The MAIB's final report will be published.

The MAIB was established by Parliament in 1988 to provide an expert body capable of carrying out investigations of the kind that we are discussing today, independently of the shipping industry and of the Department of Transport. The chief inspector of the MAIB reports directly to my right hon. Friend the Secretary of State for Transport. Under the terms of the legislation which created the MAIB, its investigations are to determine the circumstances and causes of accidents, with the aim of improving safety of life at sea and avoiding accidents in the future.

The chief inspector will consider all evidence and arguments submitted to him which he feels are relevant. He has said that the investigation into the Sea Empress will consider, in addition to the issues that led to the grounding, the conduct of the salvage operation; the availability of salvage tugs—

Mr. Ron Davies (Caerphilly): Will he consider ministerial competence?

Mr. Norris:—the implementation of Lord Donaldson's recommendation that consideration should be given to a salvage tug being stationed in the western approaches; the question of double hulls, which the hon. Member for Pembroke did not mention, although I know he has raised the question before—

Mr. Davies: What about ministerial incompetence?

Mr. Norris:—the safety of port operations, which the hon. Member rightly raised today; and the effects, if any, that current salvage law may have had on the actual conduct of the salvage operation.

I shall now deal with the sedentary remarks from the hon. Member for Caerphilly (Mr. Davies) about the competence and culpability of Ministers. The hon. Gentleman is the shadow Secretary of State for Wales, but he is free with his remarks on a wide variety of subjects. I always listen to those remarks with avidity and interest, but on this occasion we should confine his responsibility merely to Wales.

The implication of the hon. Gentleman's remarks is offensive to the chief inspector and staff of the MAIB, and I say that in all sobriety and seriousness, for the following reason. It is quite outrageous to suggest that the chief inspector would be prepared to do other than to report fully, in terms, about the causes, circumstances

[Mr. Norris]

and necessary remedies surrounding the Sea Empress disaster. If there were to be questions that touched on the competence or conduct of Ministers, be they my noble Friend Lord Goschen or my right hon. Friend the Secretary of State for Transport, the chief inspector would not for a second hesitate to address them.

If I may say so, the extraordinary remarks by the hon. Member for Caerphilly are matched by the equally offensive implication from the hon. Member for Pembroke that the independence of the marine accident investigation branch would be so compromised that, simply because both its staff and the officers in my Department are civil servants, the marine accident inspectors would not be prepared to criticise the conduct of fellow officials.

The hon. Gentleman made a laughable comparison with the Scott inquiry, as if there were the slightest relevance to the Scott inquiry. The hon. Gentleman is a very bright Member of the House, and he knows perfectly well that the real analogy is the equal independence that is afforded to the air accident investigation branch.

Mr. Graham Allen (Nottingham, North): Will the Minister give way?

Mr. Norris: No, I will not, because I have only six minutes left.

The hon. Member for Pembroke asked whether there had been any precedent for the investigation of the conduct of Ministers. It may not or may not be the case that this is the first occasion on which an Opposition Member has alleged that somehow a Minister has been personally responsible for the conduct of operations of that sort: I cannot comment on that. However, whether that assertion arises from Opposition Members or from any other source, if there is the slightest substance in such an assertion, the chief inspector will report on it.

I confirm, here and now and on the record, that the chief inspector need not fear for one second the consequence of making whatever recommendations he feels are right. I can say that, in the entire confidence that the chief inspector and all his staff are officials of the highest integrity, for whom we have the greatest respect.

Mr. Ainger: Will the Minister give way?

Mr. Norris: I am sorry, but I cannot give way. The hon. Gentleman took his allotted time, and I refused the request of the hon. Member for Nottingham, North (Mr. Allen). I now have just under five minutes.

The hon. Member for Pembroke said that he has managed to persuade many people that they should sign petitions calling for a public inquiry. That is not an entirely astonishing result, given that, for the vast majority of people, the idea of a public inquiry is synonymous with the idea of coming to an independent result and conclusion on an issue that is undoubtedly of considerable importance.

I am frankly not in the slightest surprised that the hon. Gentleman managed to collect thousands of signatures—indeed, had he been more diligent, he would probably have collected many more. I am astonished at the ability of countless thousands of our fellow citizens to sign petitions, and I admire immensely the comprehensive nature of their understanding of such issues.

Mr. Brian Sedgemore (Hackney, South and Shoreditch): The Minister is being contemptuous.

Mr. Norris: I may have been contemptuous to the hon. Member for Pembroke, but I am not contemptuous about those who have signed the petitions.

My assertion, which the hon. Gentleman would not seriously seek to deny, is—I guarantee it—that the vast majority of those who signed those petitions were unaware of the existence of the MAIB. I defy the hon. Gentleman to tell the House that his petition, at any point, referred to the relative merits or otherwise of a public inquiry or a MAIB inquiry; I note that he does not seek to do so.

The Government have frequently made the point that a public inquiry is an adversarial inquiry, involving legal representation, which takes a long time to organise, to hear and to sift through enormous amounts of wide-ranging evidence and to produce a report. It would also be difficult to prevent the evidence to a public inquiry from ranging far beyond what is relevant to the Sea Empress accident.

Mr. Jon Owen Jones (Cardiff, Central): On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker (Sir Geoffrey Lofthouse): I hope that this is a genuine point of order, because there are only two minutes to go in this debate.

Mr. Jones: Is it in order for the Minister to ignore completely the issue which is being debated here today, for an independent inquiry—

Mr. Deputy Speaker: Order. The Minister is responsible for his speech.

Mr. Norris: I note the further time-wasting by the Opposition.

Experience has tended to show, if one compares the relative merits of an MAIB inquiry with a public inquiry, that the latter tends to obscure the truth rather than illuminate it.

Mr. Paul Tyler (North Cornwall): What about Donaldson?

Mr. Norris: The hon. Gentleman who speaks for the Liberal Democrats is far too intelligent to fail to appreciate that the Donaldson report considered all matters relating to vessels' safety and the prevention of pollution from merchant shipping following the Braer disaster. It was not, as he well knows, an inquiry into the accident itself.

Until the MAIB report and Professor Edwards' assessment—Professor Edwards will report to my right hon. Friend the Secretary of State for Wales—have been completed and their recommendations considered, it would be inappropriate to suggest that there is a need to

re-examine or amplify any of Lord Donaldson's recommendations. We have made it clear that we respect the conclusions of Lord Donaldson's report—

Mr. Deputy Speaker: Order.

It being Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Sitting suspended, pursuant to Standing Order No. 10 (Wednesday sittings), till half-past Two o'clock.

Oral Answers to Questions

EDUCATION AND EMPLOYMENT

Access to Work

1. **Mrs. Helen Jackson:** To ask the Secretary of State for Education and Employment if unemployed people will be required to make a personal contribution to support given under access to work. [25078]

The Parliamentary Under-Secretary of State for Education and Employment (Mr. James Paice): Unemployed people will not be required to make a contribution to approved support under access to work.

Mrs. Jackson: I wish slightly to extend my question so that the Minister can tell us whether the Government's U-turn on increasing the budget for access to work so that individuals in work can also benefit is a result, in his view, of impressive campaigning for restoration by disabled people throughout the country in work and out of work.

One of my constituents is Julie Smethurst, a self-employed Braillist. Will the Minister take the opportunity to clarify whether she, as a self-employed worker, will be able to benefit from restoration for the maintenance of her essential equipment, which enables her to stay in work?

Mr. Paice: The hon. Lady obviously has not studied what has already been going on, or she would not have been so nonplussed by my main answer. We have studied what took place in access to work and the increasing demands that were being made on it last year. That is why the Government made available a 50 per cent. increase for access to work's budget this year. That is a clear demonstration of the Government's understanding of the importance of access to work for disabled people.

The hon. Lady should know that self-employed people will be eligible again for access to work as from 1 June. My noble Friend the Minister of State, who deals specifically with these matters in the Department, is reviewing precisely the terms of assistance for self-employed people under access to work, but I can confirm that they will be eligible.

Mr. David Nicholson: The earlier exchange that my hon. Friend had with the hon. Lady is the best example that I can remember in recent years of a typical Labour party smear falling, as it were, at the first fence. Will my hon. Friend continue his efforts to improve all the resources and services that are available to unemployed people, whatever their age? Will he contrast this country's record in reducing the number of unemployed of all ages with the records of countries that until recently were governed by socialist Governments, such as France and Spain?

Mr. Paice: I am not even sure that the hon. Lady's question reached the first fence, but the idea of a smear jumping a fence leaves me somewhat perturbed. It is more likely that it slipped over before it started.

My hon. Friend is entirely right to draw careful attention to the Government's success in reducing unemployment for all people, be they disabled or otherwise. Through access to work and the Disability Discrimination Act 1995, the Government have put in place important measures to help disabled people, but he is also right to identify the fact that jobs are created by successful businesses. The countries to which he has drawn attention, such as France, have prevented their businesses from being successful and from creating jobs because they have burdened them with the minimum wage, the social chapter and various other burdens on employers, which act against the interests of all people, disabled or otherwise.

Mr. Llwyd: I welcome the access to work budget increase, but has the Minister considered the effect of employer contributions on smaller firms? Surely it is not right that multinationals and small firms employing typically fewer than 20 people should pay the same amount of contributions. Will he consider targeting the scheme slightly better and enabling smaller firms to take on more disabled people?

Mr. Paice: Eighty-four per cent. of disabled people are employed in firms of more than 20 employees—more than the number employed in firms of fewer than 20 employees, which are exempted from the Disability Discrimination Act. It is not possible specifically to target help at smaller firms, because the legislation says that access to work is assistance to the individual, not to the firm. Therefore, in terms of the size of firms, we are prevented from discriminating in targeting the scheme.

Youth Unemployment

2. **Mr. Waterson:** To ask the Secretary of State for Education and Employment what assessment she has made of the prospects for youth unemployment in (a) the United Kingdom and (b) other EU countries. [25079]

The Minister of State, Department for Education and Employment (Mr. Eric Forth): Unemployment among young people in the United Kingdom is well below the European Union average. The prospects for our young people are good, so long as we do not destroy jobs by a national minimum wage or other unnecessary and damaging regulations.

Mr. Waterson: Will my hon. Friend confirm that, in this country, unemployment among the under-25s is some 5 per cent. below the European average and roughly half that in France? Is he aware of the Employment Policy Institute's view that a national minimum wage would destroy job prospects, especially among small firms? Would a minimum wage not be a gross betrayal of our young people?

Mr. Forth: It must now be the case that the Labour party is the last organisation in this country not to recognise the folly of a statutory national minimum wage. Everyone else has—the expert institute that my hon. Friend has mentioned, and, more significantly, the electorate and especially young people. All of them realise that countries that have statutory national minimum wages have extraordinarily high youth unemployment and,

generally, higher unemployment. I expect that, eventually, the Labour party will notice that connection, but not, I hope, before the general election.

Mr. Byers: Will the Minister confirm that, as a percentage of total unemployment, in 1995 youth unemployment in the United Kingdom stood at 28.8 per cent., twice that in Germany and lower than that in only three other Organisation for Economic Co-operation and Development countries in the European Union? In the light of that, will he concede that this is an issue not of the minimum wage but of the opportunities that we give to our young people? When will the Government invest in young people's future by providing a high-quality training programme to give them the skills that they need, or are the Government prepared simply to stand to one side and see a whole generation be the innocent victims of their failed economic and social policies?

Mr. Forth: I readily pay tribute to the hon. Gentleman's ever more ingenious use of statistics and figures. He has excelled himself today by digging up a convoluted and obscure figure which means nothing to anyone. Let me give him a straightforward fact that will demonstrate that he is on the wrong track. The latest figures available show that, six months after leaving training, 71 per cent. of young people completing youth training in England and Wales were in a job. That demonstrates the effectiveness of what we are doing as well as anything else could.

Mr. Garnier: If my hon. Friend wants evidence to support the facts that he has announced, will he come to my constituency, where he will find that the unemployment level is 1,750, out of an electorate of more than 79,000, and that schools are actively engaged in making links with industry and industry is actively engaged in making links with schools to produce the courses, both at apprenticeship and in schools, that benefit the employment sector? Will he further invite the hon. Member for Wallsend (Mr. Byers), who asked that fatuous question, to have a look for himself at what is going on in the real world?

Mr. Forth: I am delighted by my hon. and learned Friend's typically positive approach. It typifies the Conservative party's recognition of real success at local level, with different institutions working together to achieve positive results. I doubt very much whether Opposition Members are sufficiently interested or motivated to go to observe a success story for themselves, but I hope that my hon. and learned Friend will have more luck in persuading Opposition Front Benchers of the success to which he referred than I seem to be having.

Secondary School Places

3. **Mr. Pike:** To ask the Secretary of State for Education and Employment what recent representations she has received from parents regarding allocation of secondary school places for 1996–97. [25080]

The Parliamentary Under-Secretary of State for Education and Employment (Mrs. Cheryl Gillan): The Department receives many inquiries from parents about school admissions in general.

Mr. Pike: Because schools do not have elastic walls, it is not possible for all children to go to the school of their choice. Does the Minister accept, however, that often parents are disappointed if they cannot send their children to a school that is one of their first three preferences, given that all three preferences are reasonable? Will she support local authorities that must provide additional capacity to meet the demands of such parents?

Mrs. Gillan: I hope that my hon. Friend on the Opposition Benches has checked the policy that he is developing with his Front Benchers. The Government are committed to continuing to extend parental choice and ensuring that as many parents as possible can send their children to the school that is their first preference.

There are, of course, good schools that are always over-subscribed, and parents who have been disappointed by the result; but a recent survey by the National Foundation for Educational Research shows that 85 per cent. of parents are satisfied, or very satisfied, with admission procedures or outcomes. I should have thought that, following the decisions of the hon. Member for Peckham (Ms Harman) and the right hon. Member for Sedgefield (Mr. Blair) in regard to the allocation of secondary school places, rather more representations would have been received by Opposition Front Benchers than by my Department.

Mr. Wilkinson: Will my hon. Friend bear in mind that extra money from the Funding Agency for Schools for England to increase the size of excellent secondary schools such as the direct grant schools in my constituency is not a full solution to the problem in residential and highly built-up areas such as Ruislip-Northwood? Will she ensure that parental choice is better achieved by preventing pupils from flooding across boundaries to the detriment of such choice?

Mrs. Gillan: I agree with my hon. Friend, but I repeat that the Government are committed to extending choice and diversity. That is a key element of our overall strategy of levering up standards and enabling pupils to realise their full potential, regardless of which school they go to and where it is.

Mr. Spearing: The Minister claims that parental choice is being extended in regard to selective secondary schools. What evidence has she that the performance of secondary school pupils at 16-plus can be assessed on the basis of assessments of primary school pupils at 11-plus?

Mrs. Gillan: It is obvious that the Government's strategy to extend choice is driving up standards throughout our schools. It is a pity that the hon. Gentleman's party does not adopt our policies. We have given parents more choice through more open enrolment; we have provided them with more and better information, partly through the publication of performance tables and school prospectuses; we have given them the right to vote for grant-maintained status; and we are encouraging schools and local education authorities to respond to parental demand for selection, partial selection or specialisation. It is a pity that Opposition Front Benchers do not take a bit more notice of the hon. Gentleman's views.

Special Schools

4. **Mr. Booth:** To ask the Secretary of State for Education and Employment if she will make a statement on special schools. [25082]

Mrs. Gillan: The Government believe, after taking account of parents' wishes, that pupils with special educational needs can usually best be educated in mainstream schools, but for the small proportion of children with exceptional difficulties there is a continuing need for a thriving special school sector.

I congratulate my right hon. Friend on his work in this sphere. His report, "Going the Distance", has highlighted key issues in relation to children with autism.

Mr. Booth: I thank my hon. Friend the Minister for her kind remarks and for her excellent answer. Will she also praise my local school that deals with autism—Oak Lodge—and tell the House that the care and education of children with autism are very high priorities for the Government?

Mrs. Gillan: I am willing to pass on my congratulations to my hon. Friend's local school, and I assure him that special schools are of course given great consideration by my Department.

I hope that my hon. Friend will continue his sterling work in the sphere of autism—with the National Autistic Society and with the North East London Autistic Society. Perhaps he and other hon. Members would like to know that, among others, Ealing, which has an independent school for autistic children, recently increased its number of places; Enfield recently opened a new primary school for 60 pupils with autism; and Waltham Forest, which has a grant-maintained special school, has extensive provision for autistic pupils. There are many more examples of such schools, which I should be happy to provide to my hon. Friend.

Mr. Janner: Will the Minister be kind enough to consider the effects on special schools of vandalism and arson, which are causing those schools to spend a great deal of money on security that should be spent on the children? I refer especially to the Emily Forte school in my constituency, which has suffered greatly from a recent arson attack and does not have the money to build the security fence that it so badly needs.

Mrs. Gillan: I join the hon. and learned Gentleman in expressing sadness that the Emily Forte school should have suffered an unprovoked attack. I am very willing to listen to any representations that he has to make on this matter, and I join him in sending best wishes to the school.

Mr. Barry Field: May I extend an invitation to my hon. Friend to come to visit St. Catherine's school at Ventnor on the Isle of Wight? She will be pleased to know that, very unusually for an Isle of Wight institution, that school does not serve many residents of the island and their children, but it performs a wonderful job on behalf of the local authorities that send to the island children who have very severe speech impediments. In no time at all, those children are able to earn GCSEs and leave the island with a good education. I think that the hon. Lady would be very impressed to see the work that it does.

Mrs. Gillan: That is a charming invitation, and I shall certainly consider whatever possibility there is of visiting the Isle of Wight, as my hon. Friend suggests. I know of the extremely good work that is carried out across the country in special schools. In my constituency, the Heritage House school for pupils with severe learning difficulties provides an excellent service to the community, as does the Endeavour centre, which is next to it and provides on-going learning for adults with disabilities. I should be pleased to consider my hon. Friend's invitation.

Mr. Tom Clarke: Will the Minister agree that, for a minority of pupils with special needs, there will almost certainly always be a need for special schools? Will she tell us exactly what is the Government's thinking on the great challenge of moving ahead to mainstream education for the children who will not always need special schools? Will she tell us, for example, the practical actions that her Department is taking to improve accessibility for special needs children in primary and secondary schools? Will she accept that, because of the absence of necessary funding, very often local management do not regard that as a priority, and that is one of the saddest and most unacceptable features of our modern educational system?

Mrs. Gillan: I would be delighted if the Labour party would develop clear policies on these issues, because its policies have been notable by their absence so far. Perhaps the hon. Gentleman has also failed to note that the Government recently announced a £10 million boost for local education authorities and school governors to make almost 800 primary and secondary schools more accessible to pupils with disabilities.

On individual education plans and special education needs co-ordinators—because I am sure that the hon. Gentleman is interested in them—we are examining the assessment process and good practice, and we plan to report in the autumn on good practice for preparing IEPs and on good practice in schools in relation to SENCOs.

Group of Seven Summit

5. **Mr. Peter Bottomley:** To ask the Secretary of State for Education and Employment if she will make a statement on the recent G7 summit. [25083]

The Secretary of State for Education and Employment (Mrs. Gillian Shephard): All the G7 countries agreed on the need for stable macro-economic policies and for a more flexible and deregulated labour market. Those policies are in place in the United Kingdom, which is why we have a higher proportion of our people in jobs and fewer people out of work than most of the rest of Europe.

Mr. Bottomley: Did the Presidents, Prime Ministers and other Ministers of the G7 countries explain why countries outside Europe found many of their businesses investing here and why other G7 countries in Europe are copying many of the policies carried out by this Government?

Mrs. Shephard: The question of inward investment was discussed at some length, and some envy was expressed about the United Kingdom's position. Many people shared the views of the chairman of the executive board of BMW, who recently said:

"Structural change has made Britain by far the most attractive place to invest in Europe."

Mr. MacShane: As a great student of France, the Secretary of State will welcome the visit to the House to be made by President Chirac in a couple of weeks' time. At the G7 Employment Ministers' summit in Lille, President Chirac appealed for what he called a third way in which social rights would be respected. Will the Secretary of State confirm that the International Labour Organisation, whose director-general addressed that summit, is now a welcome partner at the G7 discussions? Will she also confirm that Britain should turn the page on an era of some hostility to the ILO, accept ILO recommendations on British labour law and not treat it as some authoritarian, tinpot, third-world countries do, refusing to co-operate and work with it in the future?

Mrs. Shephard: The ILO does a valuable job in those spheres with which it should be concerned. My opposite number—the French Employment Minister—was so impressed by what she heard about what we are doing in this country that she is visiting not only some of our Employment Service offices but some of our regeneration areas. The President of France intends to do the same. I think that is quite a compliment to this country's successes.

Employment Creation

6. **Mr. Fabricant:** To ask the Secretary of State for Education and Employment if she will make a statement on employment creation over the last 24 months (a) in the United Kingdom and (b) in other EU countries. [25084]

Mr. Forth: Over the past two years, the United Kingdom has created more jobs than any other major European Union country.

Mr. Fabricant: I thank my hon. Friend for that surprising answer. Might it have anything to do with the fact that the cost of employing someone in France is apparently an extra 32 per cent. and that in Germany it costs an employer an extra 41 per cent? Is it true that in Britain the figure is only 18 per cent? Could it have anything to do with the social chapter? Could it mean that, if we signed the social chapter, we would have as many unemployed in this country as the rest of Europe has?

Mr. Forth: I am grateful to my hon. Friend for drawing the House's attention to a very important difference between us and many of our partners on the continental mainland, which is that the Government have made a determined effort over a period to reduce the burdens on business and to reduce the cost of employment in order that businesses can expand and take people on. Our falling unemployment figure demonstrates the success of that policy.

We must not allow other countries to seek to impose their failed policies on us. We must all, as member states of the European Union, be free to pursue those policies which most suit us and allow us to maximise our competitiveness. That will continue to be our intention.

Mr. O'Hara: Could not it be the case that the suggested increase in the number of jobs created and the suggested fall in unemployment have more to do with changes in the number of the population who are economically active? What evidence does the Minister have that we have created more jobs in this country? The Government commonly make comparisons with France, where unemployment is indeed now higher than in this country, but, whereas there has been a fall of more than 300,000 in those economically active in this country, there has been an increase of more than 500,000 in the number of those economically active in France. The one is the mirror image of the other—is it not about time that the Minister came clean instead of doing it with mirrors?

Mr. Forth: Talking about mirrors, we are hearing a series of convoluted and clever, but utterly irrelevant, manipulations of figures from Opposition Members. *[Interruption.]* The truth is much more simple, as always. By any comparison, the record of this country compared to that of our major partners and competitors in the European Union is much superior. I could cite a whole range of factors in evidence.

For example, our female participation rate, something of which we can be proud and in which we can take pleasure, is infinitely higher than in France—especially—and many other mainland continental countries. In almost every respect, we are demonstrating that the policies that we are pursuing are much more favourable and beneficial to employment and competitiveness than those of our partners. All the figures suggest that, and no amount of mirrors or manipulation by Opposition Members will conceal it.

Mr. Jacques Arnold: Has my hon. Friend noted that one in three young people in Spain are unemployed? Could the Spanish Government's adherence to the social chapter and their adoption of socialist policies such as a national minimum wage have more than a little to do with the defeat of that socialist Government at the hands of the Spanish electorate?

Mr. Forth: Yes, indeed. It gives me no pleasure, as I know it gives my hon. Friend no pleasure, to record that, in Spain, there is extraordinarily high unemployment, an extraordinary percentage of the working population are on temporary contracts, and youth unemployment, for example, is unacceptably high. There must surely be a direct link between the policies of the failed socialist Government—recently rejected by the Spanish electorate—and the alarmingly high unemployment figures that have been inflicted on the people of Spain. I hope that that penny will drop here and that that message, which I am sure my hon. Friend will help to disseminate, will draw people's attention to the failure of socialist policies.

Mr. Meacher: Will the hon. Gentleman confirm that, in the past two and a half years, the Government's deeply flawed unemployment figures have shown a fall of 750,000 but their much more reliable employment figures

have shown a rise of only 300,000? Far from getting a job, 400,000 people have given up even trying, because there are no jobs. Is the hon. Gentleman aware that his own Department's figures also show that more than half those who got a job a year ago are back on benefit?

Will the hon. Gentleman confirm that, since 1979, which is what matters, according to the Organisation for Economic Co-operation and Development's figures, Britain has the worst job creation record of any of the 15 EU states, with the exception only of Sweden and Finland? There are now fewer jobs in Britain than there were in 1979. Does that not show that, contrary to what the Secretary of State says, other European Governments at the Lille jobs summit were absolutely right to reject her deregulated labour market policies out of hand and with the contempt that they deserve?

Mr. Forth: It used to be thought that most of the Labour party's resources were going on spin doctors. I am beginning to get the impression that even more resources are going on numerical manipulation in support of Labour Members. So desperate are they about our record of success in bringing unemployment down—this is a sad comment on them—that they are having to dig up the most obscure and irrelevant figures they can find to create an atmosphere of gloom and pessimism, when in fact it is one of increasing confidence.

It is a sad comment on Opposition Members that they should feel the need to do that. They must understand that the electorate will not be impressed by such a message.

Mr. Michael Brown: I am sorry to take my hon. Friend to task. However, when the most recent unemployment figures were announced and a reduction occurred, I did not see my hon. Friend on the electronic news media. Can he confirm that it was only because the figures were falling that the media were not interested in interviewing him? Do they interview him only if the figures go up? Did he seek to go on the media to explain the excellent figures?

Mr. Forth: I can confirm that my humble services were indeed offered to the electronic media the day before we were due to announce the unemployment figures. It was indicated to us by at least one television channel that it would be interested in interviewing me only if the unemployment figure went up and that if, tragically, the figure went down, that fact would not be considered newsworthy. My hon. Friend, therefore, sitting, as ever, eager for my appearance, failed to see me on that occasion. He has put his finger on one of the great sadnesses of the media's attitude today, which is that bad news is news and good news is ignored.

Manufacturing (West Midlands)

7. **Mr. Jim Cunningham:** To ask the Secretary of State for Education and Employment what assessment she has made of employment prospects in the manufacturing sector in the west midlands. [25085]

Mr. Forth: The number of employees in manufacturing has risen by 2 per cent. in the west midlands since 1992, reflecting the United Kingdom's success as the enterprise centre of Europe, not least the highest output in the car industry of any February for 20 years.

Mr. Cunningham: Given that answer, is the Minister aware of, and would he like to comment on, the Confederation of British Industry survey and the Department of Trade and Industry survey, which state that 16,000 jobs so far have been lost in the manufacturing sector this quarter and which project that another 5,000 will go by June? Is that not in sharp contrast to the Government's earlier boasting about the jobs that they were creating? Yet we do not have a social chapter.

Mr. Forth: The more relevant figures can be obtained by looking at a longer period. One then sees that the number of people employed in manufacturing generally, as in the west midlands, is going up. The snapshot figure that the hon. Gentleman mentioned is not representative. The reality is that the proportion of the work force involved in manufacturing in this country is broadly similar to the proportion in France and in Italy, for example. It is greater than the proportion in north America—the United States and Canada.

The reality is that our manufacturing sector is proving to be extraordinarily successful in that productivity, production and exports are continuing to go up. However, manufacturing does not need to employ the same number of people as in the past. That is a record of success, not failure, and we should recognise it as such.

Sir Norman Fowler: Is it not the case that, in a survey published today, the west midlands chambers of commerce forecast that, over the next 12 months, there will be an increase in profitability and turnover in manufacturing industry in the west midlands? Is it not the case that the only thing that can prevent that from flowing through into more jobs is the old Labour policies of the hon. Member for Oldham, West (Mr. Meacher)?

Mr. Forth: Yes, indeed. My right hon. Friend and I are right to celebrate the success of the west midlands and the effect that that has on our constituents. We can see the vigour of the west midlands manufacturing industry. It is enjoying the environment created by the Government which has enabled industry to increase its output and to increase exports. The automobile industry in particular is now a spectacular success story in the west midlands, enabling more and more people to be employed in meaningful manufacturing industry. That should be recognised and celebrated, as it is by Conservative Members.

Mr. Ian McCartney: The Minister's response is incredible only a few days after a 22 per cent. swing against the Conservatives in South-East Staffordshire, which is in the midlands. That swing was due entirely to the Government's economic record of job insecurity. Across the midlands as a whole, 96,000 young people are still unemployed. Across the midlands, there were more people unemployed in March 1996 than there were in March 1991. There have been 50,000 job losses in manufacturing since—

Madam Speaker: Order. I am waiting for the hon. Gentleman to put a question.

Mr. McCartney: I apologise, Madam Speaker; I was just trying to cheer the Minister up. In fact, I shall cheer him up—

Madam Speaker: And ask him a question.

Mr. McCartney: Yes. Will the Minister tell us clearly whether he agrees with the analysis in a letter sent by the President of the Board of Trade to the Chief Secretary to the Treasury, in which the right hon. Gentleman says that he expects further job losses in manufacturing over the next few months?

Mr. Forth: Yes indeed; there will be further job losses in manufacturing over the next few months—but almost certainly there will be a greater number of job gains in that sector over the same period. That is the economic reality that we recognise. Unfortunately, Opposition Members still seem to live in some dim and distant past in which they think that jobs can be made permanent and protected.

Regrettably, in a modern, flexible, competitive economy, jobs are lost in some sectors—but they are gained in others. This country attracts more than one third of the total inward investment into the European Union, which signifies that overseas investors have full confidence in our economy and in our management of it. We shall continue to see an increase in the number of manufacturing jobs, but those will not necessarily be the same jobs as they were yesterday, last year or the last decade.

Independent Schools (Inspections)

8. **Mr. Jamieson:** To ask the Secretary of State for Education and Employment if she will make a statement about the inspection of independent schools. [25086]

The Parliamentary Under-Secretary of State for Education and Employment (Mr. Robin Squire): All independent schools in England are monitored by Ofsted to ensure satisfactory standards. Those with boarding provision are also inspected by local social services departments to safeguard pupils' welfare.

Mr. Jamieson: As the Government originally proposed to inspect independent schools once every seven years, can the Minister explain why the chief inspector of schools has written to me to say that up to three schools, out of 2,294, will be inspected next year? I make that an inspection once every 700 years. As £350 million of taxpayers' money is being spent in independent schools, how will the Minister ensure that the taxpayer is getting good value for money, and, more importantly, how will he ensure that children's education does not suffer in the poorer state-subsidised private schools?

Mr. Squire: I pay tribute to the hon. Gentleman for pursuing that subject in general. Exactly a week ago he pursued it at greater length in a speech that I have read, and will return to, which was answered by my hon. Friend the Minister of State for the Armed Forces. The hon. Gentleman made several suggestions, and I shall think about them.

As for the issue that he has just raised, he and the House know that the inspection of independent schools, like many aspects of that sector, is separate from the way in which we treat maintained schools—essentially because we believe in minimal regulation, commensurate with proper protection of children at those schools. I welcome the interest that the hon. Gentleman and his party take in independent schools. Of course, I recognise that both his party and the Liberal Democrats would be leaderless without independent schools, so obviously those schools must perform a useful function.

Lady Olga Maitland: Will my hon. Friend confirm that one factor in the success of independent schools and their standards is that, if parents are dissatisfied, they can walk away and take their children to another school? Will he also confirm that the Government are totally committed to the vigorous independent school sector that has undoubtedly added to the strength of this country. Moreover, the children in those schools do not cost the country one penny for their education.

Mr. Squire: My hon. Friend, with her wide knowledge of education, is absolutely right. The independent sector in general is indeed a jewel in the crown of education in this country. In that sector parents have the choice of withdrawing their children and taking them elsewhere. There are a variety of different inspections that cover the independent sector, and as my hon. Friend knows, but as it is worth reminding the Opposition, our faith in that sector is strong enough for us to have announced the doubling of assisted places for children whose parents are not so well off.

Schools (Selection)

9. **Mr. Tredinnick:** To ask the Secretary of State for Education and Employment what recent representations she has had regarding selection as a means of extending choice and diversity in education. [25087]

Mrs. Gillian Shephard: I receive frequent representations on that subject.

Mr. Tredinnick: Will my right hon. Friend join me in congratulating Dixie grammar school and Wolstan preparatory school in my constituency on joining the new assisted places scheme for seven, 10 and 11 year-olds? Does she not find it strange that a scheme that assists the children of the less well-off should be so fiercely opposed by Opposition Members? When will she expand the scheme further?

Mrs. Shephard: I have no difficulty in congratulating the successful schools that my hon. Friend mentioned. We are firmly in favour of the assisted places scheme because we believe that it extends further choice to children from less well-off families—a policy that one would indeed think that Opposition Members would be happy to espouse but against which they have firmly set their faces.

Mr. Blunkett: Will the Secretary of State tell the House whether on Monday, when she was attempting to curry favour with the right by backing the Euro-sceptics, she knew that the Prime Minister would today slap them down and whether, as a consequence, her efforts to try to stop the Prime Minister introducing secondary moderns—

Madam Speaker: Order. This question is about diversity in education. Supplementary questions must follow the substantive question.

Mr. Blunkett: With respect, Madam Speaker, I am getting there. I was asking whether the Secretary of State

was withholding her support from the Prime Minister's efforts to introduce secondary modern schools in every town. Does she agree that it would cost £2.5 billion to introduce grammar schools into 300 towns and that excluding 95 per cent. of the local population from access to those schools is entirely contrary to lifting standards and providing excellence for every child?

Mrs. Shephard: It took the hon. Gentleman a little time to get there. I would like to set the record straight. Selective schools are popular with parents. We shall continue to examine ways of meeting parental preferences that also drive up standards, as selective schools do. That is in stark contrast to the so-called policies of Opposition Members, who believe in choice and selective schools but that that choice and such schools are only for selected members of their Front Bench team. The hon. Gentleman said, and it is worth repeating,

"Watch my lips: no selection."

What a pity that the hon. Member for Peckham (Ms Harman) was not watching at the time.

Dame Elaine Kellett-Bowman: Is my right hon. Friend aware that there is a chronic shortage of places in secondary schools, selective and non-selective, in the north of Lancashire, especially in Lancaster and Garstang? That is because the Labour-controlled Lancashire county council insists on keeping empty places in the east and centre of the county, especially in Skelmersdale and Burnley, which was mentioned earlier, when the money should be going to north Lancashire and to Lancaster and Garstang in particular.

Mrs. Shephard: It is extraordinary that parental preference should be so ignored as my hon. Friend described in her inimitable way. That is yet another example of Labour setting its face against choice.

Mrs. Mahon: Does the Secretary of State accept that, when Calderdale council says that it wants to end selection in the two grammar schools in Halifax, it does not mean that it intends to close them? Will she tell the Tory group on the council that lying about that simply debases political debate and causes anxiety to parents, children and teachers? The Labour group on the council does not intend to close the two grammar schools. Publishing rubbish that says that it will debases the debate.

Mrs. Shephard: I believe that Calderdale council is unable to close the schools as they are grant-maintained.

Religious Schools

10. **Mr. Nicholas Winterton:** To ask the Secretary of State for Education and Employment if she will make a statement on religious schools and assemblies. [25088]

Mrs. Gillan: Denominational schools are popular with pupils and parents and will remain a vital part of our education system. Daily collective worship makes a major contribution to pupils' spiritual and moral development.

Mr. Winterton: Is my hon. Friend aware that the overwhelming majority of parents in my constituency strongly support the Christian and other moral and social values that are advanced through religious assemblies in schools? Will she join me in strongly deploring the commitment given recently by the Liberal Democrat education spokesman, the hon. Member for Bath (Mr. Foster), to scrap Church schools and end religious assemblies in schools? Will my hon. Friend give me a firm commitment that she will preserve the richness of the contribution to our education system made by the Anglican, Catholic, Jewish and other faiths?

Mrs. Gillan: On behalf of the Government, I have no hesitation in giving my hon. Friend that commitment. I agree that the remarks by the Liberal Democrat spokesman on education, the hon. Member for Bath (Mr. Foster), are disgraceful. The millions of voters who send their children to denominational schools should take careful note of his remarks. The intention to destroy Church schools and abolish all acts of worship in them is his stated personal agenda—disgraceful.

Mr. Don Foster: Does the Minister accept that she should not necessarily believe all that she is told, either by the hon. Member for Macclesfield (Mr. Winterton) or the Prime Minister? Does she accept that it is my view and that of my party—and frequently stated—that in our multicultural and multi-faith society, religious education plays a vital part in the national curriculum? Will she accept that I have never stated that I believe that we should abolish religious schools? Will she also accept that there is considerable concern nationally about the legislation on the collective act of worship—[*Interruption.*]

Madam Speaker: Order. The hon. Gentleman is under attack. He has every right to speak his mind.

Mr. Foster: Thank you, Madam Speaker. Will the Minister also accept that members of the National Association of Head Teachers believe that the legislation is unhelpful and unworkable, and that a similar view is shared by the Secondary Heads Association? Finally, will she accept that expressing views on the current legislation on the collective act of worship is in no way an attack on the important role of religious education?

Mrs. Gillan: What I will accept is that that was the grossest act of wriggling on a hook that I have seen from a politician for a long time. The House should know that the record says that the Liberal Democrat spokesman said:

"in an ideal world there would be no religious state schools. We would put a stop to the daily act of worship in an attempt to encourage all children to be educated together".

Those are his words and they are taken from a press release issued by a colleague and member of his party, who said:

"The millions of voters who send their children to church schools will want to consider Mr. Foster's comments at the next election".

I think that the case is proved.

Mr. Harry Greenway: Does my hon. Fried agree that the daily act of worship and proper religious instruction in schools go together and that that is the most important subject in any school, because, if children do not know

how to live with one another and in a civilised, cultured and ethical society, they do not start to live and will learn nothing else?

Mrs. Gillan: I agree absolutely. My view and that of the Government is that denominational schools are vital to the British education system. They make up a third of all state schools, with more than 7,000 providing an excellent education. They are popular with parents and many have very high academic standards. Part of their popularity and success must be attributable to their denominational status. That is why I believe so firmly in them and so do the Government.

Rev. Martin Smyth: Does the Minister accept that we may live in a multicultural nation, but we are still mainly a single faith nation and, therefore, it is important that the worship in our state schools should be based on the Christian faith?

Mrs. Gillan: I have no hesitation in agreeing with what the hon. Gentleman said. I believe that collective worship is an important part of the school day. It can develop community spirit, it can promote common ethos and it can reinforce positive attitudes among pupils. I believe that collective worship should be predominantly Christian. It brings a great strength to our system of education.

Mr. John Marshall: I ask my hon. Friend to thank her colleagues for demonstrating their commitment to religious schools by granting voluntary-aided status to Hasmonean prep school, Beiz Yaakov school and Pardes House school over the past two years. Does not this demonstrate the Government's commitment to helping religious schools?

Mrs. Gillan: Yes, it does. Any voluntary group of any religious persuasion can apply to set up a new voluntary-aided or grant-maintained school. All proposals are considered on their merits, in the light of the individual circumstances of each case. I thank the hon. Gentleman for his congratulations.

Mr. Madden: First, will the Minister confirm that her Department and the Government regard Britain today as a multi-faith society? Secondly, will she confirm that it remains the policy of her Department that representatives of any faith can apply for voluntary-aided school status provided that they meet the education and the accommodation criteria? Finally, will she make urgent inquiries into the arrangements pioneered in Bradford for religion and education and promote them throughout the country? The arrangements have served the city of Bradford extremely well over the last decade or so and I believe that they would be extremely helpful in other places.

Mrs. Gillan: I thank the hon. Gentleman for his contribution and I take it that he is inviting me to look at the religious schools in Bradford. I have no hesitation in considering his invitation.

Mr. Nicholls: Does my hon. Friend agree that, if multi-culturalism is about defending the rights of people of other faiths to worship freely and peacefully, that is something to which we should all subscribe? However, did my hon. Friend detect in the smearing attack on Christianity by the hon. Member for Bath (Mr. Foster) the idea that multiculturalism means that the Judaeo-Christian tradition of this country is no more or less valid than any other tradition? Is that not something that she and I should reject completely?

Mrs. Gillan: I repeat: the Government are committed to the provision of religious education, to Church schools and to religious schools in this country. It is an important plank of choice and diversity. These schools deliver good education throughout the country and I hope that any potential Liberal Democrat voter will notice the attitude of the Front-Bench spokesman towards these schools.

Schools (Rochdale)

11. **Ms Lynne:** To ask the Secretary of State for Education and Employment what is the estimated backlog of repairs facing primary and secondary schools within the Rochdale education authority. [25089]

Mrs. Gillan: It is for local education authorities and school governors to assess the need for repair work in respect of school premises that they own and maintain.

Ms Lynne: Is the Minister aware that, since the Labour party lost control of Rochdale borough council in 1992, the new administration has made education a top priority? I thank the Government for including St. Patrick's school in the new start programme. Will the Minister confirm that either she or the Under–Secretary of State for Education and Employment, the hon. Member for Hornchurch (Mr. Squire), will visit Rochdale schools to see the backlog of repairs for themselves?

Mrs. Gillan: I can see that this is my day for receiving invitations, and I shall be delighted to consider an invitation from the hon. Lady. I am sure that the Under–Secretary of State for Education and Employment has heard his invitation and will consider it. Like the hon. Lady, I was delighted that the Labour party lost control of Rochdale and I am delighted that the Conservatives and the Liberal Democrats have put education at the top of their agenda.

I thank the hon. Lady for her kind remarks about St. Patrick's, which is a voluntary-aided school and which will be transferring to a new site with a new building. The total cost of the project will be in excess of £1.1 million. The start of this major improvement was facilitated by a grant of £175,000 this year. I wish the school well with these major improvements.

Grant-maintained Schools

12. **Mr. Nigel Evans:** To ask the Secretary of State for Education and Employment how many grant–maintained schools there are in the north-west of England. [25090]

Mr. Robin Squire: There are 96 grant-maintained schools in the north-west of England.

Mr. Evans: As my hon. Friend will know, four of those grant-maintained schools are within the Ribble valley. They are excellent schools—and that does not detract

from the excellent dedication provided by other schools. Surely the important thing is that it was the choice of the parents as to whether they should be grant-maintained schools.

Will my hon. Friend give a commitment that he will continue to prioritise parental choice in this regard and that he will not allow dogma to get in the way of denying parents the final choice about whether schools should be grant-maintained, irrespective of whether they happen to come from Peckham, Sedgefield or any other part of the United Kingdom?

Mr. Squire: I willingly give my hon. Friend that assurance. As he knows, since the start of this year alone, another five schools have gone GM in his region. I also give him an assurance that, in the White Paper to be published in June, we shall specifically consider ways to allow GM schools better to develop and take advantage of that state of self-governance.

Activity Centres

13. **Mr. Steen:** To ask the Secretary of State for Education and Employment what was the cost compliance assessment of the Activity Centres (Young Persons' Safety) Act 1995. [25091]

Mr. Paice: The most recent cost-benefit assessment by the Health and Safety Executive suggests that the costs to industry will be less than £9 million at present values, spread over 10 years. A copy is in the Library.

Mr. Steen: Is the Minister aware that no one has lost a life in any of the activities that will be regulated under the Act except in the Lyme bay disaster, and that the Health and Safety Executive provides licences only for nuclear reactors, for ammunition dumps and for removal of asbestos? Now we are adding a licence for fell walking and archery. Is that not a priceless example of the Government over-regulating, and should not the Government refer the matter to the Deregulation Committee?

Mr. Paice: While I respect my hon. Friend's diligence in pursuing the object of deregulation, which we all share, a balance must be struck between the needs to protect children and to deregulate. Although, as he rightly says, there have been only those four tragic deaths, I hope that we do not have to wait for deaths before we legislate. Perhaps my hon. Friend should be aware that the final report of the Health and Safety Executive into the safety of outdoor activity centres reports that there were 175 reportable—that is, relatively serious—accidents in the two years before the visit. That demonstrates the need for some protection, which we have provided.

Mr. Miller: I am grateful to the Minister for being so positive in the face of his hon. Friend's outrageous question. He mentioned accidents. That £9 million will go a long way towards reducing the incidence of some accidents that do take place in activity centres. Will he join me in congratulating the HSE, and others involved in drafting the final regulations, on including areas that were not included in the original considerations of the Bill, such as some of the places—such as mountainsides—where outdoor activities take place that are dangerous by their nature?

Mr. Paice: The Government set out to achieve a balance between protection and avoiding over-burdensome regulation. As the hon. Gentleman says, consultation took place; the 96-page document that my hon. Friend the Member for South Hams (Mr. Steen) mentioned was a consultation document. Its aim was to achieve that balance between the two objectives. We ended up with only 11 pages of regulations as a result. As the hon. Gentleman says, in certain areas we did increase the number of activities that were covered; in other areas, we chose the deregulatory route. It was a genuine consultation, and I believe that we have struck a balance.

Special Needs

14. **Mr. French:** To ask the Secretary of State for Education and Employment what proposals she has to improve job training for those with special needs. [25092]

Mr. Paice: The Government continue to provide a wide range of job training for people with special needs. They will benefit from proposals for national traineeships and new entry arrangements for young people—and from the pre-vocational and basic skills pilots in the training for work programme.

Mr. French: Will my hon. Friend accept an invitation to visit Bridge Training in Gloucester? Is he aware that, if he does so, he will find an organisation deeply dedicated to the training of special needs, with experience and understanding developed over many years, which is increasingly asked to enter into contracts that do not fully meet the requirements of special needs applicants—that is, contracts that do not take account of the fact that special needs requirements take longer to fulfil and people with special needs take longer to reach a position from which they can enter employment than others? While I recognise that the training budget is adequate overall, will my hon. Friend try to ensure that organisations such as Bridge are not put in the position of having either to cut their training programme or to operate at a loss?

Mr. Paice: I am grateful to my hon. Friend for ensuring that I was not left out of the battery of invitations that have been issued around the House this afternoon. I shall of course consider his kind offer.

I am sure that the House is aware that training contracts are a matter for individual training and enterprise councils to negotiate with training providers. As a result of the lessons that we have learnt, we have provided much greater flexibility for TECs in contracts covering special needs. We have increased the weighting in terms of payments for trainees with special needs in order to try to recognise that there are clear cost differences when dealing with special needs trainees and those who do not have such needs.

Mr. Alan Howarth: Does the Minister acknowledge that training opportunities designed specifically for deaf people have been cut drastically? While we wish the greatest number of people to enjoy training opportunities in mainstream provision, a significant number of deaf people are unable to do so. What more will the Minister do for them?

Mr. Paice: I have received no representations on the specific issue of deaf people. I am aware that there are special requirements for people with a number of different disabilities and special needs and that we must be precise about our language. That is why we have made further changes to our programmes, including ring-fencing a large number of TECs this year to ensure that they devote the resources that we are making available to them to trainees with special needs. They must identify those needs in their areas and then ensure that there are sufficient contracts available to meet those needs.

Points of Order

3.31 pm

Mr. Alan Howarth (Stratford–on–Avon): On a point of order, Madam Speaker. Earlier this afternoon during questions to the Secretary of State for Education and Employment, the hon. Member for Eastbourne (Mr. Waterson)—entirely inadvertently, I am sure—suggested to the House that the Employment Policy Institute had pronounced against the minimum wage. I assure you, Madam Speaker, and the House that the Employment Policy Institute is scrupulously impartial in political terms. It publishes papers setting forth a variety of arguments in the general debate about employment issues. The hon. Gentleman is quite wrong to claim that the Employment Policy Institute has come out on his side of the argument. I speak as a trustee of the institute, as is the hon. Member for Carshalton and Wallington (Mr. Forman).

Madam Speaker: That is not a point of order, but I am sure that it is welcome as a point of information.

Mr. Jeremy Corbyn (Islington, North): On a point of order, Madam Speaker. I raise the question of the behaviour of a Minister towards the House and towards hon. Members. I refer to the Under-Secretary of State for the Home Department, the hon. Member for Leeds, North-East (Mr. Kirkhope), and his actions concerning a refugee, Mr. Mikrea Ilin, who is due to be deported from my constituency on Friday and who is currently being held in Rochester prison.

The Under-Secretary wrote to me last night—I received the letter late last night—to say that he would not receive any representations whatsoever from anyone concerning that man, who attempted suicide following a previous attempt to deport him from this country. Is it in order for a Minister to tell another Member of Parliament that he is not prepared to receive letters, representations, faxes or telephone calls about a matter of deep concern regarding a constituent's human rights? It seems to me that the Under-Secretary is setting his face against the Parliament to which he should be accountable.

Madam Speaker: That is not a point of order for me, although the hon. Gentleman certainly raises a serious and interesting matter. He will understand that I have no authority over Ministers' actions, their remarks or the attitude that they adopt to such matters. The issue has now been drawn to the attention of those on the Government Front Bench with the relevant responsibilities and perhaps some action will be taken as a result of the hon. Gentleman's raising it on a point of order.

Mr. Don Foster (Bath): On a point of order, Madam Speaker. In the event of an hon. Member giving a clear assurance to the contrary, is it in order for a Minister speaking from the Dispatch Box to continue to peddle a view that the hon. Member in question has refuted? If it is in order, what protection does that hon. Member have?

Mr. John Marshall (Hendon, South): Further to that point of order, Madam Speaker. You act to defend Back Benchers such as the hon. Member for Liverpool, Mossley Hill (Mr. Alton), who have raised the issue and said how wrong the hon. Member for Bath (Mr. Foster) is in that particular respect.

Madam Speaker: I defended the hon. Member for Bath (Mr. Foster) when he was being shouted down by hon. Members. Any hon. Member who is a member of a minority party has every right to be heard and to express his views in the House. If the hon. Gentleman wishes to persist with his views, perhaps he will seek an Adjournment debate, introduce a ten-minute Bill or use some other method to make his views even better known.

Mr. Max Madden (Bradford, West): On a point of order, Madam Speaker. I want to reinforce the point of order raised by my hon. Friend the Member for Islington, North (Mr. Corbyn) concerning the Under-Secretary of State for the Home Department. Recently, that Minister refused on two occasions requests by me for meetings to discuss immigration cases. For that Under-Secretary now to refuse written representations is an extension of the barrier that he seems anxious to build between himself and hon. Members on important matters. If, on reflection, the Minister in question does not have a change of attitude, perhaps you will give a ruling, Madam Speaker—bearing it in mind that the right of hon. Members to make representations to Ministers is a basic right, but one that the Minister in question seems anxious to erode.

Madam Speaker: I will take the matter no further. I responded fully to the original point of order, and we will see how matters develop.

Association (United Kingdom, United States and Former Dominions)

3.36 pm

Mr. Michael Fabricant (Mid–Staffordshire): I beg to move,

That leave be given to bring in a Bill to strengthen institutions to promote economic, cultural, and political ties between the United Kingdom, Australia, Canada, the United States and New Zealand.

Malcolm Turnbull is the leader of the republican movement in Australia, and he defended Peter Wright in the "Spycatcher" trial. Some have even said that Mr. Turnbull might have become Australia's first President. Although I do not support his republican views—I am a royalist—some of his arguments are interesting. Similarly, although I do not suggest that Britain should leave the European Union, Malcolm Turnbull's belief that we turned our back on our natural friends and allies when we joined the European Economic Community, as it then was, is persuasive.

A few months ago, Malcolm Turnbull was quoted in *The Sunday Times*:

"I think that was a terrible mistake for Britain. Why should you at this point in history, when technology has made distance more irrelevant than ever, suddenly choose to become a political part of Europe? Technology has made geographical proximity irrelevant and geographical proximity was the only reason for being part of Europe. Britain would have been much wiser focusing on and developing closer relations with those countries with which it really did have a lot in common in terms of language, background, human relationships and institutions. And those countries plainly were the Anglo-Saxon countries—the old Commonwealth and the USA."

I was educated for a while in America and like you, Madam Speaker, I have worked there. You were based on Capitol hill in Washington DC, working in Congress—and I worked not far away, from a base in New Haven in Connecticut, setting up and financing radio stations. As I have also worked in Europe, I have long held views similar to those of Mr. Turnbull, but with one big difference. There does not have to be a mutual exclusivity between membership of the European Union and strengthening ties with the old Commonwealth and the USA. The Government already do just that.

But I believe that we are reaching a crossroads in our nation's history. Our country cannot survive and prosper on its own. We have always needed to be part of a trading bloc. In the 18th and 19th centuries, that bloc was the British empire. People who now think that we can go it alone live in an economic cloud cuckoo land. But the crossroads are fast approaching as a confluence of technology and dissatisfaction with existing trading blocs fast approach each other. That creates a window of opportunity and an unlocking door to a future of mutual prosperity that this nation must not miss lest future generations rightly condemn our short-sightedness at the obvious and our failure of stewardship of our country.

Before I speak of the confluence of ways and the unlocking door, I shall state the obvious and the not so obvious about Britain, Australia, Canada, the United States and New Zealand. We all share a common language. We may speak in different dialects, but there is a greater diversity in the British Isles than between London and any state in the United States. We all share a common heritage. The kings and queens of England are still taught in Brighton near Melbourne and in Brighton near New York, even if not in Labour-controlled Brighton in Sussex.

We all share a common legal system. Do we all realise how important that is to British trade? Can that be why the US is still the biggest holder of investments in the United Kingdom and why the UK is still the biggest holder of investments in the US? Is not it startling that despite America having won its independence back in 1783, its independent legal system developed in parallel with our own after all those years? We still share a common basis in law. Our sense of natural justice is similar to that in America and in the old Commonwealth. Wittgenstein was right to illuminate the immutability between language and cognition and it is well demonstrated by our common jurisprudence.

We all share common economic cycles. While Britain and America enjoy growth, continental Europe wallows in recession. Let us pray that France and Germany's slump does not pull us down too. We all share a common state of economic development. There is no need for cohesion funds, huge fund flows or tides of immigration from one nation to another. We all share a view that we should not subsidise industries, such as airlines that should stand on their own two wheels.

We all share relatively wealthy populations. Britain, the US and the old Commonwealth combined have a population of around 356 million, slightly less than the European Union population of 369 million. But whereas the gross national product of the European Union is $7,280,975 million, that of the United Kingdom, the United States and the old Commonwealth is in excess of $8,274,500 million.

Finally, we all share a common culture bound together by a common history. Our nations' folk memories are not scarred by recent lesions caused by war and invasion. No need is felt to concede the nation state in order to seek the will-o'-the-wisp of peace for all time.

But what of the confluence of circumstances, which I mentioned earlier, which creates the unlocking door that we should now seek to push ajar? There are two aspects to that confluence.

First, the nature of trade has altered over the years. In extremis, we no longer export locomotives: we export microchips and software. We no longer export girder bridges: we export financial services, although not enough to Europe, where some borders are not yet open to the City of London. In 1970, 9 per cent. of our import costs were insurance and freight. In 1994, that figure had reduced to 2 per cent., and the trend continues downwards.

Distance is no longer the object in international trade. In my own experience, the selling price in Copenhagen of a broadcast console made in Britain is higher than the selling price in Auckland. The local market determines the price, not the distance of the goods travelled. I do not have to remind hon. Members that telephoning distant destinations has been transformed since the recent laying of trans-world fibre-optic cables. There is no more satellite delay or echo. Calling Seattle is as clear as calling Lichfield.

Secondly, there has been a more fundamental change. For the first time in its 220-year history, the United States is no longer isolationist. It has recognised the need to form strategic trading alliances, and that has not happened before. It has joined the North American Free Trade Agreement, of which Canada is also a member. Yet Canada and the United States find that they are exporting jobs to and importing finished goods from Mexico.

[Mr. Michael Fabricant]

Australia and New Zealand trade with the Pacific rim, as we do. Yet Australia and New Zealand also export jobs to and import finished goods from countries such as Vietnam, Taiwan and South Korea. Those countries assumed wrongly that trading blocs must consist of geographically close nations, not economically and culturally close nations. They are beginning to recognise with growing unease that other more compatible partners may need to be sought.

Surely whether one enters into a marriage partnership, a business partnership or a geopolitical trading partnership, if the partnership is to endure, it must be more than merely a marriage of convenience. My Bill recognises today's reality and future certainty.

The world is going through a time of change. It is unlikely, but the general agreement on tariffs and trade may make all trading blocs unnecessary. But if no such agreement is reached, Britain will need to keep open all its many options. The Foreign Secretary and the President of the Board of Trade have rightly spoken time and again of the need for an international view.

The Bill recognises that Britain trades with the world, that no alliances are for ever, that Britain cannot be a little England and needs geopolitical trading partners, that our partners need to be compatible and that we should never allow Britain to be boxed in or to be without options. The Bill will strengthen the already excellent work undertaken by the Foreign and Commonwealth Office through its own initiatives and participation in the work of international organisations including GATT, the Organisation for Economic Co-operation and Development and the Group of Seven.

3.46 pm

Mr. Donald Anderson (Swansea, East): When I entered the Chamber and read the notice of motion for the first time, I thought to myself, "Who could possibly be against it?" It read like apple pie and motherhood. One would think that there would be a unanimous House in favour of it. Then I began to notice one or two hints in what the hon. Member for Mid–Staffordshire (Mr. Fabricant) was saying. There was a certain sub-text and a certain linkage with yesterday's ten-minute Bill. I began to understand that perhaps the Bill before the House is not all that it appears to be.

The hon. Gentleman says that we must adjust to today's reality. We are not, I hope, against that. He argued that we should keep our options open. I suppose that no one could be wholly against that. He quoted Mr. Turnbull, who is not his ally on other matters. He quoted also Wittgenstein, and who can be against Wittgenstein?

In my judgment, the real sub-text and motive was an essay in nostalgia. Essentially, it was an essay in escapism. The key theme was that there is an alternative to our linkage with our natural allies within the European Union, involving Australia, Canada, the United States and New Zealand. There is, of course, a basic substratum of co-operation and of marriage of the heart with all those countries. Most of us have family in most, if not all of them. There is the binding of common law and of language, which in most instances brings us together.

The essential problem in looking to Australia, Canada, the United States and New Zealand as an alternative to the EU is clearly that they are not options, in spite of important emotional and practical areas of co-operation. The key fallacy in the hon. Gentleman's approach is that it takes two to tango. History tells us, as the right hon. Member for Old Bexley and Sidcup (Sir E. Heath) knows only too well, that our country has been littered with attempts to escape from its destiny.

During the late 1950s, there was the attempt by the then Mr. Maudling to find an alternative to the treaty of Rome. We were labouring under the illusion created by Sir Anthony Eden in about 1956, that there were the three circles of America, the Commonwealth and the wider world, and that Britain was at the centre of those three concentric circles. We had the Maudling essay in escapism and the European Free Trade Association, which was built up as an alternative. Various other schemes were peddled in the 1960s, notably the North American Free Trade Agreement, associated with Senator Jacob Javits.

The basic problem with all those options was not only that the proposed partners were not terribly interested in the project, but that, basically, it ran against the facts and, notably, the pattern of trade. I invite the hon. Gentleman to consider the way in which our trade pattern has moved from when 40 per cent. of our external trade was with Commonwealth countries to now, when more than 50 per cent. of it is with members of the European Union, a dynamic organisation, at whose door other countries are knocking hard. Countries are trying not to leave the EU or to find an alternative, but to join because they know that, despite all its problems, it is a dynamic organisation.

When we confirmed our membership of the European Union in 1975 after the referendum, we joined not a static Europe, but a Europe that was developing. However much Conservative Members seek to avoid that, the dynamism remains, so, effectively, the apparently anodyne motion must be seen in the context of the agonies of the Conservative party—the escapism that we saw in respect of the European Court of Justice.

That is why we in Britain are not punching our weight in Europe and why, in a Europe that needs alliance-building that is based on partnership, we are increasingly pushed to the side, to the detriment of our interests. Such essays in nostalgia and escapism, however felicitously phrased, are not only contrary to our interests, but avoid the real choices facing the country.

Question put, pursuant to Standing Order No. 19 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and agreed to.

Bill ordered to be brought in by Mr. Michael Fabricant, Sir Ivan Lawrence, Sir John Hannam, Sir Michael Spicer, Mr. Norman Lamont, Mr. Jonathan Aitken, Mr. David Alton, Mr. John Butcher, Mr. Patrick Nicholls, Mr. David Martin, Mr. James Pawsey and Mr. John Wilkinson.

ASSOCIATION (UNITED KINGDOM, UNITED STATES AND FORMER DOMINIONS)

Mr. Michael Fabricant accordingly presented a Bill to strengthen institutions to promote economic, cultural, and political ties between the United Kingdom, Australia, Canada, the United States and New Zealand: And the same was read the First time; and ordered to be read a Second time upon Friday 12 July and to be printed. [Bill 113.]

Orders of the Day

Family Law Bill *[Lords]*

(Clauses Nos. 5 and 7 and any new Clauses or new Schedules appearing on the Order Paper not later than Monday 1st April and relating to the circumstances in which a marriage may be taken to have broken down irretrievably or in which a divorce order or a separation order may be made by the Court, or to the period for reflection and consideration.)

Considered in Committee.

[MR. MICHAEL MORRIS *in the Chair*]

Clause 5

MARITAL BREAKDOWN

3.53 pm

Mr. Edward Leigh (Gainsborough and Horncastle): I beg to move amendment No. 1, in page 3, line 2, after '(1)', insert

'For the purposes of an application for a separation order'.

The Chairman of Ways and Means (Mr. Michael Morris): With this, it will be convenient to discuss also the following: No. 6, in page 3, line 22, at end insert—

'.—(2A) If the parties have entered into an agreement, following counselling by a body approved for the purposes of this section by the Lord Chancellor, not to make a statement unless each of them has sought further counselling (either from that body or from any other such body), any statement made by either of the parties, or by both of them, is to be disregarded unless the agreement has been complied with within the period of three months ending with the date on which the statement is made.'.

No. 20, in page 3, line 27, after 'year', insert

'(or such further period as shall appear to the Court in all circumstances to be just)'.

Clause 5 stand part.

New clause 1—*Grounds for divorce*—

'.—(1) The court hearing an application for a divorce order shall hold the marriage to have broken down irretrievably if, but only if, the applicant has made a statement that he believes that the marriage has broken down and has satisfied the court of one or more of the following facts—

(a) that the other party has committed adultery and the parties have lived apart for a continuous period of at least one year;

(b) that the other party has behaved in an intolerable way and the parties have lived apart for a continuous period of at least one year;

(c) that the parties have lived apart for a continuous period of at least two years and the other party consents to a divorce order being made;

(d) that the parties have lived apart for a continuous period of at least five years.

(2) In relation to an application for a divorce order "continuous period", in subsection (1), means a continuous period ending immediately before the application is made.'.

Mr. Leigh: I am grateful to the Lord Chancellor's Department for the considerable help that it has given us in drafting the amendments, and I hope that my hon. Friend the Minister will confirm, when he sums up, that the amendments' effect is simply to leave the present law as it is, except to ban quickie divorces of under one year. We believe that it is important to give the House an opportunity to vote on such a matter.

The amendments may look fairly complex to hon. Members who seek to understand them, but, as I have said, we took considerable advice. Consequential amendments may be necessary on Report if the Committee votes for these amendments in principle at 7 pm.

The backdrop for this important debate is the marital breakdown crisis. Each year, 158,000 marriages—41 per cent.—end in divorce. Moreover, there is huge and mounting evidence, which I am sure would convince anyone, that children are suffering as a result of the divorce epidemic: children of divorced parents tend to be worse educated, more likely to become unemployed and less likely to be able to sustain stable marriages themselves.

Many of us feel that what is needed is not a Bill to allow easier or slicker divorces, but a campaign in favour of marriage; but we can debate that on another occasion. This afternoon, we are simply debating whether we should retain the requirement either to give a reason for wanting a divorce or to allege fault.

Those who support the Bill and oppose my amendments say that the present law simply does not work—that it does not stop divorces, but makes matters far worse. We claim that quickie divorces are to blame for much of the problem, but the supporters of the Bill argue that the present law breeds acrimony, and that, if there is conflict in a marriage, it is better for the partners to obtain a quick and easy divorce than to stay together. They say that they want to "humanise" the whole process.

All those arguments are very beguiling; that is why many hon. Members support the concept of no-fault divorce. However, many of the same arguments were adduced back in 1969 in California, where, for the first time in American history—until then, American law had been very similar to our law—the concept of no-fault divorce was introduced by Governor Reagan. At that time, there was a "happy divorce" movement in California. All the arguments that I have just mentioned about the present law were used then to persuade Governor Reagan and his colleagues to introduce no-fault divorce, and his example was followed in all 50 states of the Union.

Interestingly, just when we are thinking of copying Governor Reagan's legislation, there is enormous controversy in the United States about no-fault divorce. Many states are examining the position, and at least six have produced Bills seeking to repeal the no-fault divorce legislation. I shall not quote from obvious sources, although I could: there has been considerable criticism of no-fault divorce by America's right wing.

A Democrat-based foundation, the Council on Families in America, has submitted a report entitled "Marriage in America". The report, headed "The Failed Revolution", states:

"The evidence of failure is overwhelming. The divorce revolution—by which we mean the steady displacement of a marriage culture by a culture of divorce and unwed parenthood—has created terrible hardships for children. It has generated poverty within families. It has burdened us with unsupportable social costs. It has failed to deliver on its promise of greater adult happiness and better relationships between men and women."

[Mr. Leigh]

Hillary Clinton, who is not noted as a right-wing guru, has written:

"for much of the 1970s and 1980s, many believed that a bad marriage was worse than a good divorce. Now, however, we know that children bear the brunt of failed marriages and divorce. Divorce has become too easy because of permissive laws and attitudes."

Dame Elaine Kellett-Bowman (Lancaster): Does my hon. Friend accept that, every time people in this country have tried to "reform divorce", as they call it, they have always said that it will lead to fewer divorces, but that on every occasion it has led to more divorces?

Mr. Leigh: My hon. Friend is correct, which is why we should consider these matters very carefully—it is a very risky business.

The divorce rate doubled within two years after we passed the last divorce legislation, in 1969. I want to be fair to those who supported that legislation. Many of them argued that there was a backlog of cases, or that there may have been other reasons that contributed to the doubling of the number of divorces; but there was a doubling in the number of divorces. In America, since the introduction of no-fault divorces, there has been a 20 per cent. increase in the divorce rate.

Sir Anthony Grant (South-West Cambridgeshire): That fact has been demonstrated by research not only in America but in this country—notably in Cambridge, by a very learned professor of criminology. He produced a report that showed very clearly that juvenile delinquency stems from causes at a very much earlier stage, and primarily in cases in which there has been a broken family.

Mr. Leigh: I am very grateful to my hon. Friend. I think that both sides of the argument accept the catastrophic effect of divorce on children. Later in my speech, I might quote a study that demonstrates that there is mounting evidence that the catastrophic effect on children is not produced so much by acrimony in the marriage or even by the divorce proceedings, as by the divorce itself—because one parent is absent permanently from the matrimonial home.

Mr. Patrick Nicholls (Teignbridge): I am grateful to my hon. Friend for giving way, because, although I shall not come to the same conclusion as he does, I accept what he has just said is the key to the issue. The fact is that divorce produces all the consequences he has just mentioned.

As a former divorce lawyer, I do not understand why my hon. Friend thinks that, if one approaches a marriage in crisis or a marriage that is effectively over and produces "a fault"—whether it is an act of adultery, an act of unreasonable behaviour or an act of desertion—it will reinforce marriage. How on earth will merely producing "a fault" and saying that it is the instrument of dissolution reinforce marriage? I do not understand that thinking, and it rebels completely against all the experience I gained when I was helping people to come to terms with the consequences of divorce.

Mr. Leigh: I am grateful to my hon. Friend, and I shall deal with his points in some detail, because they are, of course, central to our arguments.

We do not claim that divorce legislation or Parliament can stop people getting divorced, but one answer to the point made by my hon. Friend the Member for Teignbridge (Mr. Nicholls) is that, to divorce under current legislation—as he well knows as a former divorce lawyer—one does not need to allege fault. There can be a separation, and one can achieve a divorce with no fault and no consent after five years, or with no fault and consent after two years.

The recent, much publicised divorce of the Duke and Duchess of York was based not on a quickie divorce but on a two-year separation. They remain, as we know, the best of friends after their divorce. I do not think that that divorce, which occurred under current legislation, has contributed to acrimony or bitterness or affected their children.

The answer to the question of my hon. Friend the Member for Teignbridge is that, while Parliament cannot stop people getting divorced, it can lay down a moral cornerstone or a moral foundation for the nation. It can provide some guidance. We believe that that is what the existing law does, and that is why we believe that it should be retained.

Mr. David Chidgey (Eastleigh): I take the hon. Gentleman back to the figures he quoted about the doubling of the divorce rate after the relaxation of divorce law. Could he contrast that with any statistics on changes in the number of couples who separated, either legally or through some less formal arrangement, and tell us whether the number of separations decreased as the number of divorces increased? Separation and divorce cannot be the same thing.

Mr. Leigh: If the hon. Gentleman will forgive me, I do not understand the point he is making, and I do not think that it is germane to the argument. I do not want to lengthen this debate over statistics, because we know that they can prove anything. As we all know, however, it is undeniable that divorce has dramatically increased in this country, and that we have more divorces than any other nation in Europe. I and those who share my views argue that there is a crisis. We may not be able to stop people getting divorced, but do we want to make divorce even easier, given the state we are in?

I was referring to the American experience. Why should we look into the crystal ball or examine statistics when we can read the book? The book is open in front of us—the American experience is there for us to see.

Ms Jean Corston (Bristol, East): Will the hon. Gentleman give way?

Mr. Leigh: I shall finish this point and then give way.

Six American states now have Bills before their legislatures that would repeal no-fault divorce. They are Oklahoma, Michigan, Iowa, Idaho, Alabama and Minnesota. The matter is also under discussion in New York, Pennsylvania, Illinois and Georgia.

Ms Corston: The hon. Gentleman keeps saying that the purpose of the amendment is to make divorce harder, or at least not to make it easier than it is now. Those of us who have worked as family lawyers know that, under the present divorce law, often when clients ask how they can get divorced, they are told that they have to wait two years to show that they can no longer live together and that the

marriage has irretrievably broken down. They often say that that is too long, and ask whether they can get a divorce more quickly.

The answer is that they could allege adultery or unreasonable behaviour and be divorced within six months. The Bill is going to make divorce harder, and make people think about it more thoroughly than they do when they can allege fault.

Mr. Leigh: The hon. Lady is making my point. That is the problem with the present divorce legislation. The fact that people can within three or four months obtain a divorce based on fault or allegations of unreasonable behaviour or adultery, means that divorce lawyers often advise them to make such allegations. That is what is wrong with the existing divorce law, and it is why we fully support Ministers who want to ban divorce being obtainable in under a year. The hon. Lady makes my point. I am not in favour of quickie divorces.

Sir David Mitchell (North–West Hampshire): Does my hon. Friend agree that part of the problem with the existing system is that, as soon as a case gets into the hands of solicitors, clients get into a confrontational situation? It is that situation which poisons the atmosphere and makes it worse for the children and harder to reach a settlement. Would it not be much better to avoid confrontation and see where a reconciliation process leads, without the usual tension and crisis?

Mr. Leigh: We all agree, and, although the Opposition spokesman seeks to amend it, the Bill as drafted unfortunately gives no time for reconciliation. It provides for a year's waiting period, but that is a period in which there can be mediation over the division of assets and issues affecting the children. The Bill does not provide time for reconciliation, which we want to build into it. Under the existing legislation, lawyers advise potential clients that the way to get a quick divorce is to allege fault. I agree with my hon. Friend that that breeds acrimony.

My argument is that it is wrong that someone who has been married for a considerable time should not have to be given any reason for the dissolution of the marriage, and that that person's partner is being granted a divorce on demand. Is that fair? That is the question that the Committee must consider very carefully.

Mr. Stephen Timms (Newham, North–East): Does the hon. Gentleman accept that the amendment does not remove the problem that there will still be an incentive to make an allegation of fault—possibly a fictitious one—because there will still be the possibility of obtaining divorce more quickly that way?

Mr. Leigh: Not, of course, if the Committee accepted my subsequent amendment at 10 pm—that is the simple answer to the hon. Gentleman's question.

Why will the Bill not work? Why will it not achieve the objectives in which we all believe?

Mr. Win Griffiths (Bridgend): I listened with interest to what the hon. Gentleman said about America. From all the briefing material that we have been sent, I understand that several other countries, such as Australia, New Zealand and Canada, have no-fault legislation. Can he tell us a little about what happened to divorce rates in those countries following the introduction of no-fault?

Mr. Leigh: Yes, I can. There is some dispute about Australia, because the rate went up considerably and then seemed to settle down, but it seemed to increase by about 11 per cent.

Opposition Members might think that they must pass the Bill unamended because acrimony is so bad. They should not be under any illusion that the Bill will not lead to more divorce—it will; it will make divorce easier. In considering how to vote at 7 o'clock, hon. Members should consider very carefully which is more damaging to society—the fact of divorce or supposed acrimony in the divorce process. The Bill's main purpose is to get rid of acrimony, but of course the truth is that it will not.

Last year, there were only five divorce trials in this country. Most divorces are based on petition, and one obtains one's divorce by post. There were, of course, a huge number of trials about very acrimonious disputes over division of property and children, and they will go on.

Whatever the Bill says, whatever its worthy arguments for mediation, one or other partner will be advised by their lawyer either of their rights or that the lawyer should be present at the mediation process, so such legal disputes will continue. The Bill is therefore addressing the wrong target. In Scotland, there is less acrimony, because assets accrued through marriage are divided 50-50. In our system in England, the courts are given almost complete discretion. That is what breeds so much acrimony. We are, first, not dealing with the acrimony issue, and, secondly, sending out the wrong message.

There is another point on acrimony. What about the bitterness of the injured party if no-fault divorces were introduced? Occasionally there are injured parties. We are not always equally to blame in life, although often we are partly to blame. What about the bitterness, the feelings of rejection and the denial of rights of the injured parties to have their day, even on a divorce petition? Those things are being swept away by the Bill, which is very dangerous.

It is therefore not surprising that the Bill is enormously controversial, right across the political parties. Not only Conservative Members feel strongly about it. Norman Dennis, a respected Labour party supporter and academic, said in his book "English Ethical Socialism":

> "The institution of marriage protects children. Generations of children will not welcome an Act which sends out the message that the sexual convenience of adults is of paramount importance."

Many ex-Labour Ministers in the House of Lords supported my noble Friend Baroness Young in the amendments she tabled.

There have been a number of academic studies on the matter. The Exeter study, for instance, says on page 55:

> "The most significant factor of those examined was the reordering of the family—the loss of a parent on one or more occasions—rather than the presence of serious conflict or violence. That was most closely associated with children's poorer outcomes as measured".

The academic world, politicians, and lawyers themselves are divided on the Bill.

If the Bill were so obviously needed, why has the Scottish Law Commission rejected it out of hand? A jurisdiction not so very different from our own has

[Mr. Leigh]

rejected no-fault divorce. There is not even any overwhelming evidence of public support for the Bill. A MORI poll conducted by the Lord Chancellor's Department showed that 60 per cent. of the public reject divorce based on the unilateral demand of one party.

Mr. John Patten (Oxford, West and Abingdon): Has my hon. Friend noticed that not one Scottish or Northern Irish Member has spoken in this place in favour of the legislation?

4.15 pm

Mr. Leigh: I am very grateful to my right hon. Friend for making that point. What he says is not surprising, because, in Scotland, 63 per cent. of divorces take between two and five years, and in Northern Ireland, 75 per cent. of divorces take between two and five years.This is largely an English problem.

Quickie divorce is not just the creation of Parliament. It was the creation of the Lord Chancellor's Department in 1977, when the period between decree nisi and decree absolute was cut from six months to six weeks. The Department, although not alone, has to a great extent created the problem of quickie divorces. My answer, therefore, to the hon. Member for Bristol, East (Ms Corston) and to others who have intervened is that we should get rid of quickie divorces.

Sir David Mitchell: Surely, by the time a decree nisi has been granted, a person is effectively divorced, because the whole thing has broken up. The fact that one shortens the time between decree nisi and decree absolute does not affect the fact that the family has come to an end in terms of the operation of normal family life.

Mr. Leigh: The point that my hon. Friend is missing is this—and the hon. Member for Bristol, East made this clear from her own experience. When one is contemplating divorce, one's lawyer will advise one, that if one wants to get divorced within three months and does not want to wait two years, the only way in which to do so is to make allegations. That is what is wrong with the present system.

Dame Elaine Kellett-Bowman: I too was a divorce lawyer. I often found that a middle-aged lady would come to our chambers who had loyally supported her husband for many years by helping him to get on in his industrial life and by bringing up his children. In fact, she had done everything she could. Her one crime was that she had become middle-aged, fat and possibly a little dull. Her husband, therefore, wanted a shiny new model. In what way has such a woman ever committed a fault? As my hon. Friend said, she would feel bitter if she were just discarded like an old glove with no good reason being given.

Mr. Leigh: I understand that my hon. Friend has been very happily married for a long time. She is a beacon and an example to us all.

Another answer to my hon. Friend the Member for North-West Hampshire (Sir D. Mitchell), which may be more germane to the second debate, is that if, under the Bill as unamended, we reduce the time to one year, people will have to settle everything within one year. Under present legislation, after the decree nisi, one can go on talking and arguing about ancillaries. Lawyers refer to disputes over children and property as ancillaries. However, that is another argument, which we can have after 7 o'clock.

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Jonathan Evans): I do not want to intervene at length during my hon. Friend's argument, because it is important that he should have the opportunity to develop it. However, it would be wrong if the Committee were of the view that 12 months is the period during which arrangements in relation to finance and property must be concluded. My hon. Friend will be aware that the Bill permits that period to be extended by up to two years.

Mr. Leigh: I am grateful to my hon. Friend for that intervention, because he makes the point that I want to make, especially forcefully, in the second debate. Under the Bill, people will not be required to settle everything within 12 months but I suspect that that will become the expectation. Under schedule 1, if one goes to the court and argues that one party is being obstructive—one does not have to prove that—the court can override the objections of the other party. That is, of course, more substantially a matter for the second debate.

However, that point is why we say that, where there is a dispute, where children are involved or where there are difficulties, the period should certainly be extended beyond 12 months. There should be a difference between how quickly a person obtains a divorce if there is consent and no children, and how quickly a divorce is obtained if there is a dispute or if there are children. My hon. Friend the Minister is not being entirely fair.

Mr. Richard Tracey (Surbiton): May I draw my hon. Friend out a little on the distinction between the view of the Scottish Law Commission and the advice of the English Law Commission? It is interesting that Scotland has not decided to go down the road that is proposed in the Bill. I believe that my hon. Friend said that public opinion in England was against the line taken in the Bill. Does that mean that the English law commissioners totally ignored the views of our people?

Mr. Leigh: It is not one of the duties of the English Law Commission to consider public opinion. As my hon. Friends and I will argue, one of the problems with the Bill is summed up by the question: who has been calling for it? Have our constituents been writing to us in droves asking for it? Was it in the Conservative party manifesto? Or was it driven by lawyers sitting in the Law Commission—one of whom, who is now a High Court judge, has questioned the very institution of marriage?

Should we in this Parliament make laws based on what the Law Commission advises, or laws based on our own experience and on common sense, and on what our constituents tell us is necessary? Every opinion poll tells us that our constituents support the institution of marriage, and do not want divorce to be made easier.

Dame Angela Rumbold (Mitcham and Morden): Will my hon. Friend continue along that line? Considering public opinion, and reading the letters that I have had

from my constituents, it seems to me that the institution of marriage is greatly valued, that it is regarded as a contract made between two people, partly for their mutual enjoyment but also for the procreation of children, with the intention that the children will be brought up within that marriage.

It therefore seems an odd idea to try to undermine in any way the moral obligation that the two people feel towards each other and the basic contract that they make between themselves. I should have thought that we would want to concentrate our efforts on trying to ensure that that contract was made more rather than less solid, and I hope that my hon. Friend agrees with me.

Mr. Leigh: I am grateful to my right hon. Friend, and also for what Cardinal Hume said at the end of last week—that, as a society, we must put far more emphasis on preparation for marriage. I do not know whether hon. Members know that, at a civil marriage ceremony in a register office, there is no requirement to make any promises whatever about the long-term stability of a marriage.

Every society and every culture, throughout history, has recognised that the best way to bring up children is in a secure and stable marriage. That is why every society and every religion in the world envelops the marriage ceremony with solemn vows. It is recognised that human nature is weak; that is why we are required to make those vows, to buttress our determination to stay together. Is the message that we want to give to the nation as a whole the idea that those vows mean nothing, and that, on the demand of just one partner, they can be broken?

Dr. Robert Spink (Castle Point) *rose—*

Mr. Chidgey *rose—*

Mr. Leigh: I give way to my hon. Friend.

Dr. Spink: My hon. Friend may remember that, in a previous debate, I called for marriage to be made harder, with the Churches leading the way in preparing people for marriage, rather than for divorce to be made easier. As for public opinion, is my hon. Friend aware that a MORI poll in 1993 showed that 56 per cent. of people who wanted a change in that area of the law wanted to see divorce made harder?

Mr. Leigh: I am grateful to my hon. Friend for making that point, and now I shall give way to the hon. Member for Eastleigh (Mr. Chidgey).

Mr. Chidgey: May I draw the hon. Gentleman back to a comment made a few moments ago and supported by several of his hon. Friends, concerning the case of injured parties who have suffered considerably through divorce through no fault of their own and who, as the hon. Member for Lancaster (Dame E. Kellett–Bowman) explained, are left bereft? That is a real problem, and it is important to realise that either partner may be in that situation, when a divorce of which he or she had no foreknowledge nor any wish to be part of, is forced upon him or her. However, I would be grateful if the hon. Gentleman would explain to the House how his amendment would overcome that problem.

Mr. Leigh: If someone is not at fault, the present law makes adequate provision. People simply have to wait two years, or, if there is no consent, five years. If one is the injured party, one will not be able to stop the divorce. We accept that; we cannot prevent people from getting divorced. But at least the fault of the other party—whether that be adultery, desertion, unreasonable behaviour or, in the words of my new clause, "intolerable" behaviour—will be on the divorce petition, and in that sense the injured party will have had his or her day in court.

Mr. Phil Gallie (Ayr): Much has been said about the situation in Scotland, and it is time that a Scottish voice was heard. I will be in the Lobby tonight with my hon. Friend. However, if there were a Scottish Assembly, I would be able to go into the Lobby with him to judge English law, but if there were a change of heart in Scotland, I would not be able to take part in the debate.

Mr. Leigh: That is interesting, but I had better not be beguiled down that path.

Mr. David Alton (Liverpool, Mossley Hill): I support the hon. Gentleman's argument, and I welcome his amendments. Is he heartened not only by the shift in public opinion that has been alluded to but by the fact that commentators such as Ruth Deech and Melanie Phillips, who come from a very different part of the political spectrum to him, have argued strongly against the abolition of fault? They recognise, as many of us do, that it is absurd to pretend that we can remove fault by Act of Parliament. There will continue to be fault; surely redress is the issue.

If people feel that they cannot get redress in law and can be divorced on demand against their wishes, the Bill will have brought an unacceptable principle into British law. Does he accept that the children who are littered throughout our broken-hearted communities are the casualties of divorce? There are 750,000 children who no longer have access to their fathers. The collapse of family life is one of the major causes of our social problems.

Mr. Leigh: The hon. Gentleman presses his point well. Ruth Deech has written penetrating articles and made speeches on that subject.

I was advising the Committee about what we can do. First, we can get rid of quickie divorces. Secondly—this is built into the amendments—we should replace the subjective test of unreasonable behaviour with the more objective test of intolerable behaviour. We were advised to put that in by the Lord Chancellor's Department. Thirdly, we should consider changes to court procedures. We cannot, of course, resurrect divorce trials, but at least judges should be allowed under judges' and court rules to question affidavits. If there is an open-and-shut case of fault, it is absurd that the judge should not be allowed to consider it at all.

Above all, we should not abolish the right of people to demand reasons for their marriages being terminated. Clause 1 states that the objective is

"to promote as good a continuing relationship between the parties and any children affected as is possible in the circumstances".

Mr. Andrew Rowe (Mid–Kent): I am slightly at a loss to know what the benefit of fault is, except in the relatively small number of cases in which one party is manifestly not at fault. That is difficult to establish. If the

[Mr. Andrew Rowe]

party that is at fault got a less generous settlement than if that party had not been at fault, it would raise all sorts of questions about which parent should have custody of the children. Presumably the settlement should go mainly to the parent with the children. I am not certain what the establishment of fault secures.

Mr. Leigh: I can give my hon. Friend a good reason. It is not because we want to say, "You're guilty, you should admit it." We do not want to build up bitterness in marriages. It sometimes serves a purpose to say, "I'm sorry, I was wrong." We all know that from our personal relationships. If I broke the rules of the House and the Chairman of Ways and Means called me to order, he would expect me to apologise, and we could then move on.

If we try to solve problems on the basis of no pain, no shame and no apology, it can make it even harder to start again and rebuild a relationship. If our present fault or reason-based divorce legislation is so bad and is creating all this acrimony, why, every year, do 20,000 to 30,000 couples who have embarked on the process change their minds? Perhaps our present process helps many people to resolve their difficulties to some extent, and decide that they must try to make their marriages work.

Mr. Patrick Nicholls (Teignbridge): My hon. Friend said that everyone is entitled to know, in a legal context, why their marriage has failed. Does he accept that marriages do not fail because of an act of adultery, desertion or unreasonable behaviour, but because, for a variety of reasons, they simply will not work any longer? The law as an instrument is capable of recognising that fact, but is incapable of carrying out the sort of moral audit which we might want in an ideal world but which, in the reality of a law court, is completely impossible.

4.30 pm

Mr. Leigh: That is my hon. Friend's view and the view of people who want to promote no-fault divorce—they all say that it is six of one and half a dozen of the other.

Mr. Nicholls: It is not.

Mr. Leigh: It is to a certain extent. In fact, Lord Simon of Glaisdale, a former president of the family law division, who opposes no-fault divorce and spoke eloquently in the other place, pointed out that in his experience—he is a practitioner in the field—most divorces result mainly from the fault of one party. My hon. Friend is right: there may be circumstances that lead up to that fault, but that former president of the family law division recognises that fault should be acknowledged in divorce proceedings.

Mr. Tim Devlin (Stockton, South): There seems to be a fundamental fallacy in my hon. Friend's proposal. Present law is not based on fault—one is granted a divorce on the ground of irretrievable breakdown of marriage. That is evidenced in one of five ways, but none of those is grounds for divorce. At the moment, we have no-fault divorce.

Mr. Leigh: That is a semantic point, if I may say so. Under existing legislation, of course irretrievable breakdown is the ground for divorce, but one has to give a reason or allege a fault, or there has to have been a separation. Under the unamended Bill, one does not have to give a reason—it is divorce on demand. One proves irretrievable breakdown of a marriage by saying, "I divorce you." After one year, one can obtain a divorce without giving a reason.

Sir Michael Neubert (Romford): Is not the problem the fact that the Bill, this debate and even my hon. Friend's speech in moving his amendment, concentrate on the point of marriage breakdown, whereas, if we are to avoid the terrible crisis of divorce in such high numbers that he has described, we must go back to the original commitment? Is not the removal of fault the equivalent to saying that there is no contract, and therefore that there can be no breach of contract? Is not my hon. Friend trying to establish once again the commitment that comes at the start of a marriage and which will be so much more important later in the event of difficulties?

Mr. Leigh: I am grateful to my hon. Friend, as he has put his finger on it. We all accept that the marriage contract should be the most solemn contract that one makes in one's life. It should be uniquely unbreakable. In fact, it will be uniquely breakable. In any other contract, one has to allege a fault. As one of my hon. Friends said on Second Reading, if one buys a television set and wants to sell it and get one's money back, one alleges a fault. In this, the most important contract of all, one has to allege nothing. One simply says that the marriage is over. None of us thinks that that is the way to proceed.

Mrs. Elizabeth Peacock (Batley and Spen): Does my hon. Friend accept that, under the present proposals, if a couple get married on Saturday, and if, on the same day, they take out a finance agreement for 24 months, they have a firmer commitment to that agreement to purchase than they have to the marriage that they are embarking on, which is nonsense?

Mr. Leigh: My hon. Friend is right.

Mr. Donald Anderson (Swansea, East): I have been trying to follow the hon. Gentleman. He talked about a contract and a breach of contract. In our civil courts, judges are regularly able, knowing the law, to state whether there has been a breach of contract in a case. For example, in an industrial accident, a personal injury accident or an accident in which someone has been run down, judges are able to say who is responsible and whether there has been contributory negligence. The question is whether, in a short hearing, a judge is capable of ascertaining whether fault in the lifetime of a marriage is apportioned 50:50, 60:40 or 75:25, and, secondly, whether any proper public purpose is served by that attempt.

Mr. Leigh: The hon. Gentleman is a distinguished lawyer, and, as he well knows, that is precisely why the Divorce Reform (Miscellaneous Provisions) Act was introduced in 1968, and why we have only four or five divorce trials every year. We are not saying that we can or should return to the days of the full-blown divorce trials that we saw in the 1930s—we realise that we cannot do that, whatever our private opinion about divorce and the sanctity of marriage may be.

We are saying that a general public understanding and consciousness is underwritten by the existing law, that, if people want to get a divorce, the State will not stop them and they will get their divorce, but that marriage is for life, and that, if people are going to get a divorce it has to be based on separation of more than two years, on fault, on adultery or whatever. It serves a purpose. I assure the hon. Gentleman that we are not seeking to return to the old divorce legislation that operated before 1968. We realise that we cannot do that, whatever our private view may be.

Hon. Members have been patient, and I hope that they understand that I have had to give way to the hon. Members who wished to intervene. I shall now draw my remarks to a conclusion.

What sort of message do we want to send to young people? Do we want to send out the message that solemn promises, often made in a religious context, do not matter? Do we want to say that desertion does not matter? Do we want to say that adultery is not reprehensible? Are we saying that the law does not influence behaviour?

Do we deny that the public have a right to express a point of view? Do we deny that this is a solemn moment in our history, because, for the best part of 2,000 years, our law in this area has been based on our Judaeo-Christian inheritance? I believe that there was no-fault divorce in Roman times. However, in the past 2,000 years, the divorce law has been based on that Judaeo-Christian inheritance. This afternoon, do we wish to sweep that all away?

The Chairman: I remind hon. Members that with this amendment the Committee is considering amendments Nos. 6 and 20, and new clause 1.

Dr. Jeremy Bray (Motherwell, South): My amendment is amendment No. 6, which states:

"Clause 5, page 3, line 22, at end insert—

—(2A) If the parties have entered into an agreement, following counselling by a body approved for the purposes of this section by the Lord Chancellor, not to make a statement unless each of them has sought further counselling (either from that body or from any other such body), any statement made by either of the parties, or by both of them, is to be disregarded unless the agreement has been complied with within the period of three months ending with the date on which the statement is made."

I am grateful to the Lord Chancellor's Department and to parliamentary counsel for helping me draft my amendment. I puzzled long and hard over the question whether counselling, reconciliation and attempts to save a marriage can have any part in the divorce process. They have precious little to do with this Bill. If one party believes that the marriage could be saved and wishes to save it, provision is effectively limited to the giving of information and does not extend to counselling, to the financing of counselling or to support of it in any way.

There are people who will use any provision out of malice to delay or to refuse divorce. There are other people who believe, out of love and a sense of reality—perhaps a greater sense of reality than their partner—that the marriage can be saved and they want to make every effort to do so, even while their partner is pursuing the divorce process. Counselling, where people have no wish to be counselled, is futile. Any requirement for counselling may rapidly become a dead letter, as indeed the requirement to give information on counselling has done in previous legislation since the Divorce Reform Act 1969.

The amendment caters for people who have made a commitment not only to their marriage partner but to seek help to maintain the marriage if it comes under strain. They may wish to seek help from the community. The amendment opens the way to serious preparation for marriage and support to maintain the marriage during its course.

At present, a conscientious clergyman will meet a couple for two or three sessions in preparation for a marriage, but his or her resources, and the resources of the registrar and the register office, are extremely limited. Properly resourced and supported, marriage preparation sessions may become a highly popular institution. People are required to pay fees for various purposes when they marry, and they incur much heavier expenses at their weddings in a great many cases. A modest fee for marriage preparation and continuing support would not be an objectionable imposition.

A well-managed counselling organisation would keep in touch with couples throughout their married life, as a properly functioning church does with couples who have been married in that church, and would be there to give help if at any time during the marriage it were called on to do so to maintain the marriage.

In making an agreement first to seek counselling at the time of marriage or during its course when there are no problems, the couple can accept that, in the last resort, the court will require them to seek further counselling before they seek divorce under the provisions of the amendment. The divorce process will not be affected, but such an arrangement would work on the fortunes of a marriage at an earlier stage, preventing it from sliding into irretrievable breakdown.

One of the Bill's difficulties is that its sponsors see only the fact of marriage and its breakdown. They do not witness the increasing strains that gradually lead to the breakdown of marriage, and the thousand and one times when it is possible to budge it back or it may slide further forward. It is in that constant help in maintaining the marriage that sensitive counselling has a role.

Some years ago, the Church of England called for the introduction of two types of marriage—one for those who wished to make a lifelong commitment and another for those who would qualify that commitment in various ways. Rightly or wrongly, the Church decided against it, on the grounds that, understandably, it did not wish to detract from commitment in any marriage.

However, the amendment does not seek to set up two types of marriage. It recognises the divorce law and it sets up a reservation, before that divorce law can take effect, that counselling will be sought.

If it is argued that the provision belongs in a marriage Bill, not a divorce Bill, that is not the choice of the House. Many of us feel that, indeed, a commission on marriage and a Bill on marriage is the only context in which a Law Commission report should have been pursued on divorce law reform. Marriage and divorce cannot be treated separately in law in our society. There is very little in the Bill as it stands relating to marriage. Something can usefully be introduced into it so that divorce is viewed in the wider perspective of a lifelong marriage or its breakdown.

[Dr. Jeremy Bray]

It is possible to strengthen the provision for counselling elsewhere in the Bill, and my hon. Friends have tabled amendments to that effect. I am advised, however, that, if it is intended to link the counselling to marriage preparation and guidance in establishing whether a marriage has irretrievably broken down, this is the place to do it.

Not only does divorce law reform affect marriage breakdown, as we argued on Second Reading and will argue continually in Committee, but it is possible to do something positive and use the Bill to strengthen the institution of marriage by direct provisions such as preparation for marriage, counselling, support for counselling and the maintenance of marriages. The amendment's intentions could no doubt be provided in other ways, and the Committee may exercise its ingenuity in exploring those alternatives later in the proceedings.

4.45 pm

Mr. Nicholls: I was interested to hear my hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh) outline why he had reached particular conclusions. I agree with much of what he said, although I do not agree with the conclusion that he draws. He made the point—as did the hon. Member for Motherwell, South (Dr. Bray)—that we should be talking about a campaign for marriage, as divorce is the ultimate failure of the usefulness of marriage.

I was somewhat puzzled, initially, that a Conservative Administration should approach the matter with a view to altering divorce law rather than by addressing the social context of marriage, to which my hon. Friend referred. I found that slightly strange. I am concerned also that a commission of lawyers is the driving force behind the proposals. As a lawyer, I draw two conclusions: first, that I am entitled to be rude about lawyers; secondly, that I am entitled to say that lawyers are not the best people to conceive legislation of that sort.

I am distinctly unhappy about a measure that was not trailed in the manifesto and that has been prompted by the academic ideas of lawyers on the Law Commission. In some extraordinary way, it has emerged as party policy and, as such, must be accepted. The measure seems completely devoid of politics, which I rather favour.

There is nothing ignoble about politics: it is a matter of trying to identify the aspirations of the people who send us here. Sometimes, the aspirations of the Opposition and the Government parties will differ. What brings me here is perhaps different from what brings Opposition Members to this place, but the political process is the same in both cases: each of us tries to reflect the views of our constituency and answer to it. I must admit that, initially, I could not conceive what Conservative constituency had called me to debate a Bill such as this.

Mr. Patten: Has my hon. Friend received any letters in support of the Bill from any known Conservative supporters—of which there are a great many in his constituency as he is such a popular and excellent Member of Parliament?

Mr. Nicholls: My right hon. Friend may say that, and I could not possibly contradict him. I do not know the politics of the two people concerned, but I have received letters from Cardinal Hume, the Archbishop of Westminster, and from the Bishop of Liverpool writing on behalf of the Archbishop of Canterbury. I would not hazard a guess as to whether they are Conservatives—my right hon. Friend may try to make the point that they are not my constituents, but that is not important. I do not know where those eminent people have their holiday homes—perhaps that will qualify them as my constituents.

My right hon. Friend makes a serious point. When confronted with a piece of legislation with which I was profoundly out of sympathy, I thought it would be a good idea to canvass the views of the Roman Catholic Church and the Church of England. That is not to say that I intended, having sought their views, to put my independent judgment to one side, but I was greatly assisted, reassured and impressed by the quality of the arguments advanced by Cardinal Hume and the Bishop of Liverpool. To the extent that I have made any sort of odyssey in relation to the issue, I was greatly assisted by those contributions.

I was assisted also by the fact that politics entered the process for the first time when my hon. Friend the Parliamentary Secretary, Lord Chancellor's Department held negotiations with my colleagues and me in an effort to identify a possible Conservative agenda in the Bill. I was impressed also by the approach of my right hon. Friend the Chancellor of the Duchy of Lancaster—I hope that he is pleased rather than embarrassed—when dealing with the matter on Second Reading. I began to appreciate that several points needed to be examined.

It was possible simply to walk away from the Bill, saying, "I'm not quite sure how it got here and I will not play any part in it," but I decided not to take that view because of the responses that I received from both the Roman Catholic Church and the Church of England and as a result of conversations that I had with my right hon. and hon. Friends. There was another reason for my decision: although we may lament the fact that it ever appeared in the first place, if the Bill is to pass into law—which seems likely—we have an obligation to ensure that it performs a useful purpose. It troubles me greatly that, if the Bill is left as it is, the one-year period of separation for pause and reflection would go through unchallenged, which would be a mistake. The Bill also poses the problem for the Committee—with which my hon. Friend is dealing—of whether fault should be brought back into divorce.

It is always dangerous to make a speech in the House on a subject about which one knows something, and I declare an interest in that I do not do that often. However, for many years I made my living as a divorce lawyer. I did not handle just a few divorces, as many other humble country solicitors do, but practised nothing but divorce law. That was a few years ago, but people do not change greatly over the centuries. I learned fairly quickly that the misery and unhappiness that two people deadlocked in matrimony can cause each other was a bottomless pit.

When I was a practising divorce lawyer in my 20s and 30s, at least the point was to some extent academic—in so far as the misery of another human being is ever academic. I have grown older and become greyer, and I am at that miserable time in life, in late middle age, when the marriages of my friends, which I thought were as

stable as I believe my own to be, are cascading around me. That brings home to me how utterly miserable is divorce.

The prospect of bringing fault back into divorce must be addressed. I say without any attempt at sarcasm that I understand to the hilt that which my hon. Friend is trying to achieve. A contract of matrimony is not the same as a hire purchase contract. On one level, a marriage contract should be harder to enter and leave—but it is anyway totally different. I have seen in the past the way that fault has been used as an integral part of the divorce mechanism, and it does not work. If fault has to be produced, in conjunction with time or without time, one must pull fault out of a hat in a prize rabbit way and say, "Guess what. I've found a fault. I've found an isolated act of adultery. I've found a desertion. I've found a pattern of unreasonable behaviour."

Persons who have not practised in the divorce courts as long as I did can have no conception of the difficulty of using a judicial process to carry out that sort of moral audit, which is what we are talking about. Those of us who are inclined superficially to believe that we should reintroduce fault are looking for a certificate of moral righteousness to show that one person has measured up to their obligations and to bring upon the person who has not a sort of contrition that will help to carry them through. That is a marvellous aspiration, but it cannot begin to work.

What about the situation in which a wife deserts her husband and commits an act of adultery? That is a bad enough fault, but wait a moment. She may claim that she was driven out by a hard and domineering husband, so perhaps the fault was his. But hold on another moment—the husband may claim that he had to control and direct his wife because she was a rotten housekeeper, was getting the finances wrong and the children were suffering. Then the wife might say, "Come off it. I married at 18. I didn't know enough, so obviously I was going to get it wrong." What is the answer? God knows—and He is not going to come down to tell us to help us with our deliberations.

Such a scenario is far from fanciful, as anybody who has practised in the courts knows. It is unreal to think that, in such a complex pattern, we can use the courts to work out definitively and fairly who was at fault and who was not. I am just about old enough to remember how it used to be in the old days, when people had their day in court. No video nasty that I have ever seen is more squirmingly embarrassing and heartbreaking than two people having their day in court, trying to explain to the man up there in the wig how they felt and why they acted as they did. It does not work. I do not see how a moral audit in which the circumstances could be brought out and expanded, to produce a definitive version of events, could ever be workable.

Mr. Bernard Jenkin (Colchester, North): I think that everyone in the House will agree with my hon. Friend's analysis that the attribution of fault at the point at which the marriage is breaking down is destructive, but how can we allow couples to enter the contract of marriage—the most solemn contract that we ever enter—on the basis that a breach of that contract carries no fault and no penalty, although there is never no penalty for the breakdown of such a close relationship?

Mr. Nicholls: If I may say so, my hon. Friend has given half the answer to his question in his concluding remark, but the real answer to his question is that we should have started a debate—in many ways, it is the great debate—about how matrimony has got into its current situation. Is there a campaign for matrimony that could reverse the process that we have seen? God knows, there is not much in present-day Britain that readily unites hon. Members on both sides of the House, but very few hon. Members would deny that stable marriage is the ideal. We do not have that now.

Perhaps we should have a joint manifesto for the parties at the forthcoming general election about the subjects on which we agree. A good one for the shopping list would be the institution of matrimony, but we are not in that situation. We have the Bill, and we must decide whether we will do something useful with it.

Mr. Jenkin: With respect, my hon. Friend has not answered my question.

Mr. Nicholls: I have not given the answer my hon. Friend wanted.

Mr. Jenkin: My point is whether it is right to advertise the marriage contract as a penalty-free contract. That is the question with which we are wrestling. The point is not whether there is an easy way through the divorce process, but whether the marriage contract should be advertised as a penalty-free contract, whatever the pain of breaking that contract may be.

Mr. Nicholls: My hon. Friend has again given the answer to his question himself. There is no penalty-free aspect to the failure of a marriage. Of course, we have all met the people who are so callous, so unfeeling or so plain stupid that they can go through the process of divorce and feel perfectly happy at the other end, but they constitute a tiny minority. The reality is broken dreams, broken aspirations, humiliations and pain, not just for the couple, but for their family, their extended family, their children, their whole circle of acquaintances and society itself.

Mr. Jenkin: Will my hon. Friend give way again?

Mr. Nicholls: I shall give my hon. Friend another shot in a moment, but others also wish to speak. My hon. Friend suggested that it takes a law court to impose penalties. A broken marriage imposes penalties that are far more hideous and draconian than anything that any court in today's Britain is likely to dish out. Does my hon. Friend wish me to give way again?

Mr. Jenkin *indicated dissent.*

Mr. Nicholls: I am surprised that I was able to satisfy my hon. Friend.

Mr. Jenkin: You did not.

Mr. Nicholls: In that case, I shall pick up my hon. Friend's sedentary heckle to confirm that that is not so.

[Mr. Nicholls]

There is some confusion. My hon. Friend the Member for Stockton, South (Mr. Devlin) was accused of indulging in semantics, but to be fair it is not indulging in semantics to make the point that fault is not ground for divorce, even as we sit here today. The irretrievable breakdown of marriage is the only ground for divorce, and it can be proved in five particular ways. That point is more than semantics because the great public outside might think that at least some fault is currently needed for a divorce and that the wicked old Tory Government are removing the concept of fault. That is not accurate.

A second point stems from that issue. At times, there is real confusion in the public's mind and, sometimes, in ours—that when we say that fault will not be present, we are also outlawing conduct. The two are different. The issue that matters most is usually the care of the children, who are the ultimate victims of divorce. Clearly the conduct of the parents, their ability to look after themselves and to handle their own lives correctly will be relevant matters for the court.

I can think of many cases, in which I have acted for one party or the other, in which the divorce went ahead on the grounds of two years' separation and was superficially done amicably and without attribution of fault, but when we came to custody and access to the children, the most appalling, distressing and painful allegations about conduct had to be made because it was only by examining those allegations that the court was able to make its decision about the care and control of the children. That is a reason—a distressing, painful, but necessary, reason—to consider the conduct of the parties, but it is a world away from the insistence that fault should be apportioned between the couple involved.

I accept to the hilt that no Conservative Government should be in the business of making divorce easy, but the idea that fault is in some way a means of buttressing marriage does not make sense to me for one moment. I still wish that the Bill had never come before the House, but in one way it could perform a valuable service. We should be talking positively. We should be advancing the campaign for marriage. We can say that it should be harder to get out of matrimony, and in so doing reinforce exactly the points that have been made by some of my hon. Friends. That is an issue that is covered by the next group of amendments and, accordingly, I shall mention it in no detail now.

There is a real debate to be had about whether one year should be extended to 18 months or two years. That is the way in which those of a conservative inclination could consider the Bill. They could say that the Bill, even now, could be made an instrument for doing something, in a small way, to recognise the fact that marriage is a unique institution. That fact should be acknowledged. That is something that the courts can do. They can say arbitrarily, "If you are going to go into this, it will take you time to get out." That is within the competence of the courts; the allocation of fault, the moral audit, is not.

5 pm

Mr. Michael Jopling (Westmorland and Lonsdale): My hon. Friend has told us at some length about the agonies that are experienced by participants in a divorce where fault is involved. Would it not be true to say that the agonies of the participants are nothing when compared with those of the children, which seem to be infinitely more important? The evidence suggests that, by moving to no-fault divorces, the number of divorces increases. That process brings with it even more agonies for children. How is it sensible for us to move away from divorces that are based partly on fault? The move to the no-fault concept is likely to cause infinitely more agony to the children of marriages that break up.

Mr. Nicholls: If I accepted my right hon. Friend's analysis, I would accept his conclusion at once. I cannot pretend to have a grasp of all the evidence that may emerge from America, Canada or other overseas places. I make no attempt to disguise the fact that I have come to my conclusions as a provincial lawyer who worked a long time ago in divorce and from personal experiences that I am sure are similar to those of other hon. Members.

Introducing a concept of fault in divorce will not help children. If parents will not stay together, they will not. It would be entirely artificial in many marriages, although not all, to say to the children, who in the end remain, "The court decided that mummy was at fault and daddy was not," or "Daddy was at fault and mummy was not." I do not think that children's interests are served by trying to introduce such a construct.

I believe passionately that, to some extent, we are talking about the wrong issues. We should be talking about the positive side of these matters and examining how marriage ever came to be under such threat. Being a legislator is one thing; to an extent we are today reduced to being undertakers.

Dr. Bray: To the ordinary man and woman in the street, the Bill seems to say—this is what will shape their attitudes—that all they need do to obtain a divorce is to claim that their marriage has broken down. They will be given the impression that either party can say that at any time.

Mr. Nicholls: The hon. Gentleman is entirely correct to say that people may have that perception. In terms of carrying the political debate, the way in which we put over these matters initially was defective. If we consider the detail of the Bill—I am not too sure how many people in the street will do that—it is clear that the court must be satisfied that a marriage has irretrievably broken down.

At present, the situation is every bit as bad as the hon. Gentleman suggested. A solicitor in private practice will know that a party to a divorce may well say, "Yes, I have committed adultery. I will tell you the circumstances briefly. It happened at a particular time in a particular street. I cannot identify the exact address because I do not want the other person to be implicated." The solicitor will look that person straight in the eye and say, "I cannot possibly be party to a conspiracy. I am not quite sure that you mean this," and the response will be, "Yes, I promise you that it is true."

The solicitor then writes out a confession statement, including a pretty paragraph about why the party does not want to identify the other person. That is what happens now. It is thoroughly corrupt. It is corrupt in the sense that it draws solicitors into that practice. There is no ideal way of dealing with the situation that I have described, even now. There are many examples of artificiality.

The final and ultimate consideration is that we cannot force people to remain together and to remain married in any meaningful sense if they do not want to. We can make it harder, however, to get out of a unique contract. That is what the next group of amendments would do. I should like to think that, as a consequence of the debate, we may yet, one day, have an investigation into why we ever, as a society, found our way into the jam that we now face.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): As was rightly said earlier, there is only one ground of divorce, and that is the irretrievable breakdown of a marriage. I was a divorce lawyer when I was in civvy street. The facts that had to be pleaded in support of irretrievable breakdown were merely facts to establish the main ground. Two of those facts involved no concept of criticism or fault. As was also rightly said, we have a no-fault concept of divorce already.

The proponents of the amendment have signally failed to explain what possible good would come of accepting it and the grouped amendments. What possible good can there be in reintroducing the fault concept, as eloquently stated by the hon. Member for Teignbridge (Mr. Nicholls), who has experience of divorce law?

Another important fact is that we cannot legislate to keep parties together when de facto they have decided that they will not—either both parties or only one. It is not feasible, possible or reasonable to try to do that. We should not attempt to legislate for morality. As I have said before, I believe that it is illogical and intellectually unsustainable for proponents of the fault principle to argue that, by encouraging bitterness and mud-throwing, we shall protect the institution of marriage. Fault has never been a deterrent to divorce.

As for making divorce easier, I ask the following question: How many divorces per annum are refused by the High Court? The answer is very few. There may be a couple of dozen refusals. The idea of making divorce easier is nonsense and cannot be sustained.

Certain problems stem from current law. By pleading conduct, one party is sometimes given a bargaining advantage when it comes to dealing with ancillary matters. There is often a scramble with one party wanting to get in with the first set of nasty allegations before there is retaliation or before the other side decides to throw up his or her hands and say, "I will not be bothered with this. I will let the thing carry on as it is." There seems to be a rush to get in with the first set of insults. That provokes unnecessary and pointless hostility and bitterness.

Even when a couple have agreed that their marriage cannot be saved, there is the possibility under the current system that matters will be made worse by encouraging one party to make allegations against the other. It is interesting to note that the Law Commission commented that those people who responded to its consultation paper confirmed the view that there was every reason to believe that the present law added needlessly to human misery.

Mr. Rowe: The hon. Gentleman makes an important point. When he says that couples agree that their marriage cannot be saved, that is exactly what happens, but I suspect that, in many cases, they mean that they have no idea how to set about saving it. That goes back to what the hon. Member for Motherwell, South (Dr. Bray) said about the paramount importance of finding ways in which acceptable forms of assistance can be found at an earlier stage.

Mr. Llwyd: I agree entirely with that view. It is of the utmost importance. I made the point on Second Reading that we should concentrate on assisting in particular young people going into marriage because the divorce rate among teenagers is horrendously high. They should be counselled into understanding the full obligations that they are entering into in the contract of marriage. The earlier we realise that and get something done, the better it will be all round. Incidentally, that might be a reason why divorce rates have shot up so much in the United Kingdom: we are simply not concentrating on the lead-up to divorce, so I agree with the hon. Gentleman on that.

Mr. Devlin: The hon. Gentleman put his finger on a glaring omission in the legislation. It is called the Family Law Bill, but it deals chiefly with divorce. It should deal also with the circumstances in which marriages are made. I would like couples to go through a much more elaborate procedure, perhaps with counselling or arrangements before people get married. Like him, I have met teenagers of 19 who have been divorced after one or two years.

Mr. Llwyd: That is also a useful and valid contribution.

There is no doubt that the law has made it difficult for a small proportion of estranged couples to get divorced. It does so in an arbitrary way, depending on which facts might be proved. As the Law Commission has clearly stated, the present law can make things far worse for the children. Having parents semi-publicly calling each other all manner of things in affidavits and court documents is not the best backcloth for rearing any child. Despite having a thick-skinned constitution, I have frequently been embarrassed in divorce courts and seen the agony in the eyes of young children when mother and father call each other names across the court and say things that would be best left unsaid. The new framework, if it is to pass into law, will do away with much of that heartache and pointless name-calling.

Mrs. Peacock: I understand what the hon. Gentleman says about children having to listen to such awful things in court and sometimes outside, but does he really believe that those children will benefit from having either father or mother missing all the time? Has he not ever heard the sobs of a child whose father is not there any more? Is that any worse than listening to parents arguing, certainly in those early stages?

Mr. Llwyd: I hear what the hon. Lady says and I understand her point, but I go back to what I said earlier. If father has decided that the marriage has broken down and cannot live with mother, it is not ideal in any circumstance, because their child will be brought up amid constant bickering, with one parent—perhaps two—who is desperately unhappy with the position. Frankly, the sooner that is put an end to, the better, although I understand the hon. Lady's question and motives and I appreciate what she says. From my experience, however, I cannot agree with her.

Mr. Nicholas Winterton (Macclesfield): Having known the hon. Gentleman for some time, I appreciate

[Mr. Nicholas Winterton]

the genuine sincerity with which he is advancing his argument, but, if we accept the Bill, are we not reaching the position where an increasing number of people will say, "Why get married? Is there any purpose?"

Mr. Llwyd: The hon. Gentleman makes a strong argument, but I return to the point raised earlier. If we are to prepare people for marriage, that is undoubtedly a question that they will ask. I do not know what the future holds, but I do know from my experience of divorce law that too many teenagers marry without any thought and suddenly find that they are not matched to their partner at all. They do not understand the obligations involved. I honestly do not know the answer to the hon. Gentleman's question. Perhaps at some point someone else can respond. Clearly neither of us can predict what will happen, but he made his point with much force and I understand it.

5.15 pm

It behoves us to regard children's interests as paramount. Their welfare is the main issue in all this. The Law Commission states:

"The present system can also make things worse for the children. The children themselves would usually prefer their parents to stay together. But the law cannot force parents to live amicably or prevent them from separating. It is not known whether children suffer more from their parents' separation or from living in a household in conflict where they may be blamed for the couple's inability to part. It is probably impossible to generalise, as there are so many variables which may affect the outcome, including the age and personality of the particular child. But it is known that the children who suffer least from their parents' break-up are usually those who are able to retain a good relationship with them both. Children who suffer most are those whose parents remain in conflict."

That is true and I have seen it in practice over the years.

I shall not quote at length, because I know many hon. Members wish to speak, but the Law Commission makes one or two other important points. It states:

"the present law can, for all the reasons given earlier, make the conflict worse. It encourages couples to find fault with one another and disputes about children seem to be more common in divorces based on intolerable behaviour than in others."

It goes on to suggest various points and reaches the conclusion that a no-fault concept should be proposed. That is correct, based on good sense and a useful contribution to family law.

The simple fact is that divorces are about mud-slinging. To my utter regret, some of that mud sometimes splashes on to the innocent children. They are the parties we should be thinking of. Why should private arguments about personal things be made public in that way, especially as it serves no useful purpose? If I may make the obvious point, divorce, however "amicable", is always a calamity. It is an anxious time for everyone. Why should we, as legislators, make it worse? If a marriage cannot be saved, our duty surely is to ease the way from the point of realisation of the irretrievable breakdown of the marriage to the decree absolute. That is common good sense. It is in the interests of both parties and in the children's interests, which is important.

May I draw a brief analogy? When I was a law student, during lectures on the law of tort, we were told about the New Zealand no-fault system in relation to car accidents, which was hailed as a great step forward. In much the same way as the proponents of the fault principle are arguing today, people in favour of retaining the negligence aspect of the law argued that there would be more so-called accidents, bogus claims and a rash of litigation. That was never borne out. I cannot for the life of me see how the no-fault system here will lead to more divorces.

With respect, the proponent of the amendment is a considerable Euro-sceptic. He did, however, travel the whole world to look for evidence to support his argument. I leave that without further comment.

Some opponents have suggested that there will be a drastic increase in the number of divorces. I honestly do not believe that. May I put it differently? If I did believe it, I would not oppose the amendments, and I do not think that other hon. Members would either.

I do not think that amending the law to do away with the concept of fault will increase the divorce rate. I think that it will ease the way towards so-called amicable divorce for small family units, making divorce less painful for the parties concerned and for their children. That is what a family law Bill should be about.

Dame Angela Rumbold: Thank you for calling me so early, Mr. Morris.

I greatly enjoyed the speech by my hon. Friend the Member for Teignbridge (Mr. Nicholls). I agreed with all of it except the end: I did not agree with his conclusions. Like him, I had considerable doubts about the way in which the Bill arrived in the House; I also had considerable doubts about the politics involved—politics with a large or a small "p". I was worried about the fact that a Conservative Administration wanted to introduce such legislation. That is all in the past, however: we are now considering amendments.

My hon. Friend spoke of the awfulness of marriage breakdown and divorce. I do not want to increase the difficulties involved in a very bad marriage and the irretrievable breakdown of a relationship; I do not want to make it harder for people who have lived in difficult and upsetting conditions for years to extricate themselves. For obvious reasons, I do not think that hon. Members should pontificate about how important it is for people to struggle on simply for the sake of the institution of marriage.

I am not a divorce lawyer. I am simply an ordinary woman—a Member of Parliament, a mother and a woman who has been happily married for some 38 years. They have been very good years. I have also worked with children. One aspect of the Bill worries me enormously: we are saying that people must be able to extricate themselves from difficult marriages, and that fault in itself is not a good reason for them to be able to do so, but non-lawyers outside this place will not see the Bill in that light. People will say, "That is fine. We need not do anything except say that the contract into which we entered no longer need exist or bind us."

That probably does not apply to my generation, or even to people who are 10 or 15 years younger than me, but the effect on young people will be different. To an extent, young people are already saying, "Let us have a happy marriage. Let us float down the aisle in white dresses. If it all gets too difficult and we do not enjoy ourselves later on, that does not matter: we can always get out of it."

I do not think that my generation has done enough to make the marriage contract more meaningful to those young people, and I feel guilty about that; but I do not want to participate in legislation such as this.

Hon. Members who are divorce lawyers may disagree with the impression gained by people outside, and I accept their opinion, but the general perception will be that parties can extricate themselves from the contract without having to give any particular reason, or answer to the commitment that they have made—in church, in many instances. I find that difficult to understand.

Mr. Nigel Spearing (Newham, South): Many people would agree with the right hon. Lady's general argument, but is not one of the basic problems the fact that marriage is not merely a contract between two parties—although young people may see it as such, because we have not made the position clear? Surely marriage is a contract between two individuals who are committed to each other, and society as a whole. Society says, "We too will sustain the couple in sickness and in health, and the quality of our legislation and our community life will help them to maintain their ideals." Is it not our duty to make that clear in a positive way, so that the real meaning of the contract—which I think the right hon. Lady understands—can make things easier, and deal with the terrible tragedies that can and, alas, do occur?

Dame Angela Rumbold: That is probably true to an extent. My point is that, when people enter into that contract and make that commitment, there is a deep understanding that it is not all that easy to extricate oneself. I want to make that clearer.

Over the years, a range of factors will have an effect. We should not consider just what happens in a first-generation marriage breakdown; when they grow up, the children of that marriage are likely to follow the pattern set by their parents. They, and subsequent generations, may say, "Mummy and daddy didn't make it. Now that we are grown up, if we make the same mistakes we can do the same to our children." The legislation should not allow people to say that no fault is involved, and to assume that they can walk away from the commitment that they have made.

Mr. Nicholls: No one is suggesting that there is no such thing as fault. We are considering whether the courts are an adequate instrument for the apportioning of fault.

My right hon. Friend has spoken about the difficulty or otherwise of getting out of the commitment. Surely, the message that can be conveyed—even through the Bill; it is connected with the way in which the Bill came to the House in the first place—is that, although we cannot stop young people getting married, because we have not thought about a campaign for marriage yet, it will be much harder for them to extricate themselves. They may have to wait not just a year, but 18 months or two years. If my right hon. Friend said that, we might wind up in the same Lobby.

Dame Angela Rumbold: I have no doubt that we will wind up in the same Lobby when we vote on the second amendment, because I agree with that point entirely.

I cannot for the life of me understand why young people still want to opt for the commitment of marriage. They no longer have any reason to marry. What is the purpose? Why do they not do what the majority do anyway to begin with, and simply set up home together? A shared mortgage is more of a commitment than a church ceremony.

Mr. Rowe: As my right hon. Friend is no doubt aware, in Great Britain the proportion of unmarried women aged between 18 and 49 who are cohabiting has almost doubled in the past 13 years.

Dame Angela Rumbold: I am grateful for that information, but it does not surprise me.

We have a major responsibility, not so much for adults who make commitments such as marriage, as for the children. I fear that the Bill—whether for the best legal reasons or not—sends the outside world the message that the children will not suffer, because it is far better for parents to live together squabbling and fighting. I am worried that it sends the message that it is far better for children to live in a single household in which there is one parent who is happy and contented.

I do not know how many people realise that small children blame themselves when their parents do not get on and seek to divorce. Little Johnny or Mary wonder what they did to make mummy and daddy think that they could not live together. When we examine this type of legislation, I hope that we do not simply take the point of view of lawyers or of people who sit on committees and say that it must be much better for children to live with one parent under a sensible arrangement in which daddy will have custody of the children at the weekend and mummy will have them during the week.

5.30 pm

Let us think about what the children feel. They ask themselves, "Why don't my mummy and daddy live together, like the parents of little Fred or Johnny at school?" All those things go through children's minds and have a profound effect on them as they grow up. I ask the lawyers, as I have asked many times before, how they can be so certain that what they have decreed for children is best, merely because it seems to be a convenient, clean and better way. What makes anyone think that a single woman will find bringing up two children on her own better than struggling along in a relationship that is perhaps less than good but in which there is another person who will be there sometimes to give her some support?

People experience very difficult periods in most marriages, and most marriages have ups and downs. But the reality is that, if one gets over those difficulties, two people in a household can ultimately come together to provide a stable background for children to grow up in, even if they occasionally argue or if one partner is sometimes away.

Mr. Nicholls: How will the reintroduction of a concept of fault in the eventual divorce make it more likely that parents will stay together for the sake of their children?

Dame Angela Rumbold: That is the very nub of the question. People have to have a greater reason to divorce than simply because they have disagreements. The point that I am trying to make—probably not very well—is that I fear that couples think that a reason for divorce is because

[Dame Angela Rumbold]

they have had a quarrel or because one partner has spent too much from the bank account or fancies someone down the road for three or four days. The situation is straightforward if a greater reason has to be demonstrated, such as when the partners have parted company for two years and the relationship has demonstrably broken down or when one partner has gone and is never coming back.

My concern is that if we do not have a greater reason for divorce, we will hand it on a plate to those who do not have such a sense of responsibility—partly because people such as myself have not given them a sense of responsibility over the years—and that it will become all too easy for them to have children and to part company without serious thought.

I shall not say anything further on the issue, but I feel very strongly that it is important to examine the consequences for children of divorce. We should not accept divorce legislation without some concern for and thought about exactly what will happen to small children, rather than considering the views of the elderly people who sit on commissions and in committees who have decided what will happen to children.

Mr. Devlin: Something needs to be done about the current law on divorce. One matter that everyone—practitioners, commissioners and respondents to the White Paper—agrees on is that the current law does not work and that the current, intolerably high divorce rate is not helped by the current system.

As I said in an intervention on the speech of my hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh), the current law is that divorce is available on demand. The current law is a cop-out and represents a failure in the 1960s to bite the bullet in terms of the role of fault in divorce. The result has been a hybrid system that is not satisfactory from anyone's point of view. Fault is not a ground for divorce, but the sole ground for divorce is irretrievable breakdown that must be witnessed by one of five facts. In some cases, that amounts to faults.

As my hon. Friend the Member for Teignbridge (Mr. Nicholls) said earlier in the debate, if one wants a divorce under current law, one can go along and allege adultery—one's own or one's partner's—and obtain it in about three months. Nothing else would have to be said about the adultery, such as when or where it took place. We no longer have the grand old days in which the Queen's commissioners, or whatever they were called, went down to Brighton to take photographs of people coming out of hotels after an indecent amount of time.

The current system has four main shortcomings, such as encouraging recrimination by retaining the fault element. It may seem controversial to remove all elements of fault, but if acrimony is to be taken out of divorce in the interests of saving marriages, we must stop couples blaming each other for the break-up of their marriage. Of course there is an important proviso that the courts must be able to take into account the behaviour of one partner if it would be manifestly unfair to the other partner not to do so.

As the Bill is drafted, clause 3 states:

"If an application for a divorce order or for a separation order is made to the court under this section by one or both of the parties to a marriage, the court shall make the order applied for if (but only if)—

(a) the marriage has broken down irretrievably".

The Bill does not say what evidence should be adduced to say that the marriage has broken down irretrievably, but I imagine from my experience—I must confess to the right hon. Member for Mitcham and Morden (Dame A. Rumbold) that I am a lawyer—that that will be done by means of an affidavit. The affidavit could be as short as saying that, "This marriage has broken down irretrievably", or it could be as long as saying that, "This marriage has broken down irretrievably for the following 59 or 600 reasons", as some affidavits currently do.

Although I have never practised divorce law, I have seen divorce petitions that have gone on describing so-called "unreasonable behaviour" for page after page. One Sunday magazine—I cannot remember which one—not long ago carried a mildly humorous account, or at least it would have been humorous if had not been so tragic, of the reasons currently cited as unreasonable behaviour. The reasons varied from such terrible crimes as cutting one's toe nails and leaving the pieces on the bathroom floor to regularly beating up one's wife, going out and getting drunk and not coming home at night. There is obviously an enormous range within those parameters, but the bulk of that survey showed that the vast majority of incidents of so-called "unreasonable behaviour" were very trivial. Anyone who takes a responsible attitude to a marriage would overlook such trivial matters, or at least try to accommodate one's partner to achieve a longer-term good.

The current system has shortcomings in that it affords no opportunity for reconciliation or mediation, not even on such issues as what will happen to the children or how the family finances will be settled. The current process also contains nothing to show that any thought has been given to the children. The principal issue in the current system is the divorce or the breakdown of the marriage, and any thought for the children is purely secondary.

When the Family Reform Act 1969 was passed, it was thought that the period between the decree nisi and the decree absolute would be used as a period for reflection and to make financial arrangements and arrangements for the children, but that has not happened: people get their first decree and then just wait the minimum amount of time until the court automatically grants them the second decree.

Anyone who thinks that the current system in any way apportions blame to either party going through a divorce is living in cloud cuckoo land. Ever year, hundreds of thousands of divorces occur for which a variety of reasons are given. No one feels any shame, publicly or privately, about an allegation of adultery. Yet adultery is given as the reason in the vast majority of cases in which men divorce women. Women tend to prefer to cite unreasonable behaviour. None the less, no one feels any shame about such allegations, and the allegations are rarely, if ever, made public. Indeed, there is no shame these days—if there ever was—in being divorced. It happens to the best of us, and sometimes for reasons that we do not understand until later.

Divorce can occur too quickly. Once a person has made the difficult decision to get a divorce, it is easy to go through the whole process in well under a year and look

back later, wondering about everything that was thrown up. The process, once entered into, becomes acrimonious because, as my hon. Friend the Member for Teignbridge pointed out, there is a cycle of allegations against the other party, which does nothing to resolve simple issues that may need to be resolved on the back of a divorce.

As for the amendment, I counsel my hon. Friend the Member for Gainsborough and Horncastle to take account of three points which constitute a test that I have used when considering legislation since I became a member of Parliament. Good legislation should be comprehensible, enforceable and fair. The current divorce law is not really comprehensible. Indeed, it is widely misunderstood. The Bill is widely comprehensible, although perhaps differently from how we might imagine from listening to the debate. In any event, it will be easily understood.

Secondly, it is easily enforceable. Thirdly, the Bill is fair, not just to the two parties involved but to the community at large and, more particularly, to the children. Children do not need to know what father said about mother or what mother said about father in order to get a separation when they felt that their marriage was at an end.

As I said in an intervention on the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), if a family law Bill proceeds purely on the basis that it sets out the arrangements for the irretrievable breakdown of a marriage and the separation of two parties, it is fundamentally weakened. It should prescribe not only the circumstances in which divorce will be granted, but those in which marriage can be entered into in the first place.

It should be made more difficult to get married, and much more difficult to get divorced. With the social status of marriage should go fiscal and other advantages, but that is a much bigger issue than can be dealt with in the Bill. However, when debating a future Finance Bill, we should settle down to consider that matter comprehensively in the round.

Mr. Rowe: The debate has shown that there is unanimity in the Committee about the importance of trying to improve the existing system, whether in relation to marriage, divorce or the upbringing of children. As I understand it, the principal motive for introducing the Bill was an attempt sharply to improve the way in which children's affairs are handled in the event of the breakdown of a marriage.

Hitherto, there has been virtually no concentration on the well-being of the children. Indeed, one of the most depressing features of the many cases that come to my surgery and, I have no doubt, to that of other hon. Members, is the ease with which arrangements made in court are effectively set aside in practice the moment that the decision has been gazetted, whether because the wife moves with a new boyfriend to another part of the country and the father cannot afford to follow or for some other reason.

5.45 pm

We have already heard this statistic, but it bears repeating because it is horrendous: in this country, 800,000 children have no contact with their natural fathers. It is said that in Britain 50 per cent. of children lose contact with their fathers within three years of divorce; yet I am absolutely convinced that the vast majority of children need fathers. The way in which the current system is manipulated to prevent fathers from having a fair deal is very frightening, but I fear that the proposed system will be equally manipulated. I agree that that is one aspect of the problem that we need to consider carefully.

Ten days ago I experienced one of the happiest days of my life. My elder stepdaughter was married from my house. She was given away by her own father, and we had the most lovely day. One can only hope that the young couple will enjoy a marriage of permanence and stability for the rest of their lives. That is an uncovenanted blessing for which I am deeply grateful, but I fear that it is not an especially common experience.

The nation has to deal seriously with the pressures and stresses of divorce on children of whatever age.

The hon. Member for Newham, South (Mr. Spearing) said that marriage is not just a personal matter, but one in which the state, the Government and society at large have a tremendous stake—not only because marriage provides a solid basis on which many children can thrive and the next generation can prosper, but because of the colossal costs payable by the state in the event of a marriage breaking down.

We have grossly neglected our responsibility for preparing young people who want to get married, for sustaining them when they are married and, indeed, for continuing to sustain them when they have children. One feature of the sorry story of the escalating number of divorces in this country is that we have grossly underestimated the financial cost to couples of bringing up children. We need to consider that, because there is no doubt that financial pressure is one of the many pressures that can effectively work to break up marriages.

My hon. Friend the Member for Teignbridge (Mr. Nicholls) spoke eloquently and asked how we got where we are. That question is worth considering. We have not recognised or understood the effects of, for example, the rapidly falling age of puberty, remarkably better physical health and the extraordinary impact of birth control and the extension of education.

Half the nation's young people—or more than half—are sexually capable and aware much earlier than previous generations were. However, circumstances mean that many are incapable of setting up a household of their own until they are perhaps 25 or 26. That means that, throughout their most sexually active years, society's constraints prevent them from taking the next step. Their methods of dealing with that often contribute to the instability of relationships, which do not always provide the very best basis for a stable marriage. The other group of young people who do not have or take the opportunity to stay in education are in a similar situation: their incomes are so low that they cannot easily set up and sustain a household—certainly not one in which they can rear children successfully.

Those are some of the reasons why we are where we are. They are exacerbated by the fact that, increasingly, young couples do not have the extended family close by to help take the pressures off them. There is no doubt that a grandparent looking after children during the working day is very different from a series of casual baby sitters who may be taking hard-earned money out of the household.

I would take issue with right hon. Friend the Member for Mitcham and Morden (Dame A. Rumbold) in one respect. The preservation of the concept of fault at the

[Mr. Rowe]

time of a divorce does not achieve any of the things that she hopes. We know now—it has been said several times—that people who are bent on breaking up their marriage will cheat. They will tell lies about the reasons why they want a divorce if it is the only—or the quickest—way to achieve their purpose. We should make no mistake about this: people who want to get out of a marriage for whatever reason become quite ruthless. I do not think that it helps anybody to provide false reasons simply in order to get out of a marriage.

I also think that we are curiously naive to trust judges to make the best disposition for families. Some judges are remarkably sensitive, experienced, sophisticated and sympathetic in what they do, but, as Lord Kilbrandon pointed out when children's hearings were introduced in Scotland, the whole training of judges makes it less likely that they will be able—especially in a short time—to make appropriate decisions about sensitive family matters. If decisions are to be made about the best disposition for a family's future, they should be made by people who have had a considerable degree of special training, rather than in ordinary courts, even though some judges are extraordinarily good at making such decisions.

My hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh) made the point that, in the United States of America, a number of states are now moving away from the concept of no-fault divorce because they say that it has increased the rate of divorce. Although I cannot comment on that, because I have not looked in detail at the research, it seems equally probable that such an increase is post hoc, ergo propter hoc. The divorce rate is rising anyway, for the reasons to which I have referred, and the introduction of no-fault divorce may not have been especially instrumental in that.

I do not intend to support the reintroduction of fault. I believe that it has all the ill effects of which hon. Members have spoken so eloquently, and it does not create any of the appropriate safeguards that we seek.

We believe passionately that careers advice is useful to young people. Many young people undergo a series of quite sophisticated careers advice at school. Part of the purpose of that is to discover what they are good at and what they will fit into to their satisfaction, but part is to do with how much money they can make in the course of their working lives. It is high time that we realised that the most expensive thing that can happen to a person is divorce. It is hugely costly and one of the reasons why a substantial number of people are, in the slightly exaggerated words of the Child Poverty Action Group, "living in poverty". Many such people are living in households that have broken up.

It seems absurd that we should spend so much time, effort, energy and skill on teaching young people what sort of career they might enter to maximise their earnings while spending so little time, effort and energy explaining to them the costs as well as the opportunities of marriage.

Sir Edward Heath (Old Bexley and Sidcup): To a layman such as myself and, I believe, many laymen outside the Committee, we appear to have an incomparable ability to make this matter extraordinarily complicated. When they read *Hansard*—which of course they will not—they will find themselves asking what the debate was all about. It would not appear so complicated if we separated the two major objectives and recognised the difference between them. The first is how we deal with a broken marriage; the second is how we deal with the consequences of it. If we confuse the two so that the one influences the other, we are making it unnecessarily complicated and storing up a great deal of trouble for everybody.

The breakdown of marriage is in many ways a tragedy. I cannot accept the view of my hon. Friend the Member for Colchester, North (Mr. Jenkin), who I think has left the Chamber, that marriage is a contract for life that people ought to regard like any other contract. Most people regard marriage both as much more than a contract for life and as much less than a contract for life.

It is much more than a contract because people regard it as a relationship between two human beings which rests on a wide variety of aspects of character in both people. It is much less than a contract because people recognise—most of them right at the beginning—that when things begin to go wrong it is not a business contract that one can say is worth a certain amount and determine how it is to be spread. It is possible for arrangements to be made, of course, and many are, but not in the form of a business contract such as that described my hon. Friend the Member for Colchester, North.

If one tries to make divorce more difficult, fewer people will get married. There is evidence of that already. Our whole society has changed dramatically since the end of the second world war—

Dame Elaine Kellett-Bowman: Will my right hon. Friend give way?

Sir Edward Heath: Perhaps I may just finish one sentence.

Many people are just not getting married. They have their children and sometimes spend their whole lives together. Sometimes, by the time their children have grown up, they reach the stage where they want a change. That has now become part of our society. I do not believe that making it more difficult is any solution to the problem, because all that will happen is that people will not get married.

Dame Elaine Kellett-Bowman: In the 19th century, one had to have an Act of Parliament to get divorced. Until relatively recently, it was extremely difficult to get divorced in this country. Yet far more people got married.

6 pm

Sir Edward Heath: I question those figures. I also question the remark by my hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh) that we have had 2,000 years of Christianity in this country, during the whole of which period Christian values in marriage have been maintained. My hon. Friend should take another little glimpse at the history of this country over the past 2,000 years, because it does not correspond to his description.

My hon. Friend the Member for Gainsborough and Horncastle moved on to another point which has been raised in various forms: how one deals with fault. I believe that it would be absolutely wrong to restore fault in the Bill. The concept of fault breeds perpetual discontent and it especially affects children; quite rightly,

we have heard a great deal about children. It complicates legislation, as we heard from my hon. Friend, who has spent much of his life dealing with divorce suits. We should not in any circumstances reintroduce the notion of fault: we should be absolutely clear about that.

The question was raised why a Conservative Government should introduce this legislation. It is absolutely right that they should do so, because the responsibility of the Conservative party and of the Conservative Government is to our community as a whole. We have to make provision for everybody. We may not agree with some people, but we have that responsibility as an elected Government and as the party in power.

In the population today, there are those who, as a result of their religious convictions, believe that divorce cannot be permitted. That is very well for those who accept that belief—there is no challenge—but they are not entitled in Parliament to impose their belief on other members of the community. That is the basic difference, whether they accept it or not. Other Christian beliefs have varying views about what is permissible in terms of marriage. Very well—they are all entitled to their views.

All Governments today have to face the fact that a majority of the population do not acknowledge Christian belief at all. Even if one accepts that 52 per cent. of people do not want to change the law, that still leaves 48 per cent. of the population with whom the Government must cope and whom they have to consider. I cannot possibly accept that a Conservative Government cannot introduce changes in approach to these matters, which will affect many people even though some would claim that they are not the majority. The Government are absolutely justified in dealing with this matter.

My second objective is to improve the situation after divorce, or to prevent divorce. To a large extent, that is the responsibility of the Churches and the social organisations; it is also, in part, the responsibility of our education system. That responsibility is not being carried out. If the Churches approach the matter—to answer the question about the point of getting married—we shall begin to do some good overall. That is why it is so important to keep the two objectives separate and to deal effectively with cases in which breakdown has occurred.

We should also do everything possible to deal with the situation before people enter marriage, so that they recognise what the requirements are, what can be achieved and the happiness that they can get. After a marriage has broken down, we should ensure that the right action is taken for the welfare of children, whether one parent is looking after them or whether both are looking after them. We should ensure that people get the necessary guidance and every possible assistance to allow their children to have a proper life of their own.

For those reasons, I believe that the amendment should be defeated. I cannot understand why my hon. Friend the Member for Gainsborough and Horncastle based the greater part of his speech on the argument that because the Americans were throwing out some aspects of legislation we should therefore do the same. There may be things that we still have to learn from the Americans, but I do not think that morality is one of them. I well know the way in which social forces in the United States work to bring about their ends—we can see what is happening in terms of capital punishment, for example. I know that my hon. Friend will not base his argument on Europe; I hope that he will not base it on the United States either.

I strongly support the position taken by the Minister and by the Government and I hope that the House will defeat the amendment.

Mr. Donald Anderson: Those of us who try to follow the Christian way have to recognise that divorce law has come a long way since its origin in the old ecclesiastical courts. We have to recognise that times have changed. As the right hon. Member for Old Bexley and Sidcup (Sir E. Heath) said, we have to realise that we cannot impose our views on the generality of the population. Nevertheless, we have a right to point out the effects of a failure to follow the precepts that we seek to follow. It is especially important in human and family law to say that we, as far as we are able as legislators, should consider ways—not only at the time when, alas, families break up—in which to bolster the institution of marriage.

Whatever the trends may be, we can point out the sad victims of those trends—the children—and we can point out the great unhappiness that follows. We are entitled to do so and we are also entitled to press the Government to look at ways, across the board, in which the institution of marriage, which is the bedrock of a civilised society, can be strengthened, whether in terms of education, as the hon. Member for Mid-Kent (Mr. Rowe) said, or across the range of policy—fiscal, housing or employment policy. Clearly, it would be going beyond the scope of the amendment to look at those matters.

There are costs, both financial and in terms of human distress, caused by the high incidence of divorce in this country. It has been said that we are the divorce capital of Europe. We may ask why that is so. We see the victims and the costs that flow from divorce.

Mr. Alton: I strongly support the points that the hon. Gentleman has just made. Does he accept that the argument is always advanced—it was advanced even against Wilberforce and his companions—that legislators are trying to impose their morality on the nation? Wilberforce and his friends fought successfully in the House for 40 long years to repeal the slavery laws. Is it not the case that, in a democratic society—we live in a pluralist society—it is not just a question of the imposition of values? No one seeks to do that.

However, there is a responsibility and a duty to share what one believes to be right with the rest of the populace in the hope that people will embrace those virtues. If one believes that that is the best way in which to live, that marriage, as the hon. Gentleman rightly said, is the bedrock of our society and that the strengthening of family life should be our objective, surely it is legitimate for all hon. Members, regardless of whether they have religious values, to try to achieve that objective.

Mr. Anderson: I wholly accept that it was right—as it is at all times—for slavery to be abolished and that Wilberforce and his friends in the Clapham sect were right to pursue that aim. I would not put some of the moral issues that we face today—whether abortion, homosexuality or divorce—in the same category. The equivalent of the anti-slavery argument is to ensure, as far as we are able, that the state uses every possible instrument available to support the institution of marriage.

I accept that our divorce laws may well have an influence, for good or ill, on the incidence of divorce. That is one of the key elements that we need to discuss

[Mr. Anderson]

today. However, I shall come quickly to the nub of the question. Is fault helpful in terms of divorce, and if so, what should be done about it?

Like one or two other hon. Members, I am a lapsed practitioner, so my knowledge is somewhat out of date. However, I recall that our judges, as has so often been said, are brought up in an adversarial tradition and may be ill suited to look into the minds and conduct of members of the public. All too often, the position depends on which party gets to the solicitor first.

It has been said that, in general, the public say, "Yes, we think that divorce should be made more difficult," but when they talk about individuals whom they know—such as their relatives, or people who live in their street—they are far more understanding, and tend to say, "Because we know this couple, we accept that it is not a simple question of 100 per cent. or 0 per cent. There was fault on both sides."

It would be improper if I were to stray into discussing the royal family, so I shall not be specific, but in connection with one or two well-publicised difficulties of some of the senior members of the royal family, it is certain that both the parties could, if they were so minded, rely on various faults in a divorce petition. I shall leave it at that, Sir Geoffrey.

In the generality of cases, the course of events often depends on who goes to the solicitor first. There may be a 10-year marriage, and the wife will say to a solicitor, "I am unhappy." The solicitor will then ask whether, over the life of the marriage, she can think of occasions on which her husband has been difficult. It is a pretty unusual marriage which has not had a fair number of difficult moments over 10 years. The solicitor will then crystallise and distil those examples into 10 or so incidents which, when put together, read in a lurid way, as if the marriage was especially wicked and abnormal, whereas in fact it was probably very normal.

When the petition is passed to the husband, the respondent, he will immediately hit the roof, and will not recognise what he reads in it. That is hardly a basis for dealing with the sad after-effects of marriage breakdown, particularly from the point of view of the children, for whom we should all be concerned.

I am extremely sceptical about the divorce court's searching for where the fault lies. I understand hon. Members' motives, derived from the old ecclesiastical traditions. They will say that there must be contrition—but I say that there must be contrition on both sides. That is a personal matter, and the interest of the state should be rather less concerned with it.

Like the hon. Member for Teignbridge (Mr. Nicholls) and others, my experience is that in very few marriages is the fault wholly on one side. Even if the fault could be accurately divided, there is no real public purpose in seeking to establish its exact apportionment. So although I shall be with the hon. Member for Gainsborough and Horncastle (Mr. Leigh) on his next key amendment, my experience as a lapsed practitioner leads me to tell him that I shall not support him now.

I believe not only that for a court to ascertain with precision the degree of fault is an impossible task, and a highly artificial process, dependent on factors such as who goes to a solicitor first, but that it serves no useful purpose. Indeed, it may exacerbate the situation, which is contrary to our public purpose.

Mr. Michael Alison (Selby): I support the amendment moved by my hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh). It focuses the Committee's attention on the issue of fault, to which most of my right hon. and hon. Friends have addressed themselves in their speeches, not the least of which was the important speech made by my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath).

The only point at which I parted company from my right hon. Friend was over his absolute repudiation of the necessity for fault, both in the Bill and in the amendment. I must draw my right hon. Friend's attention to the fact that fault is already part of the Government's proposals. They have not evacuated fault, or castrated the Bill so that it is a eunuch in terms of fault. Fault remains in the Bill.

6.15 pm

I shall quote from the guidance that was circulated to Members of Parliament by a mysterious agency not a hundred miles from the Lord Chancellor's Department:

"In addition, the present law, which requires the court to take conduct into account in decisions relating to finance and property orders, where it would be inequitable not to do so, is not altered by this Bill".

So fault is at the very heart of the Bill.

The fundamental issue that we must decide is whether fault should be the sting in the tail, or more up front, as a possibly curative and preventive factor, affecting the way in which divorce proceedings may take place.

I take the point cogently argued by the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), who is also a practitioner, and who repudiated the idea of fault being up front. My hon. Friend the Member for Teignbridge (Mr. Nicholls) is also a practitioner in that area of the law, and I believe that he thought that, although fault is bound to come into consideration at some point, to have it up front as a major initial hurdle is likely to exacerbate the situation and make things more difficult. That was advanced as one reason for disallowing fault up front.

Mr. Nicholls: The point that I was making was simply that, when we deal with the relatively narrow questions of who looks after the children, or how the money is divided, conduct is a subject with which a court can competently deal—whereas to conduct a moral audit between two people, and to work out how they fulfilled their obligations towards each other, is beyond the competence of any earthly court that I have ever come across.

Mr. Alison: There speaks the reasonable voice of the practitioner in the law. However, I shall quote from a letter to the Committee that shows the attitude and approach of a victim—in this case, a feminine victim—of the various processes that make up a divorce. I make no apology to the Committee for quoting from the letter, which says:

"to have no 'fault' actually harms reconciliation attempts. Jim"—

I shall call the lady's erstwhile husband "Jim", although that is not his name—[HON. MEMBERS: "Sir Jim?"] Having caught the eye of my hon. Friend the Member for

Broxtowe (Sir J. Lester), I shall immediately abandon that pseudonym and call the man "Marmaduke" instead, in the hope that I shall not be causing offence anywhere in the Committee.

If one makes that change, the letter reads:

"Marmaduke would not tell me what I had done wrong from a November to the March when I received the divorce petition in an envelope at the breakfast table."

Divorce by post. The letter continues:

"When I did not know what I had done wrong I could not say sorry to specific things, I could not try to make amends for specific things, and there was no way of negotiating agreement if one did not know what the problem was. Also no one else could come to the rescue and try and reason, if there was nothing to reason about and no way to make amends.

The registrar told me that the law upheld Marmaduke's viewpoint, however trivial the accusations were, because the law recognised the feelings of the petitioner as to what he felt was unreasonable, and therefore if I attempted to defend my actions this was counted as being even more unreasonable!"

In other words, it needs to be defined in law that the accusations are based on behaviour and not only on the feelings of the petitioner. That is a fundamental reason for bringing the factor of fault, which is latent and irreplaceable in the Bill, right to the forefront in the hope that it will help with reconciliation.

I shall again quote from the important document that the Government have circulated. Under the explanation for the minimum period, the 12-month option, it states:

"Once a statement of marital breakdown has been registered with the court, a minimum twelve month cooling-off period will follow during which couples will be encouraged to reflect on whether their marriage can be saved".

How can someone be encouraged to reflect on that if the Bill, without fault, conspires to conceal the underlying factors? We must have up front the factors that the Government themselves propose should be specified and placed under the microscope later in the divorce proceedings.

The very divorce proceedings that are the subject of the 12-month limit are flexible if the factors of fault are not properly dealt with. All that the amendment of my hon. Friend the Member for Gainsborough and Horncastle asks is that the realities of fault be specified, placed up front and used to help focus attention on the root of the problems of the marriage, so that the mediation and reconciliation that is in everyone's sights can be fruitful. It is for that reason that I hope that the Committee will see the sense in the Government maintaining fault. There is a half-open door in the Bill, and the amendment will push it a little wider to add logic to common sense in our approach.

Mr. Patten: I am glad to follow my right hon. Friend the Member for Selby (Mr. Alison), and agree with everything that he said. I shall not labour the point any longer.

It has been an excellent debate, and I congratulate my hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh) on the way in which he introduced it. He put forward a case that many hon. Members, certainly many Conservative Members, find persuasive. He gave way on many occasions and replied with great authority. The debate lapsed into agreeable high farce only when the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) suggested that this was a Euro-sceptic issue. One of my hon. Friends who was slumbering behind me woke up and rushed off to find whether there was some proposal for a Euro-marriage. He has not come back—Lord knows what he has found out.

Alas that we are where we are. This is a classic case of listening to experts. I have listened to experts; many of my best friends are experts. We have listened to lawyers—many of my closest, oldest and most stalwart friends are lawyers. We have ended up with a process-driven Bill that deals with technicalities and misses the main point, which is about marriage, the family and our social fabric. That is why we are where we are.

My hon. Friend the Member for Teignbridge (Mr. Nicholls) made a remarkable speech. I have listened to him often in the past 13 years, and it was one of the best that he has made. He said that we should use the Bill in Committee and on Report to try to introduce elements that will help to support the institution of marriage.

We are, alas, where we are, as my right hon. Friend the Member for Mitcham and Morden (Dame A. Rumbold) said, but we must try to use the Bill as constructively as possible to underpin the institutions of marriage and family. I suspect that there is much cross-party agreement on that. The arguments will go on in Committee and on Report. At least two days of debate on the Floor will be necessary for proper and careful consideration on Report. There will be changes at each stage to improve the Bill to support marriage, even though it was introduced to expedite and tidy up divorce.

I have only three points: first, a brief comment on the nature of contracts; secondly, a point about what has happened elsewhere in the world where such changes have been introduced; and thirdly, one about what will happen in 2020 if the Bill passes largely unamended.

Much has been said about the importance of contracts and of not lightly entering into agreements. That must be considered most solemnly, whether in a religious or secular sense, when two people decide to marry and live with each other for the rest of their lives. If a marriage contract is empty and has no meaning, marriage has no meaning.

I fall back, as I have on several previous occasions, on one of my distinguished constituents, Dr. Ruth Deech, the principal of St. Anne's college, Oxford. I do not know what her politics are. Lamentably, she is not a member of the Oxford, West and Abingdon Conservative Association. Equally lamentably, she persecutes me from time to time with attacks on the Government's education and other policies. I do not think that she is a close friend of the Government. In 1969, on the previous occasion when we set out to reform divorce law, she was a young researcher at the Law Commission. She saw it happen. She saw the results. Every time that we have legislated on divorce, as we propose to do today—whatever we have done or said—there has been a surge in the number of divorces thereafter.

We do not need to look to the United States or Australia for such evidence. If the Bill is passed, Dr. Deech says:

"The contract of marriage will become an empty one; there will be no rights and duties, no standards of behaviour, no commitment . . . Under the proposed new law marriage will be terminable with less formality than, for example, the ending of a lease or the hiring of a car."

I only wish that there were another way of filling the marriage contract with meaning that did not force us to consider the issue of fault. It would be agreeable to find

[Mr. Patten]

some other way of putting commitment into the marriage contract. Alas, fault is all we have. I am totally persuaded by my right hon. Friend the Member for Selby (Mr. Alison).

It is interesting to consider other parts of the world. Wherever no-fault divorce, to use that convenient shorthand, has been introduced, there has always been an immediate spurt in the number of divorces, which has gone on for several years and then plateaued, leaving divorce at a higher level than it was before the legislative change.

Mr. Nicholls *rose—*

Mr. Patten: I shall give way to my hon. Friend, but he must remember that I have been very nice to him this afternoon.

Mr. Nicholls: I say this with all obsequiousness. My right hon. Friend has pointed out that there has been a surge in divorces. Is he saying that there must therefore have been a surge in marital breakdowns, or is it simply that broken marriages have been formalised?

Mr. Patten: To the best of my knowledge, in Australia, New Zealand and the United States, there has been a surge in marital breakdowns.

I was not invited by President Clinton to his national prayer breakfast in Washington on 1 February, but he was quoted as saying—referring to his lawful wedded wife—

"Hillary said in her book that 'Till death do us part' has often become, 'Till the going gets tough.'"

Speaking with American experience, the President said:

"It may be that it ought to be a little harder to get a divorce where children are involved".

I say, "Hear, hear Mr. President," to that.

Nor have I ever met the Governor of Iowa, a Mr. Terry Branstad. In his state of the state of Iowa message on 9 January 1996, he said:

"I believe that we can, as a state, reinforce the two-parent family for the good of children . . . I do believe we should reform our divorce laws to require mutual consent or specific grounds for divorce. Our present no-fault divorce laws have transformed marriage into an arrangement of convenience rather than an act of commitment. Parents need to understand that a divorce can severely hurt children".

Again, I say, "Hear, hear."

My third and last point is about what happens in Britain. Some say that we should not look to legislators in America, New Zealand or Australia. We do not have to look so far to see that our European brethren in Germany, France and elsewhere are, very sensibly, not seeking to go down the road of no-fault divorce. They generally have a much more stable social set-up as far as the family is concerned.

I end with two quotations from two letters. One is from my constituents Dr. and Mrs. W. D. Hawes of 74 Hurst Rise road, Oxford, who wrote to me saying:

"One-year divorce would send out the wrong signal for the nation. Marriages are entered into by two adults making binding vows before God in a church or public promises in a register office and should not be treated lightly."

They continue, and this is such a telling phrase:

"If we continually dismiss our vows and pledges as worthless we are undermining the very basis of our civilisation. Are our words to have no meaning at all? What conclusions will our children come to?"

6.30 pm

My constituents are right, as was the head teacher of a primary school in Norwich, Mr. Keith Piercehouse of 57 Christchurch road, Norwich, who wrote to me saying:

"Why should divorce always be on the basis of no fault? Faults like wrong and responsibility are concepts that are readily used in other branches of law and morals. Often there is wrong done by one party in a marriage to the other and this should be acknowledged . . . We do not have no-fault crimes so why should there be no-fault divorces?"

That is very telling from a practised head teacher.

What will happen if the Bill passes into law? The signal will go out from this place that we do not regard the marriage contract as a binding contract and as something which is, or should be, full of commitment, which one should strive to keep to for the rest of one's life.

The evidence from all other countries where that form of divorce has been introduced is that there has been an immediate surge in the number of divorces. My prediction is that our alarmingly high divorce rate, which makes us the divorce capital of Europe, will so increase that by 2020 there will be just as many applications for divorce as for marriage licences in any one year.

We are dealing with a solemn and difficult issue. I wish my right hon. and hon. Friends on the Government Front Bench well in wrestling with these arguments, but I thoroughly commend to the Committee the amendment of my hon. Friend the Member for Gainsborough and Horncastle.

Mr. Paul Boateng (Brent, South): The Cardinal Archbishop of Westminster, when reflecting on the Bill earlier in the year, thought back to a statement made by the Catholic bishops conference in November last year. The bishops said:

"differing judgments can be made sincerely, honestly and legitimately on the details of the bill and its predictable effects".

Anyone listening to this debate and to the contributions from the hon. Member for Gainsborough and Horncastle (Mr. Leigh), my hon. Friends the Members for Motherwell, South (Dr. Bray) and for Swansea, East (Mr. Anderson) and the hon. Member for Teignbridge (Mr. Nicholls)—the latter made a particularly worthwhile and important contribution—would agree that that is the case. All were sincere and genuine in their concerns, but were arriving at differing conclusions about the effect of the legislation and calling on us to go into different sides of the Lobby.

It is a good thing that, on both sides of the Committee, we have agreed to treat the issue and the other amendments tabled this evening as matters of conscience and matters for a free vote. Therefore, anything that I say from this Dispatch Box should not be seen as in any way seeking to persuade my colleagues or anyone else how to exercise their vote. It is a matter of conscience.

The right hon. Member for Mitcham and Morden (Dame A. Rumbold) is right to say that lawyers should claim no particular wisdom in this area, as we have a particular role and responsibility in relation to our

professional lives, but we make a muck of our marriages and relationships just as anyone else does so we have no particular wisdom. Like other hon. Members, I have some experience of what goes on between a lawyer and a client during the breakdown of a marriage. One has a special relationship with one's client in that context.

I have learnt that, whether one considers the old matrimonial offences, which I can just about remember, or fault as evidence of irretrievable breakdown—there is a distinction, which is not just semantic—the role of fault in divorce and the role of fault as the right hon. Member for Selby (Mr. Alison) would have it—up front—almost universally has the effect of engendering bitterness and conflict between the parties. Almost invariably, it is a source of harm and suffering to those parties and to the children. That is my experience.

Mr. Clive Soley (Hammersmith): Will my hon. Friend give way?

Mr. Boateng: May I first complete this point?

I am driven from that experience to the conclusion that we ought to take the steps on fault proposed in the Bill. Having said that, we must be clear about what the law can achieve and about the messages it sends, and the importance of ensuring that the law reflects reality. Part of that reality is that there is culpability in the breakdown of marriage. It is no use pretending that, when a relationship breaks down, one can divorce that from fault. One cannot do so.

It is no use pretending either—here there is a real danger—that what we say in this House because many of us are from a different generation and we are in a different place is irrelevant to the way in which people behave out there—or, indeed, the way we behave ourselves. It is not.

Therefore, the law can never be value-free. We have somehow to build into what we are doing in this place in the next few weeks some messages about values. If we do not do so, the continuing escalation of the breakdown of the family and the undervaluing of marriage, which we all regret on both sides of the Committee, will continue. That is a difficult task, but it is one that we have to embrace.

The cardinal archbishop went on to say that the Bill has to be the starting point of deliberations on the topic, and added:

"any necessary reform of the divorce law can only be part of a larger project of supporting and strengthening the institution of marriage and family life."

Written into the Bill, in terms of a practical policy and a mechanism, must be the means by which we can support and strengthen the institution of marriage and family life. It must not be only a pious aspiration.

That is a challenge for us, and it will be a challenge in Committee and on Report. In creating those practical mechanical structures for making something of reconciliation and of education and support for marriage, we need to be clear that we cannot hope to do it in this House unless we change what is on the face of the Bill.

If the Bill were to pass through the House in its present unamended form, or if it were to pass in only a marginally amended form, it would be a disaster of enormous proportions for society. In fact, it would be a disaster comparable with the child protection agency fiasco—I shall refer to child protection in due course, because I believe that it should be written into the Bill. It would be a disaster for the Child Support Agency, and it would go beyond that in terms of its social impact.

In 1971, in the aftermath of the last great reform of divorce law, Lord Scarman said:

"The law is groping its way towards a new conception of the duties of married life."

The duties of married life have been cast aside. Married life and the importance and value of marriage are being widely questioned. Marriage is undervalued, marriage is not supported, marriage is now something that one can win on a game show.

If one turns on the television on a Saturday night, one can see someone win a marriage. The young couples who walk down the pink staircase—I do not know why the staircase is not white; no doubt pink looks better on television—get more preparation for marriage, in terms of what they will get at the end, than we give them in relation to civil marriage today.

The couple I saw the other night were at least asked—as they were about to make the last step down the staircase to their honeymoon in Barbados—what one felt about the other and what one believed the other felt about them. If they got the answer right, they got the marriage and the honeymoon. They were asked whether it was respect or sexual attraction. They gave the right answer: respect—as it happened. They got some preparation.

At the moment, there is no preparation at all for civil marriage, and there is absolutely nothing on the face of the Bill to give any hope whatsoever that that will occur or is envisaged. Are we going to have any assurances about that tonight? That is something that hon. Members want to hear. We also want to look at the experience of other nations within the common law jurisdiction where no-fault divorce has been introduced. The most useful example in this regard is Australia. In 1975, no-fault divorce was introduced by a narrow margin and on a bipartisan vote—I suspect that that experience will be replicated in the House on a number of issues.

There is debate in Australia about what the figures subsequently show. Some statistics, in some forms, show that there has been an increase in marital breakdown; other statistics, in another form, show that there has been a decrease in marital breakdown. I do not see much point in arguing about those statistics.

However, we have to recognise that with that Bill came a whole raft of other proposals—including the proposal to establish the family law court and the Australian Institute of Family Studies. With that proposal came court counselling services; with that proposal came suggestions for the custody and guardianship of children to be subject to independent analysis and review by a court-based officer; with that proposal came a positive mechanism for underpinning reconciliation and supporting marriage generally.

Marriage and the family are the fundamental units of society—and this Bill is silent in that regard. If we are to pass the Bill into law—if we are to see the vote that I think we will have tonight on this issue of no fault become part of a Bill that actually addresses the crisis in marriage and the family—the Government will have to come forward with proposals in relation to reconciliation, or they will have to accept our proposals in that regard.

[Mr. Boateng]

The Government also have to come forward with proposals in relation to preparation for marriage and with proposals that recognise the need for concerted and focused action to support the institution of marriage and the family. Only then can hon. Members rest easy in terms of the consequences of their deliberations today.

6.45 pm

The Chancellor of the Duchy of Lancaster (Mr. Roger Freeman): We have heard some powerful speeches in this important debate. I confirm, for the benefit of my right hon. and hon. Friends, that we will have a genuine free vote. Government Members, and—I am pleased to hear—Labour Members, must reach their own conclusions. They must use their conscience and their judgement as to how they should vote. Undoubtedly, the Government will be divided by opinion, but not by party loyalty. The contributions of hon. Members, expressing both sides of the argument, have been very powerful.

There is common ground: the need to campaign for the institution of marriage—I agree with the hon. Member for Brent, South (Mr. Boateng) on that. I note what my right hon. Friend the Member for Mitcham and Morden (Dame A. Rumbold) and my hon. Friends the Members for Lancaster (Dame E. Kellett-Bowman) and for Teignbridge (Mr. Nicholls) said in that regard. I support their views and the need for all hon. Members to do everything possible to support the institution of marriage. It is a tragedy that two out of five marriages in this country end in divorce. All hon. Members are seeking to reduce that number.

My hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh) asked me to confirm the consequences of voting for amendment 1 and new clause 1. The Bill, as presently drafted, provides for no fault to be given as a reason for divorce, and for a one-year minimum period for reflection and consideration, with or without children.

Amendment No. 1, on which we are about to vote, is a paving amendment for new clause 1. New clause 1 provides reasons of fault—that is, unreasonable behaviour and adultery—as grounds for divorce, and there will have to be a one-year period of separation. New clause 1 also provides for divorce with consent, but no fault, after two years; and without consent, and without allegations of fault, after five years.

I confirm that, if this new clause is passed and we then come to amendment No. 7 after this vote—in the debate that is to be taken by my hon. Friend the Parliamentary Secretary, Lord Chancellor's Department—the only consequence of amendment No. 7 will be to extend to a minimum of two years if there are children, even if there is an allegation of fault, the period before divorce can take place. Amendments Nos. 7 and 8 are consistent with new clause 1. If new clause 1 is passed, and if amendments Nos. 7 or 8 are subsequently passed, the Government will facilitate appropriate amendments to ensure that they are consistent with the rest of the Bill.

My right hon. Friend the Member for Oxford, West and Abingdon (Mr. Patten) prayed in aid the examples in other countries, particularly the United States. I urge hon. Members to treat with some caution the statistics that are available from other countries—from Scotland, Northern Ireland and, in particular, the United States—in arguing for or against the amendment. Circumstances are different. Provisions in the divorce law other than those relating to the minimum period, such as whether there is fault or no fault, may influence people's behaviour. In any case, I have to agree with my hon. Friend the Member for Lancaster that, sadly, there is an upward trend in the rate of divorce throughout the western world, whatever the provisions in national legislatures concerning divorce.

I suggest to the Committee that we should take into account two important criteria in reaching a judgment tonight. First, we should ask ourselves: are the steps that we are taking in voting on clause 5—that is to say, fault or no fault—likely to reduce the rate of divorce to lower than it would otherwise be?

I cannot hold out any hope to the Committee, on behalf of the Lord Chancellor and my other right hon. and hon. Friends who have been involved in the preparation of the Bill, that in itself it will reduce the absolute number of divorces. The argument is whether the provisions in the Bill at the moment would reduce the number to lower than would otherwise be the case. The second criterion, as so many hon. Members have said, is the effect on children.

I emphasise that this debate is not about the minimum period for reflection and consideration; it is not about the minimum period before a divorce can occur. Indeed, the lengthening of the minimum period from the few months that can occur at present under our present law to a minimum of one year will, in itself, make divorce harder and send a signal to all those who are contemplating marriage—or, regrettably, contemplating divorce—that it will be harder than at present. Amendments Nos. 7 and 8 lengthen that period to 24 months or 18 months respectively.

I say to my right hon. Friend the Member for Selby (Mr. Alison) that everyone recognises that there are always faults when a marriage breaks down and when a couple look at the prospect of divorce. The issue before us tonight is not the statement of faults, which often occur on both sides and obviously must be explored through the process of reflection and consideration, through mediation and through counselling. The issue is whether the two very narrowly defined faults—adultery and intolerable behaviour—in themselves should be grounds for divorce.

The amendment tabled by my hon. Friend the Member for Gainsborough and Horncastle still leaves fault as an optional remedy; indeed, it is not necessary always to allege fault in order to cause a divorce under my hon. Friend's amendment, because he holds out the prospect of divorce after two years—

Mr. Leigh: Will my right hon. Friend give way?

Mr. Freeman: My hon. Friend will forgive me.

He holds out the prospect of divorce after two years with consent and five years without consent, where fault is not alleged.

Sir David Mitchell: Can my right hon. Friend confirm that there is no relationship between the question of fault or no fault and the form of the financial settlement that may follow?

Mr. Freeman: No. As my hon. Friend will know, in Committee there will be discussion of, and amendments

will be tabled concerning, the division of financial assets, but that is a separate issue. I am sure that there will be a formal detailed debate about the alleged shortcomings in present practice—that is to say, the way in which the courts take account of behaviour in the allocation of financial assets.

In the remaining few minutes, I shall try to sum up the arguments for and against fault in divorce proceedings. There were three arguments in favour of the amendment.

The first argument was that it sent a moral message—a sanction—that the reason of fault could be used by one partner against another, and my hon. Friend argued that that might stiffen people's resolve, that it would send a clear message that marriage was a lifetime's commitment. My hon. Friend would be the first to concede, however, that, as my hon. Friend the Member for Teignbridge said in a powerful speech, it is not always the case that 100 per cent. of the fault is on one side. In reality, in most cases, fault is on both sides.

The second argument, advanced in particular by my hon. Friend the Member for Lancaster, was that of vindication. She described the situation of a middle-aged wife who had forsaken her career to support her husband, who then deserted her for a younger woman. The argument was that her ability to allege fault was a vindication and a necessary weapon, as it were, for the wronged party to use. However, as the hon. Member for Swansea, East (Mr. Anderson) said, when there is fault on both sides, much depends on who gets to the divorce lawyer first and who lodges the petition.

Thirdly, the argument has been advanced, especially by my hon. Friend the Member for Colchester, North (Mr. Jenkin), that marriage is a contract, and there is no penalty if the concept of fault is removed. I draw the attention of the Committee to the fact that the Bill, as drafted, provides for a minimum of one year for reflection and consideration. That makes the marriage contract more important than it is at present, as it is currently possible to obtain a divorce in weeks.

I shall now mention the arguments against the amendment tabled by my hon. Friend the Member for Gainsborough and Horncastle. My hon. Friend the Member for North–West Hampshire (Sir D. Mitchell) pointed out clearly that, if one uses fault as a reason for divorce and it is only one of the grounds for divorce, one is in some ways building oneself into a confrontational escalation of the procedure. The mere fact of alleging fault and ascribing the evidence can in itself lead inevitably to the conclusion of divorce, so it can be argued that it makes reconciliation less likely.

As my hon. Friend the Parliamentary Secretary, Lord Chancellor's Department will explain later in other debates, at the heart of the Bill is the introduction of a new procedure of mediation, of reconciliation, of trying to save marriages after the initial process has begun—that is to say, the statement of an irretrievable breakdown. Some marriages can be saved even though proceedings have begun.

The second and final argument against amendment No. 1 advanced by some, although not shared by my right hon. Friend the Member for Westmorland and Lonsdale (Mr. Jopling), was about the effect on children. The Committee must ask itself tonight, what would be the effect on the children of a marriage if we reinserted into the Bill allegations of fault, which would inevitably involve greater acrimony and hostility between the partners?

I will give way at the end of my remarks to allow my hon. Friend the Member for Gainsborough and Horncastle the last two minutes in which to speak.

I urge in the Committee, in a free vote, to use not only its conscience but its judgment.

Mr. Leigh: I am grateful to all those who have spoken so movingly in this debate. I remind the Committee of the words of my right hon. Friend the Member for Westmorland and Lonsdale (Mr. Jopling). He reminded us that, whatever the agonies of the participants in divorce, nothing can compare with the agonies of children of divorced parents.

Of course we want to lessen acrimony, but, as my right hon. Friend the Member for Mitcham and Morden (Dame A. Rumbold) said, what message are we sending out to young people? If we do not pass the amendment, we would send the message of which my right hon. Friend the Member for Oxford, West and Abingdon (Mr. Patten) reminded us—that the contract of marriage will be a uniquely empty one.

If I may, I shall end by paraphrasing Benjamin Jowett. It is of course true that you cannot make people moral by Act of Parliament; yet the laws and institutions of a country do make it, to a degree which it is difficult to exaggerate, either easier or harder for men and women to walk in the right way.

As we vote today, we should ask ourselves, are we really ensuring that it has sunk into the thinking of all people that, in the wonderfully telling words of the *Book of Common Prayer*, marriage

"is not . . . to be . . . taken in hand unadvisedly, lightly, or wantonly"?

Question put, That the amendment be made:—

The Committee divided: Ayes 137, Noes 267.

Division No. 105] **[18.59 pm**

AYES

Alison, Rt Hon Michael *(Selby)*
Alton, David
Amess, David
Arnold, Jacques *(Gravesham)*
Atkins, Rt Hon Robert
Banks, Matthew *(Southport)*
Bates, Michael
Beggs, Roy
Benton, Joe
Booth, Hartley
Bowis, John
Bray, Dr Jeremy
Bright, Sir Graham
Bruce, Ian *(South Dorset)*
Budgen, Nicholas
Burns, Simon
Butcher, John
Carlisle, John *(Luton North)*
Carttiss, Michael
Cash, William
Clappison, James
Clark, Dr Michael *(Rochford)*
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Dixon, Don
Duncan Smith, Iain
Dunn, Bob
Eastham, Ken
Evans, David *(Welwyn Hatfield)*
Evans, Nigel *(Ribble Valley)*
Evennett, David
Faber, David
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forsythe, Clifford *(S Antrim)*
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Gill, Christopher
Goodson-Wickes, Dr Charles
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*

Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Hargreaves, Andrew
Hendry, Charles
Horam, John
Howell, Rt Hon David *(G'dford)*
Jessel, Toby
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
Kirkhope, Timothy
Knight, Dame Jill *(Bir'm E'st'n)*
Lamont, Rt Hon Norman
Leigh, Edward
Lennox-Boyd, Sir Mark
Lidington, David
Lord, Michael
McAvoy, Thomas
Macdonald, Calum
McGrady, Eddie
Maclean, Rt Hon David
McLoughlin, Patrick
McNamara, Kevin
Maginnis, Ken
Maitland, Lady Olga
Marland, Paul
Mates, Michael
Merchant, Piers
Mills, Iain
Molyneaux, Rt Hon Sir James
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Murphy, Paul
Neubert, Sir Michael
Nicholson, David *(Taunton)*
O'Brien, William *(Normanton)*
Onslow, Rt Hon Sir Cranley
Paisley, The Reverend Ian
Parry, Robert
Patten, Rt Hon John
Peacock, Mrs Elizabeth
Porter, David *(Waveney)*
Powell, Ray *(Ogmore)*
Powell, William *(Corby)*
Purchase, Ken
Redwood, Rt Hon John
Robathan, Andrew
Robinson, Mark *(Somerton)*
Robinson, Peter *(Belfast E)*
Roe, Mrs Marion *(Broxbourne)*
Rogers, Allan
Ross, William *(E Londonderry)*
Rumbold, Rt Hon Dame Angela
Sackville, Tom
Shaw, David *(Dover)*
Shaw, Sir Giles *(Pudsey)*
Shepherd, Richard *(Aldridge)*
Shersby, Sir Michael
Skeet, Sir Trevor
Spellar, John
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Sproat, Iain
Steinberg, Gerry
Sumberg, David
Sweeney, Walter
Taylor, Rt Hon John D *(Strgfd)*
Taylor, Sir Teddy *(Southend, E)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Tracey, Richard
Trend, Michael
Trimble, David
Twinn, Dr Ian
Walker, A Cecil *(Belfast N)*
Walker, Bill *(N Tayside)*
Waterson, Nigel
Watts, John
Widdecombe, Ann
Willetts, David
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Yeo, Tim

Tellers for the Ayes:
Rev. Martin Smyth and Mr. Robert Hughes.

NOES

Abbott, Ms Diane
Ainsworth, Peter *(East Surrey)*
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashby, David
Baker, Nicholas *(North Dorset)*
Banks, Robert *(Harrogate)*
Banks, Tony *(Newham NW)*
Barnes, Harry
Barron, Kevin
Batiste, Spencer
Bayley, Hugh
Beckett, Rt Hon Margaret
Beith, Rt Hon A J
Benn, Rt Hon Tony
Bermingham, Gerald
Berry, Roger
Betts, Clive
Biffen, Rt Hon John
Blair, Rt Hon Tony
Blunkett, David
Boateng, Paul
Boswell, Tim
Bottomley, Rt Hon Virginia
Brandreth, Gyles
Brown, M *(Brigg & Cl'thorpes)*
Brown, N *(N'c'tle upon Tyne E)*
Burden, Richard
Burt, Alistair
Butler, Peter
Butterfill, John
Byers, Stephen
Coborn, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Channon, Rt Hon Paul
Chapman, Sir Sydney
Chisholm, Malcolm
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clwyd, Mrs Ann
Coe, Sebastian
Coffey, Ann
Corbyn, Jeremy
Corston, Jean
Couchman, James
Cousins, Jim
Cran, James
Cunningham, Jim *(Covy SE)*
Currie, Mrs Edwina *(S D'by'shire)*
Curry, David *(Skipton & Ripon)*
Davis, Cynog
Darling, Alistair
Davidson, Ian
Denham, John
Devlin, Tim
Dewar, Donald
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Dover, Den
Dowd, Jim
Dunwoody, Mrs Gwyneth
Eagle, Ms Angela
Eggar, Rt Hon Tim
Evans, Jonathan *(Brecon)*
Fatchett, Derek
Fisher, Mark
Flynn, Paul
Forman, Nigel
Forth, Eric
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foulkes, George
Fowler, Rt Hon Sir Norman
Freeman, Rt Hon Roger
French, Douglas
Fyfe, Maria
Galbraith, Sam
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gerrard, Neil
Gillan, Cheryl
Godman, Dr Norman A
Godsiff, Roger
Golding, Mrs Llin
Goodlad, Rt Hon Alastair
Gorman, Mrs Teresa
Grant, Bernie *(Tottenham)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gummer, Rt Hon John Selwyn
Hall, Mike
Hamilton, Rt Hon Sir Archibald
Hampson, Dr Keith
Hannam, Sir John
Hanson, David
Harman, Ms Harriet
Harris, David
Harvey, Nick
Hawksley, Warren
Hayes, Jerry
Heald, Oliver
Heath, Rt Hon Sir Edward
Heppell, John
Heseltine, Rt Hon Michael
Hicks, Robert
Higgins, Rt Hon Sir Terence
Hill, James *(Southampton Test)*
Hill, Keith *(Streatham)*
Hodge, Margaret
Hogg, Rt Hon Douglas *(G'tham)*
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howarth, Alan *(Strat'rd-on-A)*
Howarth, George *(Knowsley North)*
Hoyle, Doug
Hunt, Rt Hon David *(Wirral W)*
Hunter, Andrew
Hutton, John
Illsley, Eric
Jack, Michael
Jackson, Glenda *(H'stead)*
Jackson, Helen *(Sheff'ld, H)*
Janner, Greville
Jenkin, Bernard
Jenkins, Brian *(S.E. Staffs)*
Johnson Smith, Sir Geoffrey
Jones, Barry *(Alyn and D'side)*
Jones, Gwilym *(Cardiff N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jones, Nigel *(Cheltenham)*
Jones, Robert B *(W Hertfdshr)*
Jowell, Tessa
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Kilfoyle, Peter
King, Rt Hon Tom
Kirkwood, Archy
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Lestor, Joan *(Eccles)*
Liddell, Mrs Helen
Livingstone, Ken
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Luff, Peter
Lyell, Rt Hon Sir Nicholas
Lynne, Ms Liz
McFall, John
MacGregor, Rt Hon John
MacKay, Andrew
Mackinlay, Andrew
Maclennan, Robert
MacShane, Denis
Madden, Max
Mahon, Alice
Major, Rt Hon John
Malone, Gerald
Mandelson, Peter
Marlow, Tony
Marshall, Jim *(Leicester, S)*
Marshall, John *(Hendon S)*
Mawhinney, Rt Hon Dr Brian
Maxton, John
Mayhew, Rt Hon Sir Patrick
Meacher, Michael
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Miller, Andrew
Mitchell, Andrew *(Gedling)*
Mitchell, Sir David *(NW Hants)*
Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Needham, Rt Hon Richard
Newton, Rt Hon Tony
Nicholls, Patrick
O'Brien, Mike *(N W'kshire)*
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Pawsey, James
Pickthall, Colin
Pike, Peter L
Pope, Greg
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*

Primarolo, Dawn
Quin, Ms Joyce
Radice, Giles
Raynsford, Nick
Reid, Dr John
Rendel, David
Renton, Rt Hon Tim
Roberts, Rt Hon Sir Wyn
Robertson, George *(Hamilton)*
Roche, Mrs Barbara
Rowe, Andrew *(Mid Kent)*
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Sheerman, Barry
Sheldon, Rt Hon Robert
Shephard, Rt Hon Gillian
Short, Clare
Simpson, Alan
Sims, Roger
Skinner, Dennis
Smith, Andrew *(Oxford E)*
Smith, Chris *(Isl'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Smith, Tim *(Beaconsfield)*
Snape, Peter
Soley, Clive
Spring, Richard
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stern, Michael
Stevenson, George
Stott, Roger
Streeter, Gary
Taylor, John M *(Solihull)*
Temple-Morris, Peter
Timms, Stephen
Tipping, Paddy
Townsend, Cyril D *(Bexl'yh'th)*
Tredinnick, David
Turner, Dennis
Tyler, Paul
Waldegrave, Rt Hon William
Walden, George
Wallace, James
Ward, John
Wardell, Gareth *(Gower)*
Wareing, Robert N
Whitney, Ray
Whittingdale, John
Wicks, Malcolm
Wiggin, Sir Jerry
Wigley, Dafydd
Williams, Alan W *(Carmarthen)*
Wood, Timothy
Young, David *(Bolton SE)*
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Peter Bottomley and Sir Jim Lester.

Question accordingly negatived.

It being after Seven o'clock, THE CHAIRMAN, *pursuant to Orders [25 March and 17 April], put the Question,* That the clause stand part of the Bill.

Question agreed to.

Clause 5 ordered to stand part of the Bill.

Mr. Jopling: On a point of order, Sir Geoffrey. The Committee has just had a Division in which more than 100 Conservative Members voted against the guts of the Bill. I ask the Leader of the House, who is in his place, to reconsider the Bill when things have cooled down a little. [HON. MEMBERS: "Hear, hear."] I ask my right hon. Friend to reconsider whether the Bill ought to be proceeded with.

The First Deputy Chairman of Ways and Means (Sir Geoffrey Lofthouse): That matter is not for the Chair. We must move on.

Clause 7

PERIOD FOR REFLECTION AND CONSIDERATION

Mr. Roger Sims (Chislehurst): I beg to move amendment No. 3, in page 4, line 40, leave out 'first' and insert 'second'.

The First Deputy Chairman: With this, it will be convenient to discuss also the following: Amendment No. 7, in page 5, line 14, at end add—

'(9A) Where an application for a divorce order is made by one party, subsection (9D) applies if—

(a) the other party applies to the court, within the prescribed period, for time for further reflection; and

(b) the requirements of section 9 (except any imposed under section 9(3) are satisfied.

(9B) Where any application for a divorce order is made, subsection (9D) also applies if there is any child of the family under the age of sixteen when the statement is received by the court.

(9C) Subsection (9D) does not apply if—

(a) at the time when the application for a divorce order is made, there is an occupation order or a non–molestation order in force in favour of the applicant, or of a child of the family, with a power of arrest attached under section 44; or

(b) the court is satisfied that delaying the making of a divorce order would be significantly detrimental to the welfare of any child of the family.

(9D) If this subsection applies, the period for reflection and consideration is extended by a period of one year, but without invalidating the application for a divorce order.'.

Amendment No. 8, in page 5, line 14, at end add—

'(9A) Where an application for a divorce order is made by one party, subsection (9D) applies if—

(a) the other party applies to the court, within the prescribed period, for time for further reflection; and

(b) the requirements of section 9 (except any imposed under section 9(3) are satisfied.

(9B) Where any application for a divorce order is made, subsection (9D) also applies if there is any child of the family under the age of sixteen when the statement is received by the court.

(9C) Subsection (9D) does not apply if—

(a) at the time when the application for a divorce order is made, there is an occupation order or a non–molestation order in force in favour of the applicant, or of a child of the family, with a power of arrest attached under section 44; or

(b) the court is satisfied that delaying the making of a divorce order would be significantly detrimental to the welfare of any child of the family.

(9D) If this subsection applies, the period for reflection and consideration is extended by a period of six months, but without invalidating the application for a divorce order.'.

Amendment No. 17, in page 5, line 14, at end add—

'(9A) Where an application for a divorce order is made by one party, subsection (9D) applies if

(a) the other party applies to the court, within the prescribed period, for time for further reflection; and

(b) the requirements of section 9 (except any imposed under section 9(3) are satisfied.

(9B) Where any application for a divorce order is made, subsection (9D) also applies if there is any child of the family under the age of sixteen years when the statement is received by the court.

(9C) Subsection (9D) does not apply if the court is satisfied that the case is one of exceptional hardship suffered by the applicant or of exceptional depravity on the part of the other party; but in determining the application the court must have regard to the interests of any child of the family and to the question whether there is a reasonable probability of reconciliation during the additional period mentioned in subsection (9D).

(9D) If this subsection applies, the period for reflection and consideration is extended by a period of one year, but without invalidating the application for a divorce order.'.

Amendment No. 18, in page 5, line 14, at end add—

'(9A) Where an application for a divorce order is made by one party, subsection (9D) applies if

(a) the other party applies to the court, within the prescribed period, for time for further reflection; and

(b) the requirements of section 9 (except any imposed under section 9(3)) are satisfied.

(9B) Where any application for a divorce order is made, subsection (9D) also applies if there is any child of the family under the age of sixteen years when the statement is received by the court.

[Mr. Roger Sims]

(9C) Subsection (9D) does not apply if the court is satisfied that the case is one of exceptional hardship suffered by the applicant or of exceptional depravity on the part of the other party; but in determining the application the court must have regard to the interests of any child of the family and to the question whether there is a reasonable probability of reconciliation during the additional period mentioned in subsection (9D).

(9D) If this subsection applies, the period for reflection and consideration is extended by a period of six months, but without invalidating the application for a divorce order.'.

Clause 7 stand part.

Mr. Sims: The amendments to which amendment No. 3 is linked refer to the period that should elapse between a statement of intention to divorce being lodged and the divorce itself. On Second Reading—*[Interruption.]*

The First Deputy Chairman: Order. Hon. Members should leave the Chamber quietly—and I ask the hon. Members who are holding a sub-committee in the right-hand corner of the Chamber to hold it somewhere else.

Mr. Sims: On Second Reading, I supported the Bill's proposal for a period of consideration, so that mediation and reconciliation, if possible, can take place before divorce is finalised. I shall listen to hon. Members who propound arguments in support of the other amendments, as to whether 12 months or a longer period would be appropriate. I want to go further back in the process, and I invite the Committee to consider how soon after a couple have married they should be permitted, to use the language of the Bill, to make

"a statement of marital breakdown".

7.15 pm

It is common ground among hon. Members that the family is the foundation of our society, and that the basis of the family is marriage. Of course two people can live together and produce children without any civil or religious ceremony having taken place—the state cannot prevent that—but a couple's public commitment to each other in a religious or civil marriage ceremony must surely add to the stability of their relationship to the benefit of the man and the woman, the children of the marriage and society.

Ideally, such a commitment should be lifelong, not only on religious grounds—promises made before almighty God should be inviolable—but because it must be in the interests of a stable society that marriage be permanent. We must acknowledge that sometimes, with the best will in the world, things do not work out and the marriage breaks down. If it is desirable for the state to have a formal, public procedure for marriage, there should be a formal, public procedure to enable a couple who feel that their marriage has broken down to break that contract—and to do so as far as possible on mutually acceptable terms, with appropriate arrangements with regard to property and, especially, children. The Bill is all about doing that, and we have been debating and will continue to debate the best way for procedures to be followed.

When framing legislation, it is important to consider—to use the expression that has been employed a number of times this afternoon—the messages that the Committee is sending about the institution of marriage and its status. Our legislation should surely be saying how important and solemn is the undertaking into which a couple enter on marriage, and how important and solemn is the breaking of the marriage contract.

Mr. Rowe: My hon. Friend raises an enormously important point. Does he agree that, for a variety of benevolent motives, we have over years unpicked the vast majority of the secular benefits of being married, so that, when people enter into a solemn marriage, the state's investment in that relationship is a great deal less than it used to be?

Mr. Sims: I cannot dispute that point—in fact, I strongly agree with my hon. Friend—but I fear that if I were to go into the matters behind his intervention, I would quite properly be ruled out of order. God forbid that that should happen to me, a member of the Chairmen's Panel.

If we were to say that, if a couple have married, there can be no question of divorce for 10 years, that would certainly demonstrate the importance of the commitment, but I fear that it might be seen as a deterrent to marriage. If, on the other hand, it was suggested that we should tell people that they can get married and, if it does not work out, be divorced in three months, we would surely oppose that on the ground that it would devalue the institution of marriage. So what should be the minimum period between a wedding taking place and the point at which a statement of intention to divorce can be lodged? What length of time would be reasonable and practicable and yet at the same time demonstrate the seriousness of the marriage vows?

Before the Matrimonial and Family Proceedings Act 1984, that period was three years, which I suggest is about right, but that Bill sought to reduce the period to one year. I opposed that proposal and sought a compromise of two years. Despite my arguments and my vote, the period on the face of the Act is one year. That is now the minimum period.

We have asked the question so often, but it is appropriate—what messages does that convey to the sort of young people about whom my right hon. Friend the Member for Mitcham and Morden (Dame A. Rumbold) spoke so eloquently in the previous debate? Are we not telling people, in effect, that, if they are thinking of marriage, they can give it a go, but they should not worry if it does not work out because, in 12 months' time, they can get out of it? Are we saying that marriage can be entered into on a trial basis rather than for life? All of us who have been married will know that the first year can be difficult, especially if a baby arrives. To allow the lodging of divorce petition after one year, as now, seems to me to be to allow it far too soon.

Whatever other changes will be made by the present Bill, it still proposes that that one-year period shall remain. That is enshrined in clause 7(6), which reads:

"A statement which is made before the first anniversary of the marriage to which it relates is ineffective for the purposes of any application for a divorce order."

The effect of my amendment would be to replace the word "first" with the word "second". I believe that that would give a more appropriate period. If my amendment were passed, a couple who are contemplating marriage will know that, if they proceed, at least two years must elapse before they can embark on divorce proceedings. As the

Bill now stands, there would then be a further 12 months for reflection and consideration, making three years in all. If the amendments with which mine is grouped were passed, that period of reflection could be extended for a further six or 12 months. Whatever the views of the Committee on the other amendments, I hope it will accept the arguments that I have adduced and support my amendment.

Mr. Soley: I am sorry to have missed the opening of the debate, but I was chairing the Northern Ireland Affairs Committee. I regard this subject as very important, because I have spent much of my working life working with families who have been in trouble for one reason or another, frequently because relationships have broken down. I am very much in favour of arbitration and conciliation, and that is why I support the general thrust of the Bill. I am not, however, generally in favour of extending the length of time before it is possible to get a divorce.

I am not as worried about amendment No. 3 as I was about amendment No. 1, because I believe that bringing fault into divorce immediately puts children in the firing line of the battle. My hon. Friend the Member for Brent, South (Mr. Boateng) made that point powerfully and I am pleased that the amendment was thrown out. However, there are a number of contradictions here. If it is the view of the hon. Member for Chislehurst (Mr. Sims) that we should make it more difficult for couples to separate, and tell people who are about to marry not to marry without a lot of thought, because, if they do they cannot undo it easily, that is a reasonable position and I understand it, but that course is likely to increase the number of people who choose to live together outside marriage.

I do not mind that—there is something to be said for people living together outside marriage to see whether their relationship works before they make a longer-term commitment by having children. For me, the crucial issue is the welfare of the children, and we should never lose sight of that factor. I would not mind an increase in the number of people living together, but I suspect that the hon. Gentleman might not want that to happen.

I have been struck by the number of times that states or Governments—of the left and right—that have tried to intervene to dictate social relationships between people, have nearly always failed to achieve their aim. People make relationships because of the quality of those relationships. If a relationship does not work, those involved will separate. The problem that we have to face is that, if children are involved in a relationship that does not work, it is very painful for them. The ending of a close relationship is also painful for adults, but it is the children on whom we must focus and for whom we should have most concern.

That brings me to another point, which was mentioned at the end of the previous debate and which the hon. Member for Chislehurst mentioned. We make a fundamental mistake if we assume that a marriage is the same as a family. It is not. Families predate marriage by thousands of years. Marriage is a relatively recent innovation. That does not mean that I am against marriage. If people wish to marry, it is important that the state, the Church or any other organisation involved makes the experience positive and pleasant for them. If people wish to marry, the experience should be an important one for which they make preparation. If the Churches are worried about the divorce rate, they should provide more preparation.

If people do not want to marry, the state should not moralise, find fault or blame. Many people—of whom I am one—live outside marriage. I can tell hon. Members that my children are perfectly happy, they are quite well brought up and we are perfectly happy as a family and as individuals. Many of my constituents, and many other people in the country, live in exactly the same sort of relationship. I would not seek to impose on people who are married a moral code for the structure of their relationship and I ask only that they do not seek to impose on me a structure that I am not willing to accept.

Dame Jill Knight (Birmingham, Edgbaston): I am trying to follow the hon. Gentleman's line of argument. He said at the beginning of his speech that, if the amendment tabled by my hon. Friend the Member for Chislehurst (Mr. Sims) were adopted, it would put people off getting married and they would live together. If I understand the hon. Gentleman correctly, he has just said that he sees nothing wrong with a decision to live together outside marriage. The hon. Gentleman seems to be arguing from both sides at the same time. Will he clarify his argument a little?

Mr. Soley: I am saying that, when the state, through Parliament in this instance, tries to legislate on these matters, there are many unintended consequences. If we make it difficult for divorce to take place, people will vote with their feet. They are likely—I put it no higher than that—to do one of two things. The first is that they will choose to live with a partner outside marriage rather than marry first. I do not mind if that happens, but I gather that some people do.

The second is that, when a marriage breaks up and it is necessary for the partners to wait a long time for a divorce—let us assume that there is no doubt that the marriage has ended and neither party is looking for reconciliation—one or both will enter into another relationship and live with that person. That is a common background. If we make people wait three, four or five years for a divorce, more people will live in sin, if that is the phrase that people choose to use.

I am merely setting out the possible unintended consequences of legislation. That does not trouble me too much—I am much more worried about the quality of relationships in people's lives and the way in which we support the family post marriage, including children.

7.30 pm

Dame Elaine Kellett-Bowman: The hon. Gentleman has said twice that, if it is made difficult to get a divorce, people will be less inclined to marry. That is not true. Until the second half of the century, it was extremely difficult to get divorced. In the previous century, it was necessary to secure one's own Act of Parliament, for heaven's sake. That did not put people off getting married. Only recently has divorce been made easier; before that happened, people married willingly.

Mr. Soley: The hon. Lady is right. If she listens, she will hear what I have to say about the matters that she has raised. I merely say that those who support the amendment should understand that there will be

[Mr. Soley]

unintended consequences if it is adopted. The consequences will not be quite what they expect. As I have said, from my standpoint I am relatively relaxed about the amendment. I advance my arguments in that context.

The problem is that marriage has come to be seen as a passport to happiness. It is assumed that getting married is a good thing—"You will be happy, you can have children and you will be a good parent." Those things do not follow automatically. There is evidence that many young people—I think that I will take hon. Members on both sides of the Chamber with me in this instance—have seen marriage as something of a celebration, almost to the point of its being a party, without necessarily thinking through the longer-term consequences of having children and living together.

Dr. Norman A. Godman (Greenock and Port Glasgow): One of my hon. Friend's most telling observations is that many people enter marriage ill prepared. Surely the task is to make the preparation for this most intimate of relationships much more effective. That involves many voluntary organisations, such as Churches, apart from the state.

Mr. Soley: That is absolutely right. I shall say something about the registering of children, which we tend to ignore. As I have said, my hon. Friend is right.

Not so long ago, one of my constituents telephoned to complain bitterly that the vicar would not marry her. Hon. Members do not often receive such calls. In any event, I intervened to find out why the vicar was not prepared to marry the lady. He said, "She does not understand that it is not just an excuse for a party." He wanted to make preparation available and she was saying, "I want a party. I have been brought up to believe that getting married is a good thing to do. I will be happy and have children." Someone like me was saying, "Marriage does not equal happiness. Similarly, it does not equal being a good parent. It is much more complex than that." We should be focusing on that.

Divorce rates are high and, in my judgment, they will remain so, primarily for economic reasons. There are, of course, other factors. People are living longer and children become independent. People are divorced at different stages and at different ages nowadays.

In my parents' generation, parents stayed together in loveless marriages. They were bitterly unhappy. It was tragic watching people of my parents' generation locked together in loveless, unhappy marriages. They felt that, because the state had said that they should not get divorced, they had to continue living in that way. I saw many sad elderly people who missed so much in life after their children left home. The same was true of people who did not have children. They, too, were locked into loveless, unhappy marriages. We have no right to impose that sort of life on people through a social code that does not fit with the experience of real life.

If the Government wanted to do something about reducing the divorce rate, they would have to change the role of women. They would have to make women much more dependent on men's earnings once more, so that it would be difficult for them to leave. That will not happen. In a strange way, there is an element of reversal.

Men, especially in some of the old heavy industry areas, are now much more dependent on women than hitherto. They are not especially useful as parents, because they were brought up in the macho culture of building ships or digging coal, for example. They suddenly find that they have no role in life because they have no job. They have had no preparation for parenthood, so what use are they to a woman? It is a real problem. It is why we find a fairly high number of single-parent women living in some of the old heavy industry areas. That is also why, in south Wales—many of us would not have believed this some years ago—close to 50 per cent. of the main carers of children at home are men. A fundamental and radical change has taken place in other parts of the country as well.

Before coming to this place, I was a probation officer. I worked with damaged and, at times, extremely violent families. I worked also with families that came to see me because the divorce court or the family court had asked that that should happen. Three things can be done when a family or a marriage is in difficulty. I say "marriage" advisedly, but I am talking about two people living together in that situation.

First, I could say, "You can stay as you are and not do anything about the situation, in which case I can guarantee that you will probably continue to be unhappy together." Secondly, I could say, "You can separate. If you choose to do that you should separate in the least painful way for you and to the children if any are involved." Thirdly, I could say, "You can attempt reconciliation or conciliation." The third option is an important one and it is one that the Bill takes on board, which is why I welcome the relevant part of it.

Of the three broad philosophies that I have outlined, the most damaging one is that people should stay together when they are not able to change an unhappy relationship, believing that they are doing so because they should, or for the good of the children. If parents are staying together unhappily, they are almost certainly not performing well as parents. That does not mean that people should automatically divorce and separate; it means that it is not possible to be a good parent, or as good as one would like to be, if the relationship with one's main partner in life involves much friction and fighting. That is especially true if there is violence. That is the worst and most damaging scene.

Some of the most damaged clients with whom I worked as a probation officer—I worked with some extremely violent offenders—came from families where the father was coming and going and violent and the mother was ambivalent about the relationship, switching love on and off. If we perpetuate such relationships—they often were perpetuated—we produce very disturbed children.

Mrs. Ann Winterton (Congleton): When there is severe violence in a family, no one would suggest that the children might not be better off in a different situation, but all the research that has been undertaken to date shows extremely clearly that children are better off when their parents are still together, even unhappily, than when they are divorced. They are better off in terms of their health and education and every other factor. Virtually every organisation that deals with children says that.

Mr. Soley: I have to dispute that. I could list many organisations that work with children which would

dispute that view. The research does not prove the case one way or the other, not least because it is hard to do the research reliably.

The research, including that which supports my case, normally relies on small samples, often does not compare like with like and does not take into account all the many and varied factors that affect these situations. What I am concentrating on—and what I ask the hon. Lady, who I know cares deeply about this, to concentrate on—is the quality of the relationship. We should focus on that. Where a relationship is not working, we should help it to work. That is the advantage of conciliation—it does not need to have a time limit; it can be one year, three years or one month—and people will go for it if it is available and they want to make the relationship work.

If, for whatever reason, people do not want to make the relationship work, we can wait one or 10 years, but the chances are that they will not come for conciliation. If we try to make them come, the chances are that it will not work. It must be voluntary—that is the only way to make it happen.

Mrs. Peacock: The hon. Gentleman is obviously considering the children in any broken marriage—we would all want to do that. What protection can he envisage being given to a mother who takes the children away, perhaps from a violent situation, and gets a live-in boyfriend? They are not his children and what happens is—I have quite a few cases of this, although I am not a lawyer—that the violence restarts and the children suffer twice: they go through a second stage of violence at the hands of someone who is almost unknown.

Mr. Soley: I am worried about the amount of time that I am taking up, but I want to deal with that point towards the end of my comments.

Mr. Rowe: Will the hon. Gentleman give way?

Mr. Soley: Yes, and then I had better get on.

Mr. Rowe: The hon. Gentleman is making an interesting speech. One of the great turn-offs for people seeking help with their marriages is that it is often provided by people from a different social background from their own. Does he agree that there is a huge opportunity out there for an explosion in what I call mentoring, by people who have time on their hands and who have been through rearing children and can give support and comfort?

Mr. Soley: A host of important groups do not receive support and can give the type of support that the hon. Gentleman is thinking of. I would widen it to other family issues.

On the divorce rate, some hon. Members hark back to a golden age that never existed. There will be no repeat of the past because the economy, the role of women and a number of other things in that respect have changed.

I want to be a bit more positive. In the period of reconciliation, be it one year or three, we must ensure that reconciliation and arbitration are available, well resourced and provided by suitably qualified people. Otherwise, it becomes meaningless. It would be especially wrong to have a law that said that couples must consider reconciliation first and then under-resource the service so that, when they tried to use it, it was of poor quality or inadequate. That would be the worst of all things.

I say to hon. Members who support the amendment—I am sure that I carry the hon. Member for Chislehurst, who moved it, with me; I hope that I carry also one or two of the hon. Ladies who intervened—that, if they pass the amendment, they must ensure that they vote for the money to go with it. If they do not make it work, they will be giving people false hopes of what can be achieved. I want to make reconciliation available.

My last two points are also about children and the family. The hon. Member for Batley and Spen (Mrs. Peacock) made an important point. One thing is lacking in all the debate—it has been lacking in the political debate in Britain for many years: family policy. There is no family policy in this country worth the name. Government Departments do not liaise and co-ordinate with each other or with local authorities. There is no liaison with the private sector. Because there is no family policy, we put families into positions in which they are likely to break down.

I shall give just one simple example, but it is dear to my heart. If homeless families with young children are put in bed-and-breakfast accommodation or high-rise flats, parenting problems are produced. Even the best parent cannot bring up kids in bed-and-breakfast accommodation and will get frustrated with kids under their feet in a high-rise flat. Many of them will let them play outside unsupervised and then everyone is surprised when graffiti, violence and crime grow.

I must mention another important lesson to all hon. Members. We are quick—the tabloid press is especially bad—to damn someone who has been through everlasting hell and who has been caught being cruel to children, or vicious or brutal. I agree—I have no problem condemning people for cruel behaviour, but we hardly ever pay attention to the fact that the causation of that is often a breakdown in parenting, and often violent parenting.

7.45 pm

It was interesting that, in the case of Dunblane, we were all quick, understandably and rightly, to say, "What a wicked act." We also ignored the fact that the man who killed in Dunblane was not only abandoned by his father when he was very young, which happens to many others, but brought up to believe that his mother was his sister. We did not intervene. We did not do anything. We had no policies.

I could produce a hundred and one cases where the whole nation is deeply sympathetic to the child who is battered, brutalised and badly treated or who is not given the love and consistent care that he requires. Fifteen years later—I have seen the pattern in my working life as a probation officer—that person is up in court for some violent action and everyone is damning him to hell and back, but we did not intervene when we could have done, because of the lack of a family policy.

On the final important point, people sometimes say to me, "It is all very well saying that marriage and the family are different. I understand and accept that, but is there not one thing that makes the marriage aspect special? Marriage is about legitimising the couple's position with children." Sadly, it is not. The real thing that legitimises

[Mr. Soley]

the position with children is the couple's registering of the child in their name. The mother and father's registering of the child is the important act, as they accept responsibility for the welfare of the child. It is one of the most important acts; unfortunately, there is no ceremony for it.

To return to the point made by the hon. Member for Batley and Spen, we do not even develop the system differently so that a person who moves into a family where there are children by a previous marriage has some mechanism by which he or she can take on responsibility without full adoption, which might not be wanted by other party. We do not allow them even to register it in a meaningful way.

Mr. Spearing: The Committee has listened to a sincere and important speech. Does my hon. Friend agree that the real opportunity for expressing responsibility, and for society to take responsibility for children, happens at the point of marriage, when the partners are perhaps looking towards children and their responsibility for them—society has a responsibility in that respect as well—and towards each other? Is not that the answer to his question, "What is marriage about?"

Mr. Soley: Yes, but that is why I said in my opening comments that, for people who want to get married, marriage is profoundly important. If people want to get married, that ceremony is not only important to them, but should be made attractive to, and important for, the Church and the state, but we should not assume that it equals happiness or that everyone wants to do it.

We must understand that marriage is different from family, from being a good parent and, above all, from a happy family. There are plenty of good parents who are not married. Plenty of societies before ours never even heard of the word "marriage" before it was invented 2,000 years ago—or whenever it was invented. Let us not forget that they were good parents and good families.

I have no objection to the Church taking this on board, but it must stand on its own feet and not use the family as though people must necessarily get into the family or can become a good parent only by the marriage route. They can do it through a number of other routes. Registering children is important.

I apologise for going on for longer than I intended. Although the amendment would be nowhere near as harmful as amendment No. 1 would have been, my general approach would be to keep the period fairly short, emphasise arbitration and conciliation, and make sure that resources are available for it. We should not worry too much about the period we lay down in law. It is not that important. What matters above all is more support for families and parenting, and the existence of a family and parenting policy. Moreover, it is vital to register children in the name of the parent: in that way, parents undertake to society to be responsible for those children.

Mr. Leigh: I wish to speak to amendments Nos. 7 and 8. At this point, we must decide how long it takes to conclude that a marriage has broken down irretrievably. Like many other people, I believe that a year is not long enough. My view is shared by most people in Scotland, where 63 per cent. of divorces take more than two years, and by most people in Northern Ireland, where 75 per cent. of divorces take more than two years. It takes even longer to divorce in other European countries.

My view is also shared by most members of the public. Most respondents to the MORI poll to which I referred in an earlier debate supported the present two-year period for separation with consent, although they felt that the five-year period for separation without consent should be shortened to four years. Interestingly, those who supported the concept of no-fault divorce favoured an average period of 20 months. There is a good deal of support for my amendments from all sections of the community—not least from Cardinal Hume, former Chief Rabbi Jakobovitz, the Archbishop of York and the Bishops of London, Chester and Chichester.

Amendment No. 7 would extend the waiting period to two years; amendment No. 8 would extend it to 18 months. A number of safeguards are provided in regard to children. The waiting period would be only one year if both parties consent to divorce, and if there are no children of the marriage. It could be shortened to one year—but not less—if there is a clear case of domestic violence, with a court order and power of arrest under part IV of the Bill, or if the court concludes that to extend the period beyond a year would be detrimental to the children. Those are clearly special cases.

The amendment is itself a compromise. I know that at least one of my hon. Friends will not vote for the amendments, because he believes that there should be no exceptions. We decided, however, that support for the amendment would be maximised if we extended the period beyond a year, but provided for exceptions—for instance, clear cases of harm to children or violence to a spouse. Let us leave those exceptions aside, however. If the Committee agrees one or other of the amendments, it will send the important message that, if there are children in a marriage, that should make a difference to the divorce process. In such circumstances, the parties should think not just of themselves but of the interests of the children.

How long a period is needed in which to prove that a marriage has broken down irretrievably? "Irretrievably" is a word of great finality: it means that there can be no turning back. Under the Bill, once a divorce order has been made that is it. Under the existing legislation, a number of people do turn back—between 20,000 and 30,000—and we want to give those people a chance. We know from the results of various polls that 50 per cent. of men and 28 per cent. of women regret divorcing, and that—interestingly—10 per cent. of both men and women regret divorcing each other. That is extraordinary, given that everyone agrees that divorce damages society as a whole.

I suppose that, if both parties want to divorce from the start, there will be little chance of reconciliation, but there must be some chance, and there must be a much greater chance if one party does not want to divorce. Should we not make a distinction between divorces that involve consent and divorces that do not? In that way, we would promote reconciliation.

Other European Union jurisdictions that do not have the concept of no-fault divorce make such a distinction. In Germany, it is possible to divorce after a year if there is consent, but if there is not consent the parties must wait for three years. In Spain, it is possible to divorce after one year if there is consent, but the parties must wait for two years if there is not, and there must be a two-year

separation. In France, it is possible to secure a no-fault divorce after only nine months, but if there is no consent the parties must wait for six years. It seems that other European Union countries that have introduced no-fault legislation recognise that, if there is no consent, there should be a considerable difference in the waiting time.

Under the Bill—unless it is amended in the way that I propose—a spouse who may have been married for a long time cannot possibly signal his or her objection to divorce. It makes no difference: the divorce will go through within a year. I consider the amendments sensible and moderate; they are certainly in line with what other jurisdictions have proposed.

A practical point is also involved. Again, we should consider what is happening in other countries. Surely, if one party does not agree to a divorce, it may take rather longer to sort out what lawyers call the ancillaries—matters involving children and property, for instance. Under schedule 1—I discussed this earlier with my hon. Friend the Under-Secretary of State—if one spouse is deemed by the court to be obstructive, the court can impose an agreement.

Of course, it is possible that the partner who does not want a divorce is not being obstructive; complicated matters may be involved. Children, and future children, give rise to complicated matters, which may take a long time to consider. For those reasons—certainly if children are involved—we should allow more time. That is not just my view; I think that, in a funny sort of way, it is also the view of my hon. Friend the Under-Secretary of State. I understand that he told a meeting of, I think, the Conservative Family Campaign that the median time for divorce was 14 months. If I have misquoted him, I hope that he will correct me; I heard that at secondhand.

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Jonathan Evans): I have always made it clear that the median time is currently seven months. The latest statistics, which are due to be published shortly, confirm that.

Mr. Leigh: I am sorry: I was obviously given wrong information. But my hon. Friend is not the only person who is alleged to have said that: Lord Justice Ackner, a considerable authority on such matters, told the other place that in his view, in the ordinary course of events where there are children involved or where there is resistance to divorce it takes a good 18 months to achieve a divorce. That is in column 628 of *Hansard*.

The Second Deputy Chairman of Ways and Means (Dame Janet Fookes): Order. I remind the hon. Gentleman of the rule that does not allow Members to quote from debates in the other place unless they are quoting ministerial statements.

Mr. Leigh: I was deliberately paraphrasing because I was aware of that rule. I did not read out the entire statement. I do not know how *Hansard* will deal with that—whether it will paraphrase my paraphrase or report the entire quotation. We shall have to wait and see. In any case, to paraphrase Lord Justice Ackner, it is his view that, in the normal course of events, it takes 18 months if there is a dispute or if children are involved. If people are arguing that waiting really damages children, why is there no uproar about the different waiting times in Germany, France or Scotland?

8 pm

In debating these amendments, we could argue about making arrangements for the future. Under existing law, a person can get a decree absolute just six weeks after the decree nisi but he cannot get any final orders on lump sums or property transfers until the decree absolute. In reality, arguments are mainly about ancillaries. As we established in the previous debate, there are only four or five divorce trials every year. People argue about how to divide the assets, but people can continue arguing about the ancillaries long after they are effectively divorced. Expert barristers in this field have confirmed to me that it can often take more than a year.

Under the Bill, everything has to be settled before the divorce is completed. As my hon. Friend the Under-Secretary said earlier, it is therefore possible to delay the period beyond a year but, as I said to him—I think that this is what will happen—there will be an expectation under the Bill that the period for achieving a divorce will be a year.

Even if hon. Members do not support my wish to extend the period to two years, there is a very strong case indeed for extending it to 18 months. That idea is confirmed by various academics. Peter Duckworth, a leading practitioner in divorce legislation, wrote to me. As he is not a Member of the other place I think that I am allowed to quote him. He said:

"If there were a genuine breathing space of 12 months before steps were taken to end a marriage, then I would be prepared to believe that many marriages would be saved. But that is not on offer.

Instead what is proposed is a radical alteration from present law, whereby you cannot obtain substantive orders for ancillary relief before decree nisi, to a situation where all the relevant financial orders not only can but *must* be made before the divorce, even if in general they will not take effect until afterwards. Translated into practical terms, it is my view that these proposals will eliminate any realistic prospect of reconciliation within the 12 month period, for the simple reason that parties will be so preoccupied with sorting out their children and property that they will have no time to think.

In many if not most cases, arrangements for children and money require complex and detailed negotiation. While the Children Act 1989 permits residence and contact arrangements to be settled out of court, the same is not true of money and property orders which need the finality of a court order under the 1973 Act".

Peter Duckworth knows what he is talking about—he is a practitioner in this sphere. He is telling the Committee that, unless we extend the period beyond 12 months, there is a real possibility that we shall not get the kind of reconciliation process which I know the Opposition spokesman is so determined to include in the Bill.

Mr. Peter Bottomley (Eltham): I am listening to my hon. Friend with great care. Were the period to be, say, two years, does he think that the time for reconciliation would be before people reached agreement on ancillary matters, after they had done so or at the same time?

Mr. Leigh: If one of the amendments were passed and the period were extended to 18 months or two years, I suggest that early in the process there would effectively be a litigation-free zone. Such a period, which is similar to what the Opposition spokesman is arguing for, would be built into the Bill. It would occur early in the divorce process, before people were allowed to start arguing about assets or what to do about the children and before mediators arrived to determine or advise on such matters. The time after a partner had lodged a statement of marital difficulty would be devoted to reconciliation.

[Mr. Leigh]

My argument and that of Peter Duckworth is that, if the period is as short as 12 months, it is simply impossible to have a meaningful period of reconciliation—there is not enough time because there is so much to sort out. If children are involved and if there is not consent to the divorce, reconciliation will not be effective.

A final problem with the Bill, if not amended in the way that I am suggesting, is that permanent arrangements could be in place within three months of the beginning of the process. In theory, everything could be agreed within three months. Were that to happen, one would effectively be divorced within three months although, in practice, one could not remarry for 12 months.

If a woman wanted to eject her husband from the marital home—it is usually that way around—it could be done early in the process, especially if there were an allegation of domestic violence. A lawyer could be obtained to settle these matters quickly and one could effectively be divorced within three months. I know that that is not what the Under-Secretary wants, but often what Ministers want, as we have seen in previous divorce legislation, is not what happens after the courts have interpreted or re-interpreted the legislation.

Ruth Deech has already been cited once or twice in this debate. She is a good person to cite in this instance because she has apparently always opposed us on everything else and so cannot be accused of being a Conservative party stooge. She is, after all, the principal of St. Ann's college, Oxford and a very distinguished lady. In the context of what I am about to read out, it is important to note that she is a woman. She wrote:

"Our ancillary relief is already a vengeful process and is based on the premise that all husbands should maintain their wives regardless of conduct, and regardless of her ability to keep herself. The pressure to settle in twelve months will make it worse in every respect.

Mediators will perforce lend themselves to this process of settling everything regardless of justice within 12 months. The wife who is reliant on Legal Aid will be at the mercy of the mediation process whereas the husband who can afford to pay a lawyer will be able to use ancillary relief for his own ends. Will mediators be able to tell wives about pension-splitting, the effects of the Child Support Agency, mortgage relief, intestacy law, joint bank accounts, etc? It is not surprising that where there is any money at all, ancillary matters can take more than 12 months."

That is a powerful point. Before hon. Members consider voting down the sensible amendments, which are themselves very much a compromise, I hope that they will consider what Ruth Deech said in her letter to me.

Writing in *The Independent*, Polly Toynbee said that the break-up of a marriage should be a cause for celebration. I do not think that most hon. Members would agree with that. Children want their parents to stay together. We would wholly reject any amendment that would reduce the waiting time to less than 12 months. Public opinion supports us on keeping parents together, and the verdicts of other jurisdictions in Europe also support what I am suggesting.

My view and that of many people who practise in this field is that one year is simply too short a time where children are involved or where there is a dispute. I urge the Committee to accept my amendments.

Mr. Donald Anderson: I find the arguments proposed by the hon. Member for Gainsborough and Horncastle (Mr. Leigh) quite compelling. It is in that spirit that I and the right hon. Member for Barkston Ash—he is my right hon. Friend in this matter—tabled amendments Nos. 17 and 18, which would achieve the same aim. My remarks will be brief as much of the background was covered in the previous debate in which I was not with the hon. Gentleman for the reasons that I gave.

There is broad agreement on the principles set out in part I of the Bill and on the notion that divorce is extremely costly, not only to the individuals involved and their children but to the state. There is also clear agreement that there should be some restriction on divorce in the early years of marriage. To that extent, I wholeheartedly concur with amendment No. 3, which was so ably moved by the hon. Member for Chislehurst (Mr. Sims). The question therefore is one of judgment—how long should the restriction last and in what circumstances should it be abridged? It was with those objectives in mind that I and—for these purposes—my right hon. Friend the Member for Barkston Ash made our own stab in response to the Minister's invitation to use his Department's resources in that respect.

I looked at the established principle—the formulation that was in being when I was called to the Bar in 1969. At that time, a petition could only be presented within three years of marriage if the court was satisfied that the case was one of exceptional hardship suffered by the applicant or exceptional depravity on the part of the other party. I had a word on that with the right hon. Member for Oxford, West and Abingdon (Mr. Patten), who thought that the word "depravity" very considerably appealed to him. The right hon. Member for Barkston Ash and I thought that, effectively, the formulation that we had proposed was not only more general, but had an established body of case law behind it and judgment on it, and could therefore be well understood.

I must confess that, having looked more carefully at the formulation and having reflected on the matter, especially in the light of the criticisms of it in pages 12 to 15 of the Law Commission's 1982 report, No. 116, "Time Restrictions on the Presentation of Divorce and Nullity Petitions", I have come to the view that that proposed by the hon. Member for Gainsborough and Horncastle is infinitely preferable. I shall briefly explain why.

The time-hallowed formulation, which included the remarkable word "depravity", had in practice proved quite difficult. It encouraged, if not ensured, that the particulars had to be made very unpleasant to bring the applicant within its terms. Setting out the case under it caused immense distress and humiliation. It led to very subjective judgments throughout the country, and, in effect, exaggerated the adversarial element. The task was therefore to find a formula that avoided those drawbacks, but which was simple, comprehensive and did not add further to the conflict between parties.

I wholly adopt the arguments of the hon. Member for Gainsborough and Horncastle. The proposed formula will not encourage further conflict when, for example, the case has already been before the court and there is a relevant non-molestation order. If there had been conflict, it would have been litigated previously and the court would have come to a decision in that respect. His formulation is simple, and using the phrase that has been used before, it gives all the right messages and signals.

The key question is therefore one of time. As a former practitioner who, certainly in the 1970s and early 1980s, practised in this field, I well accept what the legal adviser to the hon. Member for Gainsborough and Horncastle said. There needs to be more than one year. I hope that my hon. Friend the Member for Brent, South (Mr. Boateng), whose attitude to the Bill has been to emphasise the key need for adequate time and facilities for reconciliation, will make those aspects a matter of public policy. I hope that, when the Bill is in Standing Committee, the Government will be prepared to look very carefully at reconciliation.

There is also the question of resources. If the Government are really keen on reconciliation, adequate resources must be made available. The point made by the hon. Member for Mid-Kent (Mr. Rowe) must be addressed. Those who are in the business of counselling must be broadly from the same social class as those who need the counselling.

In Chinese society, there was always an Auntie Wu in the village to whom people went when things were not going right. Rather than lawyers and people who will tell one about pension splitting, and so on, one needs an Auntie Wu from whatever particular group of society one comes—someone who has gone through the process herself, who perhaps has children, understands life and can help young couples who have embarked on marriage too early and without adequate preparation—with whom one can talk through problems.

In the waiting period—two years or 18 months instead of one year—there has to be a two-stage process. There must be adequate time before the lawyers get involved, when those with experience of life are able to talk in a very open way in a language that the young people will understand. I repeat to the Minister that the process must be well resourced. Thereafter, if matters do not work out, only at that stage should the detailed question of children and the family assets be addressed. That will be in one sense necessary only if the key and first stage of the process is not successful.

8.15 pm

In my judgment, adequate time must be found. On reflection, and with the full concurrence of my right hon. Friend—for this purpose—the Member for Barkston Ash, we are convinced that our formulation is less simple and less relevant to the argument that we seek to address. Given those qualifications, and with total confidence that in Standing Committee my hon. Friend the Member for Brent, South will prevail and triumph in his views on reconciliation, I shall not be pressing the amendments that I have tabled and will give full support to the amendment tabled by the hon. Member for Gainsborough and Horncastle.

Mr. Alison: The hon. Member for Swansea, East (Mr. Anderson) only put one foot wrong in his admirable speech—in describing me as the right hon. Member for Barkston Ash. It does not matter, but for the sake of the record, I am now the right hon. Member for Selby.

It was extremely reassuring to hear the introduction of the, to me, strange phenomenon of Auntie Wu. It made me think that perhaps you, Dame Janet, are the incarnation of Auntie Wu—or the nearest we can get to such a person in these highly tendentious and pressured proceedings and the great difficulties facing us all in matters of conscience and decision making. Somebody is in the Chair to whom we know that we can instinctively go and never a cross word will be uttered. Perhaps the same applies to the hon. Member for Rossendale and Darwen (Ms Anderson). I wish that we had more Auntie Wus knocking around this place. As a former parliamentary private secretary to Lady Thatcher, I know exactly what I am talking about in terms of the desirability of having such marvellous Aunt figures. I am much obliged to the hon. Gentleman for opening up a whole new dimension.

On the basis of that commendation of you, Dame Janet, I trust that I shall be able to talk about almost anything I wish for any length of time. I want to dot the i's and cross the t's of the admirable speech that my hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh) made—behind whom the hon. Member for Swansea, East and I now row in complete harmony—by pointing out once again to my hon. Friend the Minister the extent to which the Government already seem to have taken the essential point that we are trying to argue about the time parameters.

Here again, I refer to the mysterious document which has fallen into the hands of most Members of Parliament. It obviously has its provenance in the Lord Chancellor's office and gives guidance of an authoritative, well printed and vivid kind to Members of Parliament. I refer to the "Key Points" heading in the document and I quote from the third paragraph:

> "The Bill will . . . allow a divorce to be granted only when couples have settled the arrangements for their children, and the division of property and finances. This can take up to two years".

So the briefing says that the procedures can take up to two years, which is the very time frame referred to in the amendment.

At the bottom of the page, reference is made to first marriages. The briefing says:

> "The Bill will retain the current bar on divorce in the first year of marriage. Couples will need to have been married for a minimum of two years before they can get divorced."

Here again is the suggestion that a minimum of two years applies before married couples can get divorced. How easily and naturally the currency of the time frame for which the Government have argued slips into periods well beyond the 12 months to which they have referred as the basic period.

I now quote from the annexe to this splendid document which has been circulated to Members of Parliament. The paragraph is headed, "Period for Making Arrangements", and it states:

> "Secondly the period people will have in which to decide their arrangements prior to divorce will be extended from 18 months to a maximum of 2 years, so that people may take a little longer, if they need it, to do this."

A passage in parenthesis says:

> "The 12 month period for reflection on whether the marriage can be saved and consideration of the arrangements for a life apart, which is also set out in the Bill, has always been a minimum period. It has always been thought that many people will in practice need longer than this in order to decide the arrangements and thereby be able to proceed to obtain a divorce order."

Ms Hilary Armstrong (North-West Durham): We are wondering just what the document is. I understand that it is a Conservative central office document. As it is being

[Ms Hilary Armstrong]

used somewhat fully in this debate, I wonder whether the right hon. Gentleman could ensure that it is put into the Library so that we can all see it.

Mr. Alison: I am sorry to tell the hon. Lady that this may be a case of going to Auntie Wu. There is no imprint on the document and I cannot tell the Committee where it comes from. All I can say is that it has the clarity, articulateness and elegance of prose which suggests that it has its provenance in lofty official circles.

I can say without hesitation that the natural currency of references to time frames in the briefing document, which sets out broadly to make the case for the Government, keeps slipping into a suggestion that the 12-month rule is the minimum and that in many practical ways 18 months is more natural for most people. It suggests that the two-year rule will apply to first marriages and that the so-called minimum period is more for guidance and suggestion than anything else.

I hope that, on the basis of the prior indications of flexibility, my hon. Friend the Minister will see the merits of crystallising substantively the inclination which seems to be lurking in the Government's subconscious—or perhaps conscious—predisposition. The Minister would solve many people's problems tonight by accepting at least one—perhaps the longer—of the two amendments, amendment No. 7, which contains the time frame references to which my hon. Friends have so admirably referred.

Mr. Spearing: The hon. Member for Chislehurst (Mr. Sims) commended the amendment, as did his hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh), because it focused on the importance of marriage rather on the breaking of marriage as, alas, the Bill has to do. In that respect, the amendment has something in common with amendment No. 1, which we discussed before the Division. I sensed that those who were in favour of amendment No. 1 wanted to ensure that the concept of fault emphasised the importance of marriage itself.

I thought that there were distinct disadvantages in that amendment and I did not vote for it. I do not, however, see many disadvantages—indeed, I do not see any—in amendments Nos. 3, 7, 8, 17 and 18. Surely one of our problems in this debate is that, understandably, we are talking about the law on the breaking of marriage and not about the law on making and sustaining marriage. Many people have referred to that understandable imbalance in our debate. This is a debate in which party makes no difference. Can Members of Parliament entirely estrange the two concepts? I would have thought not.

That point was exemplified by the speech by the right hon. Member for Mitcham and Morden (Dame A. Rumbold) who, in a realistic way, summarised the attitudes to marriage of various generations. It is the generation who are just coming up to the married state or who have married recently for whom the House has a prime responsibility. They will be the beneficiaries or otherwise of any legislation that may result.

Surely we, in looking at the matter, must consider what we are breaking. What is the general concept behind marriage anyway? Unless we are clear about that, how can we be clear about the morality and the law on the breaking of marriage? The two points must go together.

In an intervention during the speech by the right hon. Member for Mitcham and Morden, I made a point about the great gap in much of the discussion that has gone on, not only in the other place, but in the media. As I understand it, there are three partners in marriage and, therefore, three parties to its dissolution. I refer to the two people concerned and to what Conservative Members often call the state, which I prefer to refer to as society or the community as a whole. The House of Commons is the centre of law-making for that community.

I suggested in my intervention that the marriage ceremony was not just a commitment of two people to each other but, those two having made their commitment in front of their friends, relatives and representatives of the community—either the registrar or the registered person who is able to preside over marriages—a commitment made by those two people to the community. It is, therefore, a triangular arrangement and not just one between two people.

I now turn to the other important speech this evening, which was made by my hon. Friend the Member for Hammersmith (Mr. Soley), whose sensitivity and courage I commend. He made many important points, based on his professional experience.

I shall use my hon. Friend's speech as an example. As I pointed out when I intervened in it, he made one illogical assumption—that the registration of the birth of a child is at the time a moral and legal undertaking to bring that child up in the nurture of society, and to cherish that child as a new human being. I said to my hon. Friend that surely that was part of the purpose of marriage.

Therefore, at the point of marriage it is not only the two people concerned who commit themselves to the process—if that occurs, which is largely a matter of chance, good luck, or whatever: there is also a contract with the society of which that family, that married couple and any future child are part, to sustain the new life and, by virtue of that, to sustain the family as such. We seem to have forgotten about that.

8.30 pm

I put it to my hon. Friend that, at least in connection with that aspect of his speech, he would concede that some people do not see marriage as he outlined it, as an optional extra—I do not think that that description is unfair. It is true, however, that that is the view taken by some of the younger people that the right hon. Member for Mitcham and Morden mentioned earlier.

I suggest that that is not what marriage is, because it is the sort of contract, upheld in good will and love, which keeps our society together in a special way. I do not mean to say that that did not happen thousands of years ago, but in modern society it is even more important than ever.

Mr. Soley: The point that I made about registration was that, sadly, it is a fairly cold and mechanical action. When we register the birth of a child we are fulfilling a legal obligation to the child. The ceremony is not especially attractive; perhaps it should be. As for the marriage factor, marriage is a confused concept to some people. For some it is an immensely important ceremony; for others, it is

just an excuse for a party. My point was that simply by getting married one does not undertake to have children. That is something that may or may not happen.

Mr. Spearing: Indeed—I have conceded that. But the registration of a birth was never meant to be a ceremony as such. Like its opposite, the registration of a death, it is a legal undertaking.

I know that my hon. Friend the Member for North–West Durham (Ms Armstrong) wishes to speak, and perhaps to enlarge on a similar theme, so I shall finish with one more short point. The ceremony of marriage is not simply an opportunity for a party; it is far more important than that. I put it to the Committee, especially to Conservative Members who have been enthusiastic both about the amendment under discussion and amendment No. 1, that it is the responsibility of the community, and therefore of the House and of any Government, to sustain the institution of marriage. Yet that has not happened.

Let us consider the places in which people can now get married. Marriage is now part of a marketplace, and is not upheld with the due degree of importance that it once had. People can get married in all sorts of places, and I wonder how many hon. Members thought of that aspect of those changes, although it may not have been possible to oppose them.

We should think of the need to maintain housing, health, education for children and sustained employment for the breadwinner—and also, perhaps wrongly, the need for more women to go to work to maintain the family income, and the stress that comes from that. All those factors are important in sustaining the marriage and the family. In society, in making laws, and in considering the structure of our taxes, Conservative Members, like the rest of us, have a duty to sustain marriage as it should be and as we wish it to be.

There is so much stress today. Much of the difficulty in marriage is surely caused by society's inability to sustain properly what each of us would like to see, what other people would like to choose, and what others, unhappily, regret that they have had to terminate.

We should support the amendments, because they emphasise the fact that, although the breaking of marriage is important, we should pay much more attention both in the House and in society to the way in which marriages are made, and to the challenge that growing young people face when they advance into that happy state.

Mr. Peter Bottomley: Although marriage is a public commitment, most of us who get married do not expect to expose our marriages to more than private reflection. I can tell the Committee that when I got married I knew that it would end in divorce, desertion, dissolution or death—and on the whole I prefer the idea of death, so long as it is natural.

Marriage is something that people tend to catch; if it works, it is a matter of chance as much as of choice. I would not be surprised if I came home one night from the House of Commons to discover a note saying, "You've been a rotten person for the past 25 or 30 years and I'm off." I hope that that will not happen, but one always lives in some kind of expectation of discovering that one has not been quite so good a marriage partner as one ought to have been—or at least, that things may look like that from the other person's point of view.

Lady Olga Maitland (Sutton and Cheam): My hon. Friend undervalues himself.

Mr. Bottomley: What I am really trying to say is—to put it another way—I have many friends who have lived in a state of non-marriage for decades, and I do not feel any the worse about them for that. I also have friends, and some members of my family, who have been divorced. That has never been a happy experience. It is clear that many who set out to get married find that it is a good choice, whether it is what they really intended in the first place or not. One cannot really extrapolate either from their experience or from one's own to decide what others should do.

In general in politics it is better to say, "I must, you should, they may," rather than the other way round. However, we in the House and the Committee have the responsibility of making the law—and marriage, whether the ceremony is civil or religious, is a legal contract. We must face the consequences of experience and learn from them.

That is why I think that my hon. Friend the Member for Chislehurst (Mr. Sims) has done the Committee and the country a service in reminding us of a proposal that he put forward some years ago that was not then accepted either by Government or by the House. I do not know whether his proposed amendment will be accepted tonight, but it would not be a disaster for anyone if it were.

The Committee must remember that the real consequence of divorce is to allow people lawfully to remarry. A divorce is not necessary for separation, desertion or cohabitation with somebody else; it is necessary only for someone lawfully to remarry.

Table 1.10, on page 42 of the 1996 edition of "Social Trends", shows us that the state of being divorced and not remarried is a fairly unpopular one. There is no age group in which the proportion of people who are divorced is higher than 6 per cent., and in all age groups, 62 per cent. of people are married—although that does not necessarily mean that they are living together. In addition, 6 per cent. are cohabiting, 24 per cent. are single, 4 per cent. are widowed—obviously that is more likely in the older age groups—3 per cent., on average, are divorced, and 1 per cent. are separated.

The state of being divorced is therefore transitional. The decision that we must make is how long people have to wait before they can remarry. To maintain the bar on an application for divorce during the first 12 months of marriage is essential, and I shall probably vote not to change the situation, although my hon. Friend the Member for Chislehurst made a cogent case.

The alternative or additional way of setting about the issues is that suggested by my hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh). Again, the Committee owes him many thanks for the thoughtfulness with which he has prepared his amendments and advanced his arguments. The same goes for the hon. Member for Swansea, East (Mr. Anderson) and my right hon. Friend the Member for Selby (Mr. Alison). I am not sure that their arguments were fully convincing. I regret that there

[Mr. Bottomley]

are not many more hon. Members here to listen to the debate. When there is a free vote, we have an opportunity to consider arguments that we may not have thought of before the debate. Although some of the issues have been rehearsed over the past year, it is of benefit to listen to other hon. Members and their quotations from people who have written to them and to hear of their professional experiences as lawyers or Members of Parliament.

One problem involves helping people to know when to get married and how to build marriages. There should be many more discouragements to people getting married when they are pregnant. It is generally better to make that decision after a child is born or before conception. I suspect that that could be done by encouraging churches to have representations of a pregnant Mary with a sign saying, "Society didn't think much of me at the time." It would be helpful if we could make people more open about such situations.

Most ministers of religion are able and willing, either themselves or with someone from their Church or faith, to give advice on when marriage may not be sensible. Some people get married only because society expects it for some reason rather than because of a willingness to make a commitment to becoming a lifelong couple—a union that lasts for life. People should not feel a social obligation to get married.

If we go back to what appears to be old-time moral teaching—which is very up to date for many people—that warns people not to be sexually active unless they are married and that the only way to marry is with the intention of being married for life, we ask people to marry younger than is sensible, given the nature of modern society. This is not the time to unpack those issues, but they should be considered deeply by those who give advice to people.

We must remember that celibacy is not inherited. When the rate of divorce is half the rate of marriage, we could do much to reduce avoidable disadvantage, distress and handicap, and to promote well-being through a mixture of wealth and welfare, by halving the divorce rate over the next five or 10 years. I suspect that were we to make no change in the law, the divorce rate would fall significantly. That is partly because it is linked to the marriage rate. It is a mathematical fact that if there were no more marriages—legal contracts to be together for life—after about 70 years there would be no more divorces. Divorce follows marriage; it cannot precede it or be independent of it.

People can learn from the experience of others. We have to ask what are the ways of making that more likely. Because I was in a Select Committee earlier, I was unable to be here for the first debate, so I hope that I will not repeat what others have said by referring to the work of the BT Forum in its "Communication Matters" papers on the Bill. Its briefings, which do not say what the law should be, give background information. The titles include "The Importance of Information", "Communicating with Children during Divorce", and "Strengthening Communication in Stepfamilies".

They point out that, when communication fails, divorce becomes even more stressful. It can affect people's health and work. Conflict can increase, which can have serious consequences for the couple and for children, grandparents and other family members. Parents can lose touch with each other. Marriage may not be for life, but being a parent certainly is. If parents lose touch with each other and children lose touch with one parent—often the father—that is a loss. Second marriages can be threatened, with the risk of further relationship breakdown.

If communication is positive, conflict can be minimised, parents and children can cope with difficult transitions and children can have the love and security of two parents, even if they live apart. Family networks are not destroyed and new families have a better chance of survival. In considering the law, we should be aware that it is not only the only thing that matters. Much emphasis has been given to mediation, conciliation and the opportunity for people to think and learn from the experience of others.

We have been told about the number of people who regretted applying for a divorce. Those figures may not reflect what people think at all times; people will feel like that some of the time, but not necessarily all the time. We need to learn from the experience of others. In Canada, where there is a minimum period of one year between applying for a divorce and obtaining one, about one application in five is withdrawn. If people choose to withdraw an application because they think that they would be beater off without a divorce, that is clearly a gain. I doubt whether with two years 40 per cent. of people would so choose, although there may be some extra benefit—I do not know.

It is reported from New Zealand—I have not seen the original research study—that if the problems of a first marriage can be tidied up before a second marriage starts, the failure rate of second marriages is reduced significantly. That is also a gain. Promoting better communication within married couples is important, whether or not they go on being married. Being more open about communication, and helping people to learn from experience, is important.

The divorce experience needs to be shared with people who are considering divorce. They should not have to wait to discover it for themselves. Marriage experience should be shared before people get married so that they do not go in with the Pollyanna-ish view that marriage will solve all their problems and permit an easy progression through life.

Relationship experiences matter. The hon. Member for Hammersmith (Mr. Soley) told us of his work in the probation service. I think that he would agree that the problems of many people who are born to fail or, to put it a better way, who do not experience success in many parts of their lives, come down to relationships in the household or households in which they grew up. We cannot change that for everybody, but we can try to make more such information available.

Next month's copy of the *Reader's Digest* has information about what every adult should learn about basic lifesaving techniques and asks:

"Could you save your child from drowning?"

I am looking forward to reading articles about what every young adult should know about marriage-building habits. They are not guaranteed to work, but they would include the sort of things that matter—such as doing things together and talking to each other.

When marriage becomes difficult, and people find themselves in crisis, it is important that they should know where to go for help and have people who can explain the divorce process if that is what they seek.

The consequences of divorce should be outlined to them. They may regard some of those consequences as beneficial, but they will regard many as harmful to their happiness. Many couples cannot easily afford living together, and living apart is even more expensive. Re-formed families often add to the expense. Such information is important.

Another important point that must be emphasised—this applies whether or not the amendments are accepted—involves children's need for communication. Can children in divorce communicate with a trusted adult? We cannot lay that down by law, but it matters a great deal. Children need to be kept informed and to have their say. They need to stay in communication with the whole family. They may need access to counselling. They need to be able to communicate, whatever their age. Even adults are not unaffected by their parents' divorce. It can be a difficult time in which certainties and familiar relationships may change. Their parents may form new households, to which it may be difficult to adjust.

In general, people face problems by asking Parliament to change the law. That does not necessarily make much difference. We could make adultery a crime, as it has been in some states in the United States, but it would not stop it happening. The law can be used for dispute resolution. In effect, we are discussing dispute resolution today—how we can reduce the number of people who need to go right through a divorce, how to reduce the pain and ineffectiveness of divorce, and in what conditions and time scale divorce can be achieved.

We should set out with some social policy targets, certainly in the short term, to make the process of divorce less damaging and, in some ways, more effective. It is important to ensure that the ancillary issues of children, property, assets and pension rights are settled. However, the main aim must be to try to reduce the number of people in marriages which break up at any time other than death. That requires a change in the way in which people approach marriage and in society's expectations. Perhaps most of all, it requires people trying to provide effective help for those in marriage by example, to some extent by exhortation, but most of all by understanding the constellation of factors that people find so difficult.

However we dispose of the amendments, in 10 years' time I hope that the divorce rate will have been reduced by at least a third, if not halved, and that more people will find themselves able to commit themselves to matrimony not just in the hope but in the expectation that the marriage will last.

8.45 pm

Ms Armstrong: I am speaking in this debate largely because of my involvement, both professional and voluntary, in working with children. In that sense, I disagree with one of the things that the hon. Member for Eltham (Mr. Bottomley) said. I do not see children as an ancillary issue in a divorce. Children and dealing with their problems are the prime concerns of our legislation—both in how we draft it and in how we see it. On that basis, I do not agree with the amendment.

I am sorry that my hon. Friend the Member for Swansea, East (Mr. Anderson) is not present, because we come from similar backgrounds. He described himself as a practitioner in the area, and by that he meant that he was a lawyer. I like to talk about myself as a practitioner who wants to ensure that matters never get to the lawyers. I want us to make less work for lawyers, by trying to ensure that we give families the right support and framework so that they can begin to resolve problems without getting that far. That is way beyond being optimistic, but none the less it ought to inform the way in which we approach legislation.

I am also sorry that my hon. Friend the Member for Swansea, East is not here because I, too, was interested in the prospect of Auntie Wu. The Auntie Wus are the people who work with families and children and who know them. So they are the people they go to first and foremost. They are the very people who are strongly urging us not to extend the period. From their experience of working with families, they know that, although a year seems like no time to us and we keep saying, "Goodness me, aren't the months going by quickly?", 12 months in a child's life is a very long time.

We should be debating, not the time space, but what happens and what we are prepared to do to enable a family to face what is happening within it and the effect that it is having on the children.

Measures that ought to be in the Bill are not. I hope that we shall consider such measures in Committee, to ensure that the effect on children of the procedures and of the breakdown in the relationship will be faced and that there will be no option other than to face that because of the way in which the process works.

For many years, I have been involved with what is now NCH Action for Children—in the old days, it was the National Children's Home.

Dame Elaine Kellett-Bowman: A much better name.

Ms Armstrong: Whatever the name, it is the work that the organisation does that I am concerned about. It is a Methodist charity, and I have been involved with it since I was young.

I also trained as a family case worker and was involved as a volunteer in setting up one of the early women's refuges, so I have some experience in working with families facing the worst and most difficult of problems. Without doubt, all the people involved went into marriage thinking that it would be wonderful and that it would solve all their problems. The majority went into marriage without any preparation and also had no preparation for becoming parents.

I grew up in a household that included my grandparents, with other members of the family close by. The family was always much more than merely my brother and me and our mother and father. Far fewer people have that sort of experience now than when I was growing up, because of the difference in social structure and the way in which families live. In such a structure, one learned about parenting because one was part of a larger family and a larger experience.

In recent years, through NCH Action for Children and the Methodist division of education, which has the children's section within it at the moment, we have been constructing and doing much work on parenting courses. They are for ordinary, everyday parents, not necessarily for parents who are in crisis. Indeed, the courses are really not suitable for those in crisis. They recognise that the problems that families confront these days are different and seem much more complex than in previous years.

[Ms Armstrong]

The experience of working together over a period and thinking about one's problems with children and so forth has been instructive. Courses in schools have grown out of that experience. A school in Durham county is part of a pilot scheme for running parenting courses for adolescents.

I want the Government to think through how they can help people to confront what it means to enter a marriage relationship and to take on children in our society. The Bill cannot do all that, but if in passing it we miss the opportunity to face up to those things, we shall be making some serious mistakes. We must recognise that the world and our society have changed and that the demands on young couples these days are very different and more complex than they were even 25 years ago.

Divorce affects children strongly. The breakdown in the relationship of their parents also affects children. So, whether it is divorce or other forms of breakdown, the effect on children can be enormously damaging. NCH is one of the charities that is concerned with the problem. The hon. Member for Chislehurst (Mr. Sims) has enormous experience in working with the National Society for the Prevention of Cruelty to Children, and I have met and worked with him on the issue on a number of occasions.

The children's charities do not simply say, "It's all right, we'll look after your problems." They confront families with what they are doing when they allow relationships to break down. They try to work on that and help families face their problems. They try to find ways in which children can be supported, so that they feel that their integrity can remain no matter what their parents do. They try to allow children to face these terrible issues with some feeling of self-regard and strength.

However, if children's charities are to do that, they need the backing of a framework of legislation that says that when the law is brought in, the needs of the children will be paramount. We say that in the Children Act 1989, and we ought to say it in this legislation. The views of children—the voice of children—should be heard throughout the proceedings. The judge who is taking decisions should ask the sorts of questions that we believe should be asked so that that challenge is met. I hope that the Standing Committee will look at some of those issues.

The NCH began, and has continued, the mediation service in this country. It has been an important way of enabling families who are facing separation and divorce to do so with as little bitterness and recrimination as possible. The worst thing for children is that they are caught in the middle and used as one of the appendages, as one of the accessories, of a divorce—they are bargained over and put one against the other. We cannot frame legislation which allows that or which at least does not diminish it as much as possible.

It is our responsibility to diminish the manner in which children can be used in that way. We should frame the legislation so that we enable couples—whatever their anger with each other—to be helped to think about the future of the children.

Lady Olga Maitland: The hon. Lady is talking about an important point. From her experience with mediation services, could she describe how much effort goes into reconciliation—in other words, the process before the couple try to sort out the end of a marriage?

9 pm

Ms Armstrong: It is a separate issue. The children's charities are involved in trying to support families, which they do in family centres and so on. Family centres work towards reconciliation. Mediation is a different thing. Mediators say, "You may have decided to separate or to divorce, but when you do so, the needs of the children must come to the forefront. The more you are bitter and the more recrimination there is, the less opportunity there will be for the child to grow up feeling respect for both parents. When children are not able to feel respect for parents, it has a damaging effect on them and on their ability to grow up and to mature."

I did a quick survey of mediation services last year when the White Paper was published, and I shall give hon. Members a few examples of what was said in response to a question about how they would face the increased levels of mediation that were envisaged in the Lord Chancellor's initial proposals. Hampshire Family Mediation said:

"We are unable to continue our level of provision unless we receive some additional funding."

Lancashire Family Mediation Service said:

"We are not equipped at the present time to cope with an increase in work which would inevitably occur if the changes are put into effect."

Calderdale FMS and Bradford and Keighley FMS said:

"We are dedicated, hard working people trying very hard to maintain professional standards on a wing and a prayer and very little support."

Cleveland FMS said:

"Mediation within services is still in a fragile and vulnerable state due to unstable revenue funding."

Leeds Family Mediation Service said:

"Help—the next three years are crucial to the survival of family mediation and the development of all issues. Mediation—without the support over this short term period it is difficult to see how our service can build on the expertise of 11 years and move into the public sector offering a professional well trained service."

Worcestershire Family Mediation said:

"If we are to continue to offer an efficient service and to cope with the extra cases envisaged it is imperative that we get central government funding. Without this funding we would eventually be unable to continue to operate."

The London service is called Eye to Eye Mediation—it is an NCH project. It said:

"Mediation historically has been provided as the result of the good will of mediators who have worked in the main unpaid for many years. The professional qualifications/standards expected of mediators are extremely high and it is hard to see how a full service can be provided to the public until such time as services are properly funded and mediators realistically remunerated."

Throughout the country, mediation services have built up enormous good will. Most of the mediators are voluntary; they give of their free time and receive only expenses. Mediation is a very important part of the procedure in the Bill, and it will need the type of support that my hon. Friend the Member for Hammersmith (Mr. Soley) spoke about.

Dame Jill Knight: Many of us are upset that in the Bill all the pressure seems to be for mediation—which was borne out by what the hon. Lady has just said—not

conciliation. Conciliation is not mediation. The point that I am sure is at the back of the hon. Lady's mind is that she is more in favour of doing a reconciliation job than of divvying up the ante, or the possessions and children of a marriage.

Ms Armstrong: I want to draw to a close. I was going to say in closing that I strongly believe that the points that my hon. Friend the Member for Hammersmith made about our need to get to grips with family policy are central.

I know many families who are breaking apart because they cannot accept what is happening to them and around them. In some families in my constituency, the men have worked with pride in their industry for many years using their skills, and are now left at 45 or 50 without any prospect of work. That has an effect on the family. I also meet families who are confronted with homelessness.

A family came to my most recent surgery. The grandfather had just lost the earnings supplement. He had been injured in the mining industry, which meant that he was living with his daughter and her husband and their young children. That family had suddenly lost £30 a week income, and they spoke to me seriously about the effect that that was having on how they looked after their children. That is not an excuse for breaking up, but we need to take account of the pressures that we are bringing to bear on families before we moralise and lecture them on how to meet the challenge of those problems.

We must have a policy of enabling and helping people into marriage and parenthood, which we do not have at the moment. During the passage of the Education Reform Act 1988, I argued that education for marriage and parenthood should be included in the national curriculum, but that was pooh-poohed by the Government.

We should do many things in recognition of the enormous difficulties that confront families these days. We should acknowledge our responsibility, not only to moralise about how things ultimately turn out, but to give people the right type of support and back them up at every stage—before marriage, after children are born, when the relationship is good and when there are signs of strain.

We must ensure that we frame the legislation so that, if a marriage has irreconcilably broken down, the needs of the children are paramount. The needs of the children are that we have decent mediation and do not prolong it, and that we use whatever time there is effectively to challenge those involved, so that they understand what they are doing, take hold of that and work with it in the most effective way. I argue strongly that the means that we use during a period of breakdown—not the time limit—are crucial. The period that we are considering represents a huge part of a child's life. I believe that it would be irresponsible to extend that period without paying much more attention to what is occurring during that time.

I shall not support the amendment, as I am not convinced that the Committee has focused on how to avoid marriage breakdown or how to ensure that the children are cared for properly in the event of breakdown. That is my major concern: we cannot condemn further generations of children to the agony and the distress that the many children of broken marriages have faced in recent years. We owe it to them to get the legislation right.

Mrs. Teresa Gorman (Billericay): I speak in opposition to the amendments and in support of the Lord Chancellor who is responsible for the legislation. Much of my support for the legislation is based upon my respect for the Lord Chancellor, who has come in for an appalling amount of unwarranted invective regarding the drafting of the legislation.

I have some sympathy with the argument advanced by my hon. Friend the Member for Chislehurst (Mr. Sims), who said that couples should not be able to divorce immediately after marriage. I decided to check the figures and see how many quickie divorces result from marriages of convenience. In fact, the number of divorces that occur in the first year of marriage is minute—I cannot remember the figure precisely, but it is only 1 or 2 per cent. I do not think that it is an important consideration.

My hon. Friend implied also that the pressures of having children may lead couples to divorce early in their marriage. I find it difficult to accept that argument, because I imagine that these days most people get married because they want to have children—after all, there is no stigma attached to "living in sin", as it used to be called. Most people get married in order to provide a sound family base for the children whom they are hoping to produce.

Mr. Sims: I do not disagree with my hon. Friend's comments. My point is that, during the first year of marriage, when couples are living together for the first time, their lives may be complicated by the arrival of a child. They may face a difficult period, and they must not believe that their problems will be easily solved by a divorce at the end of 12 months.

I accept that there are relatively few divorces after 12 months. However, I am concerned about the impression that the House is giving—the message that we are sending out—by saying that people can divorce after 12 months. I do not dispute the general thrust of my hon. Friend's argument.

Mrs. Gorman: I thank my hon. Friend for those useful comments. I put it to the House that there is more to marriage than either religion or the civil contract: there is also a biological bond. Hon. Members may be aware that I am, by profession, a biologist. Throughout the animal kingdom there is a tendency for males and females to get together to produce offspring and to remain together in the early stages while rearing their young. We have not created an artificial situation: it is natural for people who marry and produce children to wish to stay together—and most of them do.

Despite claims to the contrary, three quarters of all marriages last. In the past, couples remained together perhaps because they could not afford to divorce. We have a higher rate of divorce today, not simply because divorces are easier to obtain—although I do not deny that argument—but because previous generations of couples remained together in a very unhappy state. There are no statistics for the number of people who end up happily in second marriages. Perhaps both partners are better off for having got out of their first marriage and into a happy new union. We are fortunate that, these days, women in particular do not have to spend their whole lives unfulfilled and in misery. Divorce is not entirely negative. There is something to be said for the opportunity not to tolerate an unhappy relationship for a lifetime.

9.15 pm

I have some sympathy with the argument that a civil marriage contract should be for a minimum period, so that one knows that one is entering into marriage for two years, or whatever. However, the main concern is the time allowed to end a marriage once a couple have decided that things are not working out. Couples often enter a period of separation, often for many years—they do not automatically run off to the divorce court. The important point is that the state should not artificially and unnecessarily prolong their agony.

The divorce process will expand to fill the time available. If 18 months or two years is allowed, the process will take 18 months or two years—but if one year is allowed, a couple will resolve to sort matters out within that time, with all the advantages that that offers in respect of children of the marriage.

Attitudes to marriage vary considerably, depending on whether couples have a religious or secular attitude. People who adhere to a particular Church will stick to its rules and have a stronger impetus to make their marriage a success, because the Church gives a high priority to marriage—although these days, it seems that a lot of clerics have difficulty keeping their marriages together. If the Church is to be so forceful, it would do better leading more by example than it sometimes does.

The state has a role in dealing with the outcome of marriages that break down. There is something to be said for making civil marriage arrangements as clear as any other contract. The Government frequently change the rules, as they did with the allocation of matrimonial assets. There was a time when women could take hardly anything from a marriage, but today they can take more or less half the value of the matrimonial home. That is an example of the state intervening in the ending of a marriage.

There is a strong case for including in the marriage contract an explanation of the obligations to which couples are signing up, such as the distribution of property and joint responsibility for children if the marriage ends. The Government have already intervened in the form of the Children Act 1989 and the Child Support Agency, saying that a couple must accept equal responsibility for their children. The Government also intervened by introducing legal aid, to help meet part of the cost of divorce proceedings.

The state has not got it quite right in making it clear what it is that couples are signing up to in marriage. Although that aspect is not particularly relevant to clause 7, such an explanation might help to reduce slightly the divorce rate. I have no difficulty with the argument that couples can sort out their problems in one year.

Although I sympathise with many of the points that have been made, I believe that, given the time that the Lord Chancellor spent in reflection before presenting the Bill—he has enormous experience and I am a great one for leaning on the experience of people who are much better qualified in a subject than I am—the Committee would be unwise to reject his proposals and his advice, even though many of us would like to see marriages that were made in heaven and that never ended up in hell, as many do.

Lady Olga Maitland: I rise to add my support for amendments Nos. 7 and 8, tabled by my hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh). I pay tribute to his work. He has put an enormous investment of effort into studying the institution of marriage, and he has played a major part in focusing our minds and those of the country as a whole on what is at stake.

I believe that amendments Nos. 7 and 8 reflect deep public concern, which has revealed itself in the enormous mail bag of letters and in the telephone calls that I have received. Only today, I have received a fair wodge of them. I shall not delay the House too long by itemising them all, but I shall give two examples of the depth of feeling in people outside in the country. The people think that we are trying to destroy marriage.

I received a letter from a constituent that states:

"I am concerned about the Bill going through Parliament regarding divorce. We need to encourage couples and families to stay together. If divorce is going ahead, couples should have an adequate waiting period, giving a time for reconciliation."

That letter is obviously from someone who is not very literate and who has found it difficult to write, but who wrote it none the less.

Another letter from a constituent states:

"I am worried that the reduced waiting period will encourage more couples to seek divorce when things begin to go wrong rather than to persevere and work at it."

We must realise that we have reached a crunch point. It is almost as if long-lived marriages have gone out of fashion. I am proud to say that I have been married for 27 years. Some people would say that I would take that view, but all marriages have to be worked at. Mine had to be worked at. I am the product of very happy parents who will have soon been married for 60 years. Successful marriages are a role model for successful marriages in their children and grandchildren.

It is also significant that children themselves draw together in friendships with other children who come from stable families, by and large. I have seen that in my own children's experience of growing up. Therefore, the lucky ones have had stability, but stability is not provided by chance. That point seems extraordinary, but stability is not just a stroke of good luck. It was provided because parents in each generation had recognised that they had come together in the sight of the community and made a public vow to each other, for the creation and rearing of children.

The children, above all, are the lifelong commitment. One of the implications of the enormous debate that has been raging is almost that the children are expendable. I find it so frustrating to hear inside and outside the Chamber about couples who try to excuse themselves by claiming that the children understand, that they are being very adult and that they are coping. The truth is that they do not cope. They cry. They sob silently. In many different ways, they express themselves heartrendingly.

There have been many studies of the effect of divorce on children. Exeter university produced one that showed conclusively that children do much better if their parents, even if they are in conflict, remain together.

Ms Corston: I am following carefully what the hon. Lady says about stable marriages being good role models and how important it is for couples to stay together where

possible. What advice would the hon. Lady give to a woman who was a repeated victim of gross domestic violence?

Lady Olga Maitland: One of the most important points that I made in my introductory remarks was that I supported the amendments of my hon. Friend the Member for Gainsborough and Horncastle. If the hon. Lady studies the amendments, she will find that it is clear that there is provision for women who have been the victims of domestic violence. A far greater number of marriages come to an end, however, when couples are downright selfish. They do not like this, and they do not like the other.

I had a conversation yesterday with a man in his 30s who had married a lady because he thought he should. As soon as he married, he formed another relationship because he thought that better and more to his liking. That relationship involved a woman with children.

That example told me that we are living in such a selfish society that couples can have a row, fancy something better and say, "Right, I have had enough." As the law is proposed, a couple could have a blazing row on Christmas day and the following year be out of the relationship, with the children thrown to the elements.

Mr. Jonathan Evans: My hon. Friend was not in the Chamber when I intervened earlier. It has been made clear for the purpose of debate that, if there is a row between a newly married couple, the earliest that a divorce can be granted is after a period of two years.

Lady Olga Maitland: We are talking about established families with children. That is crucial. Such marriages have obviously lasted longer than a couple of years. Children become nervous and terrified. As they are surrounded by a world of divorce, they think that divorce can happen to them, as it were, even when they are growing up in a stable family. They have nightmares. They believe that, if their parents have a tiff, that will be the end. They have seen it happen to others.

Dame Jill Knight: The debate was sparked off by real emotion. I was a child of a divorced couple. All this business about how good it is for children to get it over quickly is dead wrong. It has upset me to hear the contributions of hon. Members on both sides of the Chamber. I would have given anything in the wide world to have kept my parents together.

The longer the period in which to consider whether or not to separate would have led me to think that there was more and more chance, and that just maybe divorce would not happen in the end. It is wrong to say that it is helpful to the child to have a quick divorce.

Lady Olga Maitland: My hon. Friend has spoken so rightly, so much from the heart and so correctly. We must bear in mind that children do not sanction divorce. They are not the ones who call for hasty divorce. I have not seen them marching in Hyde park. I have not been aware of them pressurising the various children's charities to make divorce easier.

I have heard and read so much about how children pray for their parents to be reconciled. Even if their parents are not entirely happy together, children would rather live in a family that is one stable unit. Once children are cast out into the world and into other relationships, they are never No.1 to the original parents. They do not do so well at school. They suffer later in terms of their future relationships. Some even turn to crime. Some can turn to drugs. Some can experience such restlessness that they never settle down.

We must remember that the crunch and crux of the matter is: what will happen to the children? Therefore, the essence is: are we talking about mediation or reconciliation? We must put more effort and more thought into reconciliation, and ensure that that period in the separation is given due regard, attention and investment.

9.30 pm

It is astonishing that a pitiful amount of money is being set aside for reconciliation, when surely that is what will be better not only for the children, but for the country. Funding of £3 million is too little, and almost too late. We should consider the cost to the country, which has been put at £5 billion: the consequence of supporting families when they split up.

Time is moving on, and I know that we want to wind up this important debate, but may I say that we should be listening to the people outside and having regard to the fact that 100 peers on both sides of the House of Lords voted in favour of extending the year to 18 months, where both partners do not consent or where children are involved. If I had my choice, it would be two years.

We should listen to the mood of the country. We have an enormous moral responsibility. We owe it to future generations to enable them to grow up in a stable family where their rights—rather than the selfishness of the world today, which I bitterly deplore—are considered.

I hope that the amendments will go through overwhelmingly, and that my hon. Friend the Under-Secretary of State will carefully bear in mind not only my arguments, but the words of the Churches. Cardinal Hume on reflection conceded that we must ensure that we support families. We have had support from the Anglican Church and the Jewish faith. We can go no further than to say, "Hark to those children." They deserve a better deal than we are giving them.

Mr. Boateng: Children have played an important part, as they should, in the debate. Both hon. Members for the amendment and those against it have referred to children and children's interests. Making an important point, my hon. Friend the Member for North-West Durham (Ms Armstrong) asked us to make children's interests paramount in our deliberations, which we must do, because, if the current divorce rate continues, one in four children in England and Wales will see their parents divorce before they are 16. That is the scale of the problem.

I hear what the Chancellor of the Duchy says about the expectations of the Bill, but we are entitled to say that we look to the passage of a Family Law Bill that will make a positive contribution to the reduction in the number of divorces. That is a legitimate object of social policy, which we are entitled to attach to our deliberations on the Bill. The question therefore is how we arrive at that position.

I—like, I am sure, many other hon. Members—have agonised over the question of reflection and consideration of what the proper length of time should be. I have asked

[Mr. Boateng]

myself for what purpose we are intending that reflection and consideration should take place. The hon. Member for Birmingham, Edgbaston (Dame J. Knight) pressed home the point—and, in my respectful submission, with good cause—that there is a distinction between mediation and reconciliation. That distinction has been lost.

I am pleased to see the Under-Secretary of State indicating that that distinction is not lost on him, but it was lost on the Chancellor of the Duchy of Lancaster. As Opposition Members noted—along, no doubt, with many others, including the hon. Member for Gainsborough and Horncastle (Mr. Leigh)—the Chancellor said that the Bill provided for mechanisms to deal with both reconciliation and mediation, but that is not the case: the Bill makes no provision for reconciliation.

There is a signpost to reconciliation. The Bill mentions reconciliation once—and that is the result of an amendment in the other place. I look forward to the Under-Secretary's clarification of the Government's priorities, but if that is the priority that Ministers attach to reconciliation, it is not good enough. We want the Bill to explain what will happen in the period of 12, 18 or 24 months.

I support a 12-month period, and again my reason relates to children. Children are at the heart of our consideration of the Bill. I believe that extending the period is likely to damage children—that they will bear the brunt.

Whatever period we choose, however, the Bill in its present form is likely to focus chiefly on mediation, but on mediation whose primary objective will be the reaching of an agreement about finances and children. Experience shows that, if all the emotional effort is directed at that, no effort will be expended on reconciliation. Th filing of a statement that the marriage has broken down irretrievably is a psychological breaking point, and it is difficult to recover from that and get into the mind set that is conducive to reconciliation.

A number of studies have been carried out. A particularly helpful one was conducted by Professor Davis of Bristol university. He says:

"We should not delude ourselves about the impact upon the relationship of that first signed statement. It is not the equivalent of a despairing chat with a friend or parent"—

there is no Auntie Wu here—

"it is a formal declaration; it is likely to be self-fulfilling."

That is the problem. Once the declaration has been made, there is a real danger that it will prove self-fulfilling. It is a case of: "I believe that the marriage has broken down irretrievably; therefore it has." All of us who have practised law know that, under the old arrangements, solicitors had to sign a statement to the effect that they had considered reconciliation with the client. We have all signed such statements, and we all recall the nature of that consideration. I see a number of hon. Members nodding.

The arrangement was farcical. Unless a designated period is allowed for reconciliation, whether it is 12, 18 or 24 months, there will be no reconciliation unless there is a clear and unequivocal commitment to the provision of resources. Unless there is a requirement for a meeting with a marriage guidance councillor—nothing else will do; I am talking not about an information officer, but about someone with professional skills and aptitude in exploring the possibility of reconciliation—and unless that meeting is properly funded, it will not happen. That is why, in the absence of any proposal in the amendments to focus time and resources on reconciliation, I am unable to support an extension to 18 or 24 months.

If the period is so extended, the parties will concentrate initially on money and the kids, but will be held together in a loveless, non-existent relationship. They will not be assisted in reconciling, and the marriage will simply continue as an empty shell. An empty shell of a marriage, continued for the sake of it, devalues the ideal of marriage at a time when we should be supporting and uplifting the notion of marriage.

Mr. Nicholas Winterton: The hon. Gentleman is advancing an extremely good case, and I agree with much of what he says. However, does he agree that reconciliation, which should feature far more positively in the Bill—I must point out to my hon. Friend the Parliamentary Secretary that it is glaringly absent from it—would be much more likely, and that there would be more time for it, if the time limit was increased to 18 months or two years? Having said that, and perhaps put the Opposition spokesman on the spot, I agree that the resources must be available to ensure meaningful reconciliation.

Mr. Boateng: My fear is that such evidence as there is on the nature of the counselling process and the dynamics of the break-up of marriage suggests that

"Time alone is unlikely to save marriages; better information and more coordinated interventions might."

They are the words of Janet Walker, director of the Relate centre for family studies at the university of Newcastle upon Tyne. However, nothing in the Bill suggests that there is any intention whatsoever on the part of the Government to have co-ordinated intervention whose purpose is to save marriages.

Dame Elaine Kellett-Bowman: Does the hon. Gentleman think—this is something at which my hon. Friend the Member for Macclesfield (Mr. Winterton) half hinted—that, once the dust had settled and a couple had got the problems relating to the children and the financial arrangements out of the way, they could perhaps relax, and, with the extra year, might just manage to come together, having seen the difficulties that they set themselves in trying to make one budget do two families?

Mr. Boateng: I very much wish that the hon. Lady was right. It is my experience that so much dust will have been kicked up by then that the couple will be blinded by it, and, what is worse, the children will be affected by it. I fear that so much bitterness will have been engendered by then that any hope of reconciliation will be highly unlikely. Intervention—

Lady Olga Maitland *rose*—

Mr. Boateng: I cannot give way any more.

Intervention has to be at an earlier stage. That is why we tabled our amendments, although I greatly welcome those tabled by the hon. Member for Gainsborough and

Horncastle. Our amendments seek to provide for a dedicated space for reconciliation at the outset before the statement is made. It should be a requirement, not a wish, that such intervention take place at that stage.

We must have a response from the Minister. We look to him to assure us that the Government accept in principle the notion of early intervention, that they will make available the resources for that intervention and, if the right messages are to be sent, they accept the need to strengthen the support that has to be seen in the Bill for the institution of marriage.

Mr. Donald Anderson: If not?

Mr. Boateng: If not, the following. The Opposition supported the Bill on Second Reading on the basis that we support its main thrust. If the Bill is not amended along the lines possible so that we can arrive at a consensus across the House that the Bill aims to save marriages that can be saved and supports the institution of marriage, the Government cannot rely on our support on Third Reading. Let that be made absolutely clear. We are not in the business of presiding over something on our statute book that does nothing to save, support and preserve the institution of marriage.

9.45 pm

Mr. Jonathan Evans: I should begin by thanking all hon. Members who have participated in the debate. Sadly, many parts of it have been thinly attended, but that in no sense gives the Committee a conception of the quality and intelligence of virtually all the speeches made—both by my right hon. and hon. Friends and by Opposition Members.

We are faced today with a very heavy burden. The decisions we take this evening will have implications for many thousands of people and their children in years to come. We must therefore—I am sure that I, too, shall receive applause from my hon. Friend the Member for Lancaster (Dame E. Kellett-Bowman) for saying this—get it right.

Dame Elaine Kellett-Bowman: Hear, hear.

Mr. Evans: In developing the policy underlining the Bill, the Lord Chancellor gave scrupulous attention to the responses that he received during the consultation. I should make it very clear to my right hon. and hon. Friends and Opposition Members that there is a lack of empirical research on what the most suitable minimum period for reflection and consideration may be. We are faced with forming a judgment—a personal judgment. That is why it is quite right that there should be a free vote in exercising that judgment.

It is worth while reminding the House of the function of the minimum period for reflection and consideration. It has been said that, by introducing this period, we are in some way reducing from two or five years to one year the time in which parties can divorce. Those arguments have even been presented in Committee.

I am bound to say that I do not think that there are accurate comparisons between the minimum 12-month period for reflection and consideration and the current time requirements for separation in divorce cases where, for instance, no fault is alleged. The system proposed in the Bill is wholly different, and the period for reflection and consideration is in fact an entirely new legal concept.

Under the current system, the two and five-year periods of separation require the act of living apart. It is determined by the parties themselves, and the divorce is applied for on the basis of the parties' evidence of how long they have lived apart. My right hon. and hon. Friends have rightly expressed the damage that is done to children—not by the mechanisms of law that are involved in divorce, but by the departure of one of the parents.

So much in this debate has been quoted about the Exeter study. I was very glad to have a rather private word with my right hon. Friend the Member for Mitcham and Morden (Dame A. Rumbold) about it. The study says that there is clear damage to children who are in a relationship where there is argument between the parents, but that there is more damage to children when one or other party leaves. The point I make to some of my hon. Friends is that that is not the same as talking about the mechanisms of the divorce legislation.

At the moment, during the separation period, parties simply have to wait out their legal time. It is a passive time, for which there are no clear objectives and there is no encouragement to consider the consequences of divorce or the possibility of reconciliation. That is the structure of the current law, and that is why, as I said on Second Reading, I believe so passionately that it is important to address the matter.

Lady Olga Maitland: Does my hon. Friend accept that, even as the law stands today, 30,000 couples who place their petition then withdraw it on reflection? If there is only one year in which to consider, reflect and mediate, there simply will not be time for proper reflection. We shall not, therefore, get the same number of people having second thoughts.

Mr. Evans: I point out to my hon. Friend—we shall discuss the dynamics of this in due course—that we are talking about a minimum period. The current median time for granting a divorce absolute, as I said to my hon. Friend the Member for Gainsborough and Horncastle (Mr. Leigh), is just under seven months. Yet we know that, even within that period, between 25,000 and 30,000 petitions do not proceed to divorce. Is that not a further reason why the introduction of a minimum period of 12 months is a constructive step?

By contrast with the current position, under the Bill, once the divorce process is started, there will be a court-monitored period, with clear objectives. That period will not begin until a notice is served to the court, and that cannot take place until somebody has attended the information session.

Deciding future arrangements is vital. It focuses on the obligations of marriage and the special responsibilities that those who enter into it have to each other and to their children. The introduction of a fixed minimum period for reflection and consideration is therefore vital. There may have been occasions when my hon. Friends and I have not seen altogether eye to eye on every aspect of the Bill, but I hope that we are all agreed on the introduction of a fixed minimum period for reflection and consideration.

The length of the period is a question on which hon. Members have more difficulty agreeing. The views held on the length of the period are many, and, I am bound to

[Mr. Evans]

say, equally valid. The hon. Member for Brent, South (Mr. Boateng) reminded the Committee of the Catholic bishops' conference statement on 15 November last year. Indeed, I quoted it myself on Second Reading. I pointed out then that the bishops were of the view that differing judgments could be made about the predictable effects of such legislation, but that those judgments were made sincerely, honestly and legitimately. I am pleased to say that that has been the character of our debate this evening.

However, we are here to make law, so, however much we respect each other's views, we must settle on one of the propositions before us. The amendments fall into two main categories. There is the extension of the minimum period in the Bill, which currently stands at 12 months, where there are children aged under 16 and where one of the parties does not consent to divorce. For each of the amendments designed to lengthen the minimum period, we have a choice between extending it by six months or by 12 months. That would make the minimum period either 18 months or two years.

I shall discuss first whether the minimum period we decide on should be fixed, without the possibility of an extension if particular circumstances exist. I shall then go on to discuss differing lengths of the minimum period, depending on whether there is consent or whether there are children. The principal aim of a fixed minimum period is to establish, as far as we can, that the breakdown in the marriage is irretrievable. A fixed minimum period is also a clear, unambiguous and absolute statement about the importance of marriage and its obligations. It may be argued that introducing exceptions of any kind to the rule would weaken the way in which the period is regarded.

We should ensure that irretrievable breakdown can be clearly demonstrated by a simple test that avoids scope for pressure by one party against the other to give in and to decide arrangements that will not necessarily be in the best interests of the children—pressure that may abuse the system.

I suggest that we need to emphasise the importance of the full minimum period as the core test of whether a ground for dissolution exists. There is a strong argument against making any exceptions to the requirement that parties can apply for divorce only after some time spent reflecting and considering—and, indeed, only when they have been married for at least two years.

In that context, it might be said that there is some merit in having a definite period that is clear, unequivocal and without any exceptions. My hon. Friend the Member for Gainsborough and Horncastle said earlier that one of his colleagues who shared his views on such matters thought that there should be no exceptions.

Now I turn to the subject of providing for differing periods when the divorce is not consented to by both parties, or when there are children under the age of 16 in the family. Many, including several of my right hon. and hon. Friends, have asked why one party should be able to obtain a divorce in the same time, regardless of whether his or her spouse agrees to the divorce.

There is a strong view that, if one party to a marriage is hostile to divorce and believes that the marriage can be saved, every opportunity should be given to save the marriage. It is thought that time might help. Many might also think that it is different if neither party believes at the outset that there is any hope left for the marriage, and that the length of the period for reflection and consideration should represent that view. Most seem to think the period should be shorter in such cases.

However, it could certainly be argued that, where neither party believes that a marriage can be saved, the people concerned will actually need more time to work on saving their marriage than they would if only one party held that view. Contrary to the thrust of the amendments, that could be said to point to the need for a longer rather than a shorter period where there is consent. But there does not appear to be much support for that view in the Committee—although, of course, there are those who say that, where there are children under 16, the period should be longer even where both parties agree to divorce.

Some argue that the period should be automatically extended where one party objects to divorce. However, in those circumstances, the withholding or granting of consent could become a powerful bargaining chip in negotiating about children and financial arrangements for the future. In such circumstances, it is important that children are not put at greater risk as arrangements for them become part of the bargain.

It may also be felt that the potential for hostility between the parties would be greatly increased if a longer period were required where one party withheld consent, because the parties would enter a power struggle to get the best deal, and would keep at it, each trying to wear the other down. Again, that could significantly detract from the value of the period in encouraging reconciliation between the parties and getting them to focus on the future of their children.

My hon. Friend the Member for Chislehurst (Mr. Sims) has tabled an amendment designed to extend the absolute bar on divorce from one year to two years. If it were accepted, no divorce could be applied for on the basis of a statement made before the second anniversary of a marriage. The overall effect of my hon. Friend's amendment, as he told us, would be to provide that no divorces would be allowed during the first three years of marriage—that is, there would be two years' absolute bar, and then the minimum period for reflection and consideration.

I fully understand the sentiment behind the amendment. I have discussed the matter with my hon. Friend several times, and I have much sympathy with the arguments that he has put to the Committee. It is to send out to the world at large the message that marriage is an important institution, and that it should not be devalued by a precipitate divorce.

However, others have said that disallowing divorce for a period of that length may reintroduce the demand, which my hon. Friend will recall, under the old law that, in cases of exceptional hardship or depravity, access to a quicker divorce should be granted. My hon. Friend's amendments would allow no exceptions whatsoever.

Therefore, I should make it clear to the Committee that, if they are carried, it is likely that the argument on abridgement will be raised at a later stage. If couples cannot get divorced in such situations, my hon. Friend will be interested to know that there is some evidence that suggests, surprisingly, that they may forum shop in other jurisdictions to obtain their divorce. I was surprised to learn that but I am told that that was what happened under the previous legislation during the 1980s.

There is clear evidence that the number of divorces that are granted in the early years of marriage—

It being Ten o'clock, THE CHAIRMAN *left the Chair to report Progress and ask leave to sit again.*

Committee report Progress.

BUSINESS OF THE HOUSE

Motion made, and Question put forthwith, pursuant to Standing Order No. 14 (Exempted business),

That, at this day's sitting, the National Health Service (Residual Liabilities) Bill may be proceeded with, though opposed, until any hour.—*[Mr. Brandreth.]*

Question agreed to.

Family Law Bill *[Lords]*

Again considered in Committee.

Question again proposed, That the amendment be made.

Mr. Evans: There is clear evidence that the number of divorces granted during the early years of marriage has increased. My hon. Friend the Member for Chislehurst therefore draws the Committee's attention to a serious issue.

Some recent press reports have falsely claimed that the Bill would enable parties to divorce on the first anniversary of their marriage. As I have made clear previously, that is untrue. The current law permits a petition to be served the day after the first anniversary of the marriage. The Bill would effectively double that minimum period before an application for a divorce could be made, although my hon. Friend's amendments would lengthen the period for a further year.

I turn now to the core issue of whether the period for reflection and consideration should be lengthened from the minimum of 12 months proposed in the Bill. Clearly, as I said earlier, that is a matter for the individual judgment of hon. Members. There is a need to restate the fact that the period that we are considering is the period for reflection and consideration following service of the statement of marital breakdown. Accordingly, from the time that the Bill comes into effect, we will be preventing couples from making an application for a divorce order until that minimum period has elapsed.

Although I have no doubt that some hon. Members will find it attractive to opt for a longer period as a quid pro quo for the removal of the need to make allegations of fault, it must be borne in mind that longer periods can create hardship. The longer the period that amendment may bring, the more the argument will gain currency that shortening the period should be granted in particular cases.

I want to make it clear to the Committee that I am strongly opposed to reducing the period below the bare minimum currently in the Bill. We must remember that we are trying to create balanced law tough enough to ensure that couples take marriage seriously and try hard, but not so tough that they reject it altogether. That was a matter of concern to several hon. Members who spoke. Although we have one of the highest marriage rates in Europe, we were reminded that it has been falling in recent years.

Sadly, marriage rates have fallen most sharply among younger people. There are those who believe that making the period for reflection and consideration too long, even if that is being done for the some of the honourable reasons that we have been debating this evening, might affect marriage rates among the young. If marriage is seen as something that is so difficult to get out of if things do go wrong, young people may decide that they prefer to demonstrate their commitment to each other by way of cohabitation rather than marriage. We should be cautious that, with the best of intentions, we do not take any step in the individual judgments we make that would in any way undermine marriage or adversely affect marriage rates.

The hon. Member for Brent, South (Mr. Boateng) reminded the Committee at the beginning of these debates that we are all making individual judgments, and that no statements made from the Dispatch Box are anything other than the personal views of those who express them. I reiterate those words in relation to the words that I intend to make. In the circumstances, it is necessary for the Committee to know my personal view.

It is my view that the minimum period, even if that length of time is disputed, should be the same in all cases, whether there are children in a marriage or not. I find it difficult to see how extending the period for couples with children can be said to benefit children.

Children, as we would all acknowledge, suffer greatly from their parents' marriage breakdown. As I said to some of my hon. Friends earlier, they suffer particularly from a decision of one parent to leave the marital home. It is clear from all the evidence that that is one of the factors that causes much damage. One reason why we need to focus particularly on that is that, as my right hon. Friend the Member for Mitcham and Morden (Dame A. Rumbold) reminded us, sometimes children unjustly and wrongly attribute to themselves the responsibility for their parent's marital breakdown.

In considering those issues, it is important that we do not run the risk of parents, in moments of frustration, blaming their children for the fact that they may have to wait longer to be free of a marriage that they believe to be long finished. That is a danger, bearing in mind all the emotional and practical pressures that inevitably arise in the divorce process. I hope that there will be hon. Members who feel that placing that additional pressure on children is unfair.

The idea that drawing out the period for a lengthier time may be harmful to children is not just my personal view. On Third Reading in another place, my noble and learned Friend the Lord Chancellor quoted from letters that he had received from a number of children's charities. During this debate, we heard a contribution from the hon. Member for North–West Durham (Ms Armstrong), who referred to her experience with the National Children's Home—I call it that in order not to engage in any sort of backwards attack from my hon. Friend the Member for Lancaster (Dame E. Kellett–Bowman). *[Interruption.]*

The Chairman of Ways and Means (Mr. Michael Morris): Order. Hon. Members attending the Chamber should listen to the hon. Member who has the Floor; otherwise, they should have their conversations elsewhere.

Mr. Evans: The National Children's Home and a number of other children's charities have considerable

[Mr. Evans]

experience in the area. The Lord Chancellor quoted from letters that he had received from the National Society for the Prevention of Cruelty to Children, The Children's Society, Barnardo's and the National Children's Home, all of which dealt with that concept of lengthening the period where children are involved.

I know that those organisations have written to hon. Members. I do not intend to repeat their comments, but hon Members will be aware that those are the views of some of the most highly respected children's organisations, who have a wealth of experience in this field and whose views I would not dismiss lightly.

At the beginning of this speech, I said that those who have contributed to this debate have done so with sincere and heartfelt opinions. In my opinion, the speeches that we have heard this evening have been sincere, passionate, intelligent and legitimate.

Many hon. Members quoted the injunction that was given to us earlier by the Catholic bishops. I applaud all hon. Members who contributed to the debate, all of whom listened with care to the arguments that were put before the Committee. As I said earlier, we must remember with caution that what we decide tonight will have far-reaching implications. We must examine our views very carefully—whatever decisions we make—and give careful and measured thought to those who will be affected by the way that we vote.

Couples, despite their best efforts, are sometimes involved in the trauma of marital breakdown. The innocent parties to that trauma—who have figured in many speeches—are the children whose whole lives will be affected by what we decide tonight. Therefore, we are not deciding just an intellectual question of how long it should take for couples to prove that their marriage has irretrievably broken down, or a quick gut reaction, or a gesture towards restricting divorce. We are making decisions that will have an effect on the lives of thousands of people and their children. It is a responsibility that we cannot take too seriously.

Mr. Sims: The debate this evening has inevitably centred on the length of time that will be devoted for the period for reflection and consideration. I remind the Committee that the debate started with the amendment that I moved, which would have the effect of making couples who are married unable to initiate divorce proceedings for two years, rather than the one year that is at present the law.

I believe that it is important for us to uphold the status of marriage. The Bill has been criticised for undermining the credibility of marriage—I think, perhaps, inaccurately. Nevertheless, we must send a message from this Committee that marriage is the foundation of our society, and that stable marriages are very important.

People should not get married "unadvisedly, lightly or wantonly"—to quote the Church service—and they should know that, when they get married, they cannot simply dissolve the contract within one year. I think that two years is a perfectly reasonable minimum period. That will be the effect of my amendment on which the first vote will take place. I hope that the Committee will support it.

Question put, That the amendment be made:—

The House divided: Ayes 154, Noes 235.

Division No. 106] **[10.12 pm**

AYES

Aitken, Rt Hon Jonathan
Alton, David
Amess, David
Arnold, Jacques *(Gravesham)*
Atkins, Rt Hon Robert
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Banks, Matthew *(Southport)*
Bates, Michael
Beggs, Roy
Beith, Rt Hon A J
Bellingham, Henry
Bendall, Vivian
Benton, Joe
Booth, Hartley
Bray, Dr Jeremy
Brazier, Julian
Brooke, Rt Hon Peter
Bruce, Ian *(South Dorset)*
Budgen, Nicholas
Burns, Simon
Burt, Alistair
Butcher, John
Cann, Jamie
Cash, William
Clark, Dr Michael *(Rochford)*
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Dafis, Cynog
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Devlin, Tim
Dixon, Don
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Eastham, Ken
Evans, David *(Welwyn Hatfield)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Field, Barry *(Isle of Wight)*
Forsythe, Clifford *(S Antrim)*
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
French, Douglas
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Gill, Christopher
Gillan, Cheryl
Goodson-Wickes, Dr Charles
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Griffiths, Peter *(Portsmouth, N)*
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hannam, Sir John
Hargreaves, Andrew
Harris, David
Hawksley, Warren
Higgins, Rt Hon Sir Terence
Horam, John
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Hunter, Andrew
Jenkin, Bernard
Jessel, Toby
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Nigel *(Cheltenham)*
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
King, Rt Hon Tom
Kirkhope, Timothy
Knapman, Roger
Knight, Dame Jill *(Bir'm E'st'n)*
Leigh, Edward
Lennox-Boyd, Sir Mark
Lidington, David
Lilley, Rt Hon Peter
Lord, Michael
McAvoy, Thomas
Maclean, Rt Hon David
McLoughlin, Patrick
Maitland, Lady Olga
Marlow, Tony
Mates, Michael
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Mitchell, Sir David *(NW Hants)*
Molyneaux, Rt Hon Sir James
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Murphy, Paul
Neubert, Sir Michael
Nicholls, Patrick
Onslow, Rt Hon Sir Cranley
Paice, James
Paisley, The Reverend Ian
Parry, Robert
Patten, Rt Hon John
Peacock, Mrs Elizabeth
Porter, David *(Waveney)*
Powell, Ray *(Ogmore)*
Powell, William *(Corby)*
Redwood, Rt Hon John
Riddick, Graham
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Roe, Mrs Marion *(Broxbourne)*
Rumbold, Rt Hon Dame Angela
Sackville, Tom
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shepherd, Richard *(Aldridge)*
Sims, Roger
Skeet, Sir Trevor
Skinner, Dennis
Smyth, The Reverend Martin *(Belfast S)*
Spearing, Nigel
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Steinberg, Gerry
Stern, Michael
Streeter, Gary
Sumberg, David
Sweeney, Walter

Taylor, Rt Hon John D *(Strgfd)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Tracey, Richard
Tredinnick, David
Twinn, Dr Ian
Vaughan, Sir Gerard
Waller, Gary
Watts, John
Widdecombe, Ann
Wilkinson, John
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Yeo, Tim

Tellers for the Ayes:
Mr. Michael Alison and
Mr. Donald Anderson.

NOES

Abbott, Ms Diane
Ainsworth, Peter *(East Surrey)*
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashby, David
Banks, Robert *(Harrogate)*
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beckett, Rt Hon Margaret
Benn, Rt Hon Tony
Bermingham, Gerald
Berry, Roger
Betts, Clive
Biffen, Rt Hon John
Boateng, Paul
Boswell, Tim
Bottomley, Rt Hon Virginia
Bradley, Keith
Brandreth, Gyles
Bright, Sir Graham
Brown, M *(Brigg & C'thorpes)*
Burden, Richard
Butler, Peter
Butterfill, John
Byers, Stephen
Cabom, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Channon, Rt Hon Paul
Chapman, Sir Sydney
Chisholm, Malcolm
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clwyd, Mrs Ann
Coe, Sebastian
Coffey, Ann
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cunningham, Jim *(Covy SE)*
Currie, Mrs Edwina *(S D'by'shire)*
Curry, David *(Skipton & Ripon)*
Darling, Alistair
Davidson, Ian
Denham, John
Douglas-Hamilton, Lord James
Dover, Den
Dowd, Jim
Dunwoody, Mrs Gwyneth
Dykes, Hugh
Eagle, Ms Angela
Eggar, Rt Hon Tim
Etherington, Bill
Evans, Jonathan *(Brecon)*
Fabricant, Michael
Fatchett, Derek
Fishburn, Dudley
Fisher, Mark
Flynn, Paul
Forman, Nigel
Forth, Eric
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foulkes, George
Fowler, Rt Hon Sir Norman
Freeman, Rt Hon Roger
Galbraith, Sam
Gapes, Mike
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gerrard, Neil
Godman, Dr Norman A
Godsiff, Roger
Golding, Mrs Llin
Goodlad, Rt Hon Alastair
Gorman, Mrs Teresa
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gummer, Rt Hon John Selwyn
Hall, Mike
Hampson, Dr Keith
Hanson, David
Harman, Ms Harriet
Harvey, Nick
Haselhurst, Sir Alan
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Heppell, John
Heseltine, Rt Hon Michael
Hill, Keith *(Streatham)*
Hodge, Margaret
Hogg, Rt Hon Douglas *(G'tham)*
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Horder, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howarth, Alan *(Strat'rd-on-A)*
Howarth, George *(Knowsley North)*
Howell, Rt Hon David *(G'dford)*
Hoyle, Doug
Hughes, Kevin *(Doncaster N)*
Hutton, John
Illsley, Eric
Ingram, Adam
Jack, Michael
Jackson, Glenda *(H'stead)*
Jackson, Helen *(Shef'ld, H)*
Janner, Greville
Jenkins, Brian *(S.E. Staffs)*
Johnson Smith, Sir Geoffrey
Jones, Barry *(Alyn and D'side)*
Jones, Gwilym *(Cardiff N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Robert B *(W Hertfdshr)*
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Kirkwood, Archy
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Liddell, Mrs Helen
Livingstone, Ken
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Luff, Peter
Lyell, Rt Hon Sir Nicholas
Lynne, Ms Liz
McCartney, Ian
Macdonald, Calum
McFall, John
MacGregor, Rt Hon John
MacKay, Andrew
Mackinlay, Andrew
Maclennan, Robert
MacShane, Denis
Madden, Max
Madel, Sir David
Mahon, Alice
Major, Rt Hon John
Marland, Paul
Marshall, Jim *(Leicester, S)*
Marshall, John *(Hendon S)*
Martlew, Eric
Mawhinney, Rt Hon Dr Brian
Maxton, John
Mayhew, Rt Hon Sir Patrick
Meacher, Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moonie, Dr Lewis
Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Needham, Rt Hon Richard
Newton, Rt Hon Tony
O'Brien, Mike *(N W'kshire)*
O'Brien, William *(Normanton)*
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Pickthall, Colin
Pike, Peter L
Pope, Greg
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Quin, Ms Joyce
Radice, Giles
Rendel, David
Renton, Rt Hon Tim
Robertson, George *(Hamilton)*
Robinson, Mark *(Somerton)*
Roche, Mrs Barbara
Sainsbury, Rt Hon Sir Timothy
Shaw, Sir Giles *(Pudsey)*
Sheerman, Barry
Shephard, Rt Hon Gillian
Shersby, Sir Michael
Short, Clare
Simpson, Alan
Smith, Chris *(Isl'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Soley, Clive
Spellar, John
Squire, Rachel *(Dunfermline W)*
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stevenson, George
Stott, Roger
Taylor, John M *(Solihull)*
Temple-Morris, Peter
Tipping, Paddy
Touhig, Don
Turner, Dennis
Tyler, Paul
Waldegrave, Rt Hon William
Walden, George
Wallace, James
Ward, John
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Whitney, Ray
Whittingdale, John
Wicks, Malcolm
Wigley, Dafydd
Worthington, Tony
Young, David *(Bolton SE)*
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Peter Bottomley and
Sir Jim Lester.

Question accordingly negatived.

It being later than three hours after the commencement of the proceedings on the clause, THE CHAIRMAN *put the Questions then required to be put.*

Amendment proposed: No. 7, in page 5, line 14, at end add—

'(9A) Where an application for a divorce order is made by one party, subsection (9D) applies if—

(a) the other party applies to the court, within the prescribed period, for time for further reflection; and

(b) the requirements of section 9 (except any imposed under section 9(3) are satisfied.

(9B) Where any application for a divorce order is made, subsection (9D) also applies if there is any child of the family under the age of sixteen when the statement is received by the court.

(9C) Subsection (9D) does not apply if—

(a) at the time when the application for a divorce order is made, there is an occupation order or a non–molestation order in force in favour of the applicant, or of a child of the family, with a power of arrest attached under section 44; or

(b) the court is satisfied that delaying the making of a divorce order would be significantly detrimental to the welfare of any child of the family.

(9D) If this subsection applies, the period for reflection and consideration is extended by a period of one year, but without invalidating the application for a divorce order.'.—*[Mr. Leigh.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 144, Noes 243.

Division No. 107] **[10.24 pm**

AYES

Aitken, Rt Hon Jonathan
Alton, David
Amess, David
Arnold, Jacques *(Gravesham)*
Atkins, Rt Hon Robert
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Banks, Matthew *(Southport)*
Bates, Michael
Beggs, Roy
Beith, Rt Hon A J
Bellingham, Henry
Bendall, Vivian
Benton, Joe
Booth, Hartley
Bowis, John
Bray, Dr Jeremy
Bruce, Ian *(South Dorset)*
Budgen, Nicholas
Burns, Simon
Burt, Alistair
Butcher, John
Cash, William
Clappison, James
Clark, Dr Michael *(Rochford)*
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Dafis, Cynog
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Dixon, Don
Duncan Smith, Iain
Eastham, Ken
Evans, David *(Welwyn Hatfield)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Field, Barry *(Isle of Wight)*
Forsythe, Clifford *(S Antrim)*
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Gill, Christopher
Goodson-Wickes, Dr Charles
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Griffiths, Peter *(Portsmouth, N)*
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hannam, Sir John
Hargreaves, Andrew
Harris, David
Hawksley, Warren
Hoey, Kate
Horam, John
Howard, Rt Hon Michael
Hughes, Robert G *(Harrow W)*
Hughes, Simon *(Southwark)*
Hunt, Rt Hon David *(Wirral W)*
Hunter, Andrew
Jenkin, Bernard
Jessel, Toby
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
Kirkhope, Timothy
Knapman, Roger
Knight, Dame Jill *(Bir'm E'st'n)*
Leigh, Edward
Lennox-Boyd, Sir Mark
Lidington, David
Lilley, Rt Hon Peter
Lord, Michael
McAvoy, Thomas
Macdonald, Calum
McFall, John
Maclean, Rt Hon David
McLoughlin, Patrick
Maitland, Lady Olga
Martlew, Eric
Mates, Michael
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Molyneaux, Rt Hon Sir James
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Neubert, Sir Michael
Nicholls, Patrick
Onslow, Rt Hon Sir Cranley
Ottaway, Richard
Paisley, The Reverend Ian
Parry, Robert
Peacock, Mrs Elizabeth
Porter, David *(Waveney)*
Powell, Ray *(Ogmore)*
Powell, William *(Corby)*
Redwood, Rt Hon John
Reid, Dr John
Riddick, Graham
Roe, Mrs Marion *(Broxbourne)*
Rumbold, Rt Hon Dame Angela
Sackville, Tom
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shepherd, Richard *(Aldridge)*
Skeet, Sir Trevor
Skinner, Dennis
Smyth, The Reverend Martin
Spearing, Nigel
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Steinberg, Gerry
Stern, Michael
Sumberg, David
Sweeney, Walter
Taylor, Rt Hon John D *(Strgfd)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Timms, Stephen
Tracey, Richard
Tredinnick, David
Twinn, Dr Ian
Waller, Gary
Watts, John
Widdecombe, Ann
Wilkinson, John
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Yeo, Tim

Tellers for the Ayes:
Mr. Michael Alison and
Mr. Donald Anderson.

NOES

Abbott, Ms Diane
Ainsworth, Peter *(East Surrey)*
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashby, David
Banks, Robert *(Harrogate)*
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Benn, Rt Hon Tony
Berrningham, Gerald
Berry, Roger
Betts, Clive
Boateng, Paul
Boswell, Tim
Bottomley, Rt Hon Virginia
Bradley, Keith
Brandreth, Gyles
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & C'thorpes)*
Burden, Richard
Butler, Peter
Butterfill, John
Byers, Stephen
Cabom, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Channon, Rt Hon Paul
Chapman, Sir Sydney
Chisholm, Malcolm
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clwyd, Mrs Ann
Coe, Sebastian
Coffey, Ann
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cunningham, Jim *(Covy SE)*
Currie, Mrs Edwina *(S D'by'shr)*
Curry, David *(Skipton & Ripon)*
Darling, Alistair
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Denham, John
Devlin, Tim
Dewar, Donald
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Dover, Den
Dowd, Jim
Dunwoody, Mrs Gwyneth
Dykes, Hugh
Eagle, Ms Angela
Eggar, Rt Hon Tim
Etherington, Bill
Evans, Jonathan *(Brecon)*
Fabricant, Michael
Fatchett, Derek
Fishburn, Dudley
Fisher, Mark
Flynn, Paul
Forman, Nigel
Forth, Eric
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foulkes, George
Fowler, Rt Hon Sir Norman
Freeman, Rt Hon Roger
French, Douglas
Galbraith, Sam
Gapes, Mike
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gerrard, Neil
Gillan, Cheryl
Godman, Dr Norman A
Godsiff, Roger
Golding, Mrs Llin
Goodlad, Rt Hon Alastair
Gorman, Mrs Teresa
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gummer, Rt Hon John Selwyn
Hall, Mike
Hampson, Dr Keith
Hanson, David
Harman, Ms Harriet
Harvey, Nick
Haselhurst, Sir Alan
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Heppell, John
Heseltine, Rt Hon Michael
Higgins, Rt Hon Sir Terence
Hill, Keith *(Streatham)*
Hodge, Margaret
Hogg, Rt Hon Douglas *(G'tham)*
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Hordern, Rt Hon Sir Peter
Howarth, George *(Knowsley North)*

Hoyle, Doug
Hughes, Kevin *(Doncaster N)*
Hutton, John
Illsley, Eric
Ingram, Adam
Jack, Michael
Jackson, Glenda *(H'stead)*
Jackson, Helen *(Shef'ld, H)*
Jenkins, Brian *(S.E. Staffs)*
Johnson Smith, Sir Geoffrey
Jones, Barry *(Alyn and D'side)*
Jones, Gwilym *(Cardiff N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jones, Nigel *(Cheltenham)*
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Kilfoyle, Peter
King, Rt Hon Tom
Kirkwood, Archy
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Liddell, Mrs Helen
Livingstone, Ken
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Luff, Peter
Lyell, Rt Hon Sir Nicholas
Lynne, Ms Liz
McCartney, Ian
MacGregor, Rt Hon John
MacKay, Andrew
Mackinlay, Andrew
Maclennan, Robert
MacShane, Denis
Madden, Max
Madel, Sir David
Mahon, Alice
Major, Rt Hon John
Marland, Paul
Marshall, Jim *(Leicester, S)*
Marshall, John *(Hendon S)*
Mawhinney, Rt Hon Dr Brian
Maxton, John
Mayhew, Rt Hon Sir Patrick
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Sir David *(NW Hants)*
Moonie, Dr Lewis
Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Needham, Rt Hon Richard
Newton, Rt Hon Tony
O'Brien, Mike *(N W'kshire)*
O'Brien, William *(Normanton)*
Oppenheim, Phillip
Paice, James
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Pickthall, Colin
Pike, Peter L
Pope, Greg
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Quin, Ms Joyce
Radice, Giles
Raynsford, Nick
Rendel, David
Renton, Rt Hon Tim
Roberts, Rt Hon Sir Wyn
Robertson, George *(Hamilton)*
Robinson, Mark *(Somerton)*
Roche, Mrs Barbara
Sainsbury, Rt Hon Sir Timothy
Shaw, Sir Giles *(Pudsey)*
Sheerman, Barry
Shephard, Rt Hon Gillian
Shersby, Sir Michael
Short, Clare
Simpson, Alan
Sims, Roger
Smith, Chris *(Isl'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Soley, Clive
Spellar, John
Squire, Rachel *(Dunfermline W)*
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stevenson, George
Stott, Roger
Streeter, Gary
Taylor, John M *(Solihull)*
Temple-Morris, Peter
Tipping, Paddy
Touhig, Don
Turner, Dennis
Vaughan, Sir Gerard
Waldegrave, Rt Hon William
Walden, George
Wallace, James
Ward, John
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Whitney, Ray
Whittingdale, John
Wicks, Malcolm
Wigley, Dafydd
Worthington, Tony
Young, David *(Bolton SE)*
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Peter Bottomley and Sir Jim Lester.

Question accordingly negatived.

Amendment proposed: No. 8, in page 5, line 14, at end add—

'(9A) Where an application for a divorce order is made by one party, subsection (9D) applies if—

(a) the other party applies to the court, within the prescribed period, for time for further reflection; and

(b) the requirements of section 9 (except any imposed under section 9(3) are satisfied.

(9B) Where any application for a divorce order is made, subsection (9D) also applies if there is any child of the family under the age of sixteen when the statement is received by the court.

(9C) Subsection (9D) does not apply if—

(a) at the time when the application for a divorce order is made, there is an occupation order or a non–molestation order in force in favour of the applicant, or of a child of the family, with a power of arrest attached under section 44; or

(b) the court is satisfied that delaying the making of a divorce order would be significantly detrimental to the welfare of any child of the family.

(9D) If this subsection applies, the period for reflection and consideration is extended by a period of six months, but without invalidating the application for a divorce order.'.—*[Mr. Leigh.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 200, Noes 196.

Division No. 108] **[10.35 pm**

AYES

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alton, David
Amess, David
Ancram, Rt Hon Michael
Arnold, Jacques *(Gravesham)*
Atkins, Rt Hon Robert
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Banks, Matthew *(Southport)*
Banks, Robert *(Harrogate)*
Bates, Michael
Batiste, Spencer
Beggs, Roy
Beith, Rt Hon A J
Bellingham, Henry
Bendall, Vivian
Benton, Joe
Bonsor, Sir Nicholas
Booth, Hartley
Bowis, John
Bray, Dr Jeremy
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & C'thorpes)*
Bruce, Ian *(South Dorset)*
Budgen, Nicholas
Burns, Simon
Burt, Alistair
Butcher, John
Carlisle, Sir Kenneth *(Lincoln)*
Cash, William
Clappison, James
Clark, Dr Michael *(Rochford)*
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Curry, David *(Skipton & Ripon)*
Dafis, Cynog
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Dixon, Don
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Duncan Smith, Iain
Eastham, Ken
Evans, David *(Welwyn Hatfield)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Field, Barry *(Isle of Wight)*
Forsythe, Clifford *(S Antrim)*
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
French, Douglas
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Gill, Christopher
Goodson-Wickes, Dr Charles
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Griffiths, Peter *(Portsmouth, N)*
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hannam, Sir John
Hanson, David
Hargreaves, Andrew
Harris, David
Hawksley, Warren
Heathcoat-Amory, Rt Hon David
Hendry, Charles
Higgins, Rt Hon Sir Terence
Hoey, Kate
Horam, John
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howell, Rt Hon David *(G'ford)*
Hughes, Robert G *(Harrow W)*
Hughes, Simon *(Southwark)*
Hunt, Rt Hon David *(Wirral W)*
Hunter, Andrew
Jenkin, Bernard
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Barry *(Alyn and D'side)*
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
Khabra, Piara S
King, Rt Hon Tom

Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Dame Jill *(Bir'm E'st'n)*
Lawrence, Sir Ivan
Leigh, Edward
Lennox-Boyd, Sir Mark
Lidington, David
Lilley, Rt Hon Peter
Lord, Michael
McAvoy, Thomas
Macdonald, Calum
McFall, John
MacGregor, Rt Hon John
Maclean, Rt Hon David
Maclennan, Robert
McLoughlin, Patrick
Madel, Sir David
Maitland, Lady Olga
Malone, Gerald
Marlow, Tony
Martlew, Eric
Mates, Michael
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Molyneaux, Rt Hon Sir James
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Morris, Rt Hon John *(Aberavon)*
Murphy, Paul
Neubert, Sir Michael
Nicholls, Patrick
Onslow, Rt Hon Sir Cranley
Page, Richard
Paice, James
Paisley, The Reverend Ian
Parry, Robert
Patten, Rt Hon John
Pawsey, James
Peacock, Mrs Elizabeth
Porter, David *(Waveney)*
Powell, Ray *(Ogmore)*
Powell, William *(Corby)*
Redwood, Rt Hon John
Reid, Dr John
Renton, Rt Hon Tim
Riddick, Graham
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Rowlands, Ted
Rumbold, Rt Hon Dame Angela
Sackville, Tom
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shaw, Sir Giles *(Pudsey)*
Shepherd, Richard *(Aldridge)*
Shersby, Sir Michael
Skeet, Sir Trevor
Skinner, Dennis
Smith, Tim *(Beaconsfield)*
Smyth, The Reverend Martin
Spearing, Nigel
Spellar, John
Spicer, Sir Michael *(W Dorset)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Steen, Anthony
Steinberg, Gerry
Stern, Michael
Streeter, Gary
Sumberg, David
Sweeney, Walter
Taylor, Rt Hon John D *(Strgfd)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Timms, Stephen
Tracey, Richard
Tredinnick, David
Trend, Michael
Twinn, Dr Ian
Vaughan, Sir Gerard
Walden, George
Walker, Bill *(N Tayside)*
Waller, Gary
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Widdecombe, Ann
Wilkinson, John
Willetts, David
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wood, Timothy
Yeo, Tim

Tellers for the Ayes:
Mr. Michael Alison and
Mr. Donald Anderson.

NOES

Abbott, Ms Diane
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashby, David
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Benn, Rt Hon Tony
Bermingham, Gerald
Berry, Roger
Betts, Clive
Boateng, Paul
Boswell, Tim
Bottomley, Rt Hon Virginia
Bradley, Keith
Brandreth, Gyles
Burden, Richard
Butler, Peter
Butterfill, John
Byers, Stephen
Cabom, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Carrington, Matthew
Channon, Rt Hon Paul
Chapman, Sir Sydney
Chisholm, Malcolm
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clwyd, Mrs Ann
Coe, Sebastian
Coffey, Ann
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cunningham, Jim *(Covy SE)*
Darling, Alistair
Davidson, Ian
Denham, John
Devlin, Tim
Dewar, Donald
Dover, Den
Dowd, Jim
Dunwoody, Mrs Gwyneth
Dykes, Hugh
Eagle, Ms Angela
Eggar, Rt Hon Tim
Etherington, Bill
Evans, Jonathan *(Brecon)*
Fabricant, Michael
Fatchett, Derek
Fishburn, Dudley
Fisher, Mark
Forman, Nigel
Forth, Eric
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foulkes, George
Fowler, Rt Hon Sir Norman
Freeman, Rt Hon Roger
Galbraith, Sam
Gapes, Mike
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gerrard, Neil
Gillan, Cheryl
Godman, Dr Norman A
Golding, Mrs Llin
Goodlad, Rt Hon Alastair
Gorman, Mrs Teresa
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gummer, Rt Hon John Selwyn
Hall, Mike
Hampson, Dr Keith
Harman, Ms Harriet
Harvey, Nick
Haselhurst, Sir Alan
Heald, Oliver
Heppell, John
Heseltine, Rt Hon Michael
Hill, Keith *(Streatham)*
Hodge, Margaret
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Howarth, George *(Knowsley North)*
Hoyle, Doug
Hughes, Kevin *(Doncaster N)*
Hutton, John
Illsley, Eric
Ingram, Adam
Jack, Michael
Jackson, Glenda *(H'stead)*
Jackson, Helen *(Sheffld, H)*
Jenkins, Brian
Jones, Gwilym *(Cardiff N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Nigel *(Cheltenham)*
Kennedy, Jane *(L'pool Br'dg'n)*
Kirkwood, Archy
Knight, Rt Hon Greg *(Derby N)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lang, Rt Hon Ian
Liddell, Mrs Helen
Livingstone, Ken
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Luff, Peter
Lyell, Rt Hon Sir Nicholas
Lynne, Ms Liz
McCartney, Ian
MacKay, Andrew
Mackinlay, Andrew
MacShane, Denis
Madden, Max
Mahon, Alice
Major, Rt Hon John
Marland, Paul
Marshall, John *(Hendon S)*
Mawhinney, Rt Hon Dr Brian
Maxton, John
Mayhew, Rt Hon Sir Patrick
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Sir David *(NW Hants)*
Moonie, Dr Lewis
Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Needham, Rt Hon Richard
Newton, Rt Hon Tony
O'Brien, Mike *(N W'kshire)*
O'Brien, William *(Normanton)*
Oppenheim, Phillip
Pattie, Rt Hon Sir Geoffrey
Pickthall, Colin
Pike, Peter L
Pope, Greg
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Quin, Ms Joyce
Radice, Giles
Raynsford, Nick
Rendel, David
Robertson, George *(Hamilton)*
Roche, Mrs Barbara
Sainsbury, Rt Hon Sir Timothy
Shephard, Rt Hon Gillian
Short, Clare
Simpson, Alan
Sims, Roger
Smith, Chris *(Isl'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Soames, Nicholas
Soley, Clive
Squire, Rachel *(Dunfermline W)*
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Stevenson, George
Taylor, John M *(Solihull)*
Temple-Morris, Peter
Tipping, Paddy
Touhig, Don
Turner, Dennis
Waldegrave, Rt Hon William
Wallace, James
Ward, John
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Whitney, Ray
Whittingdale, John

Wicks, Malcolm
Wigley, Dafydd
Worthington, Tony
Young, David *(Bolton SE)*
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Peter Bottomley and Sir Jim Lester.

Question accordingly agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Dame Jill Knight: On a point of order, Mr. Morris. For 30 years I have been proud to be a loyal Back Bencher, but the vote that has just been taken is unprecedented, as is the fact that, earlier this evening, no fewer than 112 Conservative Members voted, including 11 Ministers and five Whips. Note should be taken of this extraordinary vote.

The Chairman: The hon. Lady is an important constituent of mine, but nevertheless I must tell her that that was not a valid point of order.

Mr. Patten: Further to that point of order, Mr. Morris.

The Chairman: There cannot possibly be anything to add to that point, even by the right hon. Gentleman.

Mr. Patten: On a separate point of order, Mr. Morris.

The Chairman: Order. That is a remarkable change in so few seconds.

Mr. Patten: It is a new point of order. Would it be in order for the Lord President and Leader of the House to approach you tonight if he wished to make a statement on Government business in light of this evening's vote, and the fact that an overwhelming majority—

The Chairman: Order. The Chairman does not anticipate anything that is likely to happen later.

Bill (Clauses 5 and 7), as amended, to be reported.

To lie upon the Table.

National Health Service (Residual Liabilities) Bill

Not amended (in the Standing Committee), considered.

New clause 1

RESTRICTIONS ON FUTURE LIABILITIES

'.—(1) This Act does not apply to any liability in excess of £5 million incurred after the Act is passed unless the conditions referred to in subsection (2) are fulfilled.

(2) The conditions referred to in subsection (1) above are—

(a) the agreement of the Secretary of State and the consent of the Treasury were obtained before the liability was incurred, and

(b) a statement has been laid before Parliament by the Secretary of State setting out the terms of agreement and the consent referred to in paragraph (a) above.'.— *[Mr. Barron.]*

Brought up, and read the First time.

10.50 pm

Mr. Kevin Barron (Rother Valley): I beg to move, That the clause be read a Second time.

New clause 1 is about giving back to Parliament the right to scrutinise and monitor decisions relating to the national health service, as they might mean a call on the public purse. It would ensure that the Executive, in the form of the Secretary of State for Health, and the Exchequer must approve the borrowing. It would also provide that the House be informed that new liabilities have been approved and will be incurred. Neither of those checks applies to existing liabilities; the new clause seeks to place them on any future liabilities below the sum of £5 million. It is constructive and designed to strengthen the Bill.

Hon. Members who missed the Bill's Second Reading might wonder why we have tabled the new clause. We believe that it is not right or proper that the Executive should effectively let people in various outposts of the now fragmented national health service take decisions about public borrowing that has been okayed neither by the Executive in Whitehall nor by the House.

Our case is that, currently, anything up to £5 billion could be borrowed by a national health service trust without statutory protection and without any proper Executive approval or parliamentary scrutiny. It is a unique condition that public liabilities are incurred entirely without public approval or knowledge. We want that changed.

The new clause would guarantee parliamentary scrutiny and ensure that borrowing by NHS bodies was approved in advance by the Secretary of State. It is a straightforward measure that the Government should have thought of but, instead of considering carefully what the Bill proposed, Ministers have stumbled blindly to this point. They have been blinded by their desperate desire to revive the private finance initiative in the health service, which is in a state of chaos.

Mr. Mike Gapes (Ilford, South): Is my hon. Friend aware of concerns expressed to me only last week by my local health authority about the implications of the private finance initiative for the long-term status of health authorities? Can he assure us that, when there is a change of Government, steps will be taken to resolve the problem?

Mr. Barron: We are prepared to give the assurance that the private finance initiative will not take over clinical practice in the national health service or influence decisions that should be taken by clinicians who are in the NHS for the public good rather than for other purposes, as the PFI players will be.

The whole purpose of the Bill is to gold-plate the private finance initiative in the health service. Since their opening remarks on Second Reading, Ministers have stopped pretending that the Bill has any other purpose than effectively to underwrite liabilities that we thought were quite the right type of risk to go with the benefits that the private sector receives. Our new clause would bring back what the Government are intent on giving away. It would ensure that the Secretary of State holds himself accountable for his current manipulation of the PFI rules and the constant change that is taking place under them.

It cannot be right that health service bodies can borrow against a blanket guarantee from the Secretary of State without the Secretary of State's having to approve such liabilities as and when they are incurred. It also cannot be right that no Minister will be responsible to Parliament for sanctioning such borrowing as and when it occurs, and that the Treasury will be left paying the private sector's bills without ever having agreed to do so.

The Under-Secretary of State for Health, the hon. Member for Orpington (Mr. Horam), tried to claim in Committee that, by approving external financing limits, Ministers will approve new liabilities. It is our contention that that is wrong. What the Under-Secretary claims counts as proper parliamentary accountability is in fact some vague approval of health service bodies' hypothetical ability to consider using borrowed money. They are hardly the tightly defined measures that our new clause proposes.

It is equally important that the Under-Secretary's alternative does not represent proper parliamentary scrutiny. It certainly does not offer the openness and accountability that we want. The Under-Secretary has an obligation to explain where that openness and accountability will be found in his PFI support system. When and through what mechanisms can Parliament scrutinise the cheques that will be written to PFI contractors? How can Parliament hold the Secretary of State to account for agreeing to underwrite private contractors' returns for, in some instances, as much as 60 or 70 years into the future?

As we understand it, contracts of that length are running at the moment. What does that mean for change in the health service, as has occurred in the past 20 or 30 years, new medical practice and new science that is now taken on board practically every day? We are not too sure whether we are disagreeing with a straitjacket not only on public liability but on the flexibility that the health service needs to be able to change and to deliver increasingly better health care for years to come.

What is the device for limiting the level of exposure of the public purse to those gold-plated risks in the health PFI? We recognise that the Government have made a mess of investment in the national health service owing to their incompetent handling of the PFI, but is it right that they should ask Parliament to dig them out of the mire by passing the Bill and, in doing so, keep all of us in Parliament, including Conservative Members, in the dark about decisions that will be taken on our local health services in years to come?

We want parliamentary scrutiny of the private sector's involvement in the national health service. We want the secret system surrounding health service borrowing from the private sector—including the amounts of money, the terms of repayment, and the lengths of deals—made much more transparent than it is in the current chaos. Our new clause delivers scrutiny, accountability and openness, and I commend it to the House.

The Parliamentary Under-Secretary of State for Health (Mr. John Horam): The new clause returns to the issue that we discussed at some length in Committee and relates to the scrutiny and control of hospital trust borrowing and liabilities by the Government and the House. The hon. Member for Rother Valley (Mr. Barron) will recall that he tabled an amendment in Committee to increase scrutiny and control by the procedures that are repeated in the new clause. He will recall that my objection to his amendment in Committee was that it would bring about a huge increase in bureaucracy.

He is asking that not only a contract that is part of the PFI, but every contract—including a supply contract, for example—should be brought before the House, and agreed by the Secretary of State for Health, by the Treasury, and, ultimately, by Parliament. The hon. Gentleman agreed, on reflection, that his amendment was not entirely sensible because it would require my right hon. Friend the Secretary of State to spend his entire time signing bits of paper. If the amendment had been intended to disrupt the sensible working of the health service, it would have been effective.

Mr. Barron: Who takes the decisions now about public expenditure in the health service? To whom is he accountable?

11 pm

Mr. Horam: It is obvious that my right hon. Friend the Secretary of State takes those decisions. The hon. Gentleman's comment is ludicrous. His amendment, which he wisely withdrew on reflection, would have obliged my right hon. Friend to sign every contract and to look at every liability incurred by any trust. One can imagine what would have happened. The hon. Gentleman would have built up a huge, bureaucratic nightmare. Anyway, he has since seen sense.

Mr. Nigel Spearing (Newham, South): Will the Minister give way?

Mr. Horam: No, because I would like to carry on.

The hon. Member for Rother Valley has seen sense and we now have a new clause that limits the damage to £5 million. He is willing to let through anything below that bottom line. Even with that quite high limit, the new clause would involve extra regulation. That is interesting, in view of the fact that the Labour leader, the right hon. Member for Sedgefield (Mr. Blair), pointed out only this week that the Labour party is now the party of deregulation.

This evening, the hon. Member for Rother Valley and his hon. Friends are proposing extra regulation. They have not quite caught up with up the mood that has been evident in their party this week. The mood may change next week, but this week it is for deregulation—although we now have a

proposal for extra regulation. Week by week, Labour changes. We would like a little consistency from Labour Members.

The new clause would involve extra regulation. We are not simply talking about the PFI. As I have already told the hon. Gentleman, if the new clause were accepted, it would affect not only PFI contracts and liabilities incurred under them, but supplies. For example, if the NHS supplies authority had a contract to supply bandages to an NHS trust, that contract would be covered by the new clause. In effect, the Secretary of State, the Treasury and Parliament would have to look into every contract for bandages involving national health service trusts. That is the nonsense proposed by the hon. Gentleman. It shows clearly—

Mr. Kevin Hughes (Doncaster, North): Will the Minister give way?

Mr. Horam: No. It is late and the hon. Gentleman should have made his points in Committee or on Second Reading.

The new clause is regulatory when we are trying to deregulate—I thought that the hon. Member for Rother Valley was also trying to deregulate—and it would affect everything, not just the PFI, which I thought was its object.

Mr. Hughes: Will the Minister give way?

Mr. Horam: No.

The new clause would centralise. Trusts have the freedom and ability to run their own business. The hon. Gentleman seeks to bring all control back to the House of Commons, to the Treasury and to the Secretary of State for Health, in a heavily centralised way. The new clause is regulatory, heavy-handed and bureaucratic.

Mr. Hugh Bayley (York): Will the Minister give way?

Mr. Horam: No.

The new clause would also add further delay. If all the relevant contracts had to go through the suggested procedure, the decision-making process would be lengthened, so there would be additional delay. Most important—

Mr. Kevin Hughes: Will the Minister give way?

Mr. Horam: All right. I shall give way to the hon. Gentleman.

Mr. Hughes: I want to go back a few sentences. The Minister mentioned the effect that the new clause would have on supply contracts. What would the residual liabilities on, for example, the sale of bandages be? The Minister made quite a point about that.

Mr. Horam: The whole point of the Bill is to ensure that liabilities are recognised by my right hon. Friend. That is the fact of the matter. Liabilities do not occur in that case, so why does the hon. Gentleman support the new clause? No problem arises, so the new clause is unnecessary.

My final point in reply to the hon. Member for Rother Valley is that the new clause—

Mr. Bayley: Will the Minister give way?

Mr. Horam: No, I have already given way once on the point and, frankly, it was a waste of time, so I do not feel that there is any point in giving way again—*[Interruption.]*

Mr. Bayley *rose—*

Mr. Deputy Speaker (Mr. Michael Morris): Order. The hon. Member for York must see that the Minister is not giving way—[HON. MEMBERS: "Why not?"] Order. I certainly do not expect to hear anything from the Whips. If the Minister is not giving way, the hon. Gentleman should resume his seat.

Mr. Horam: The hon. Member for York will recall that he had a very good deal from me in Committee, so he ought not to push his luck now.

The new clause is unnecessary. The controls are perfectly satisfactory as they are, and we spelled them out at some length in Committee. As I pointed out to the hon. Member for Rother Valley more than once, there are the external financing limits, which are agreed at the beginning of the year, and monitored—

Ms Harriet Harman (Peckham): They are voluntary.

Mr. Horam: They are agreed at the beginning of the year, and then monitored quarterly. If anything is going wrong, it will be spotted quickly by the NHS executive. That is the effective managerial control that is in place, and it is backed by statute.

Ms Harman: It is not.

Mr. Horam: It is backed by statute.

Mr. Barron: Where?

Mr. Horam: If the hon. Gentleman reads section 10(2) of the National Health Service and Community Care Act 1990—

Ms Harman *indicated dissent.*

Mr. Horam: The hon. Lady is wrong. Section 10(2) of the 1990 Act gives my right hon. Friend the power to fix financial controls. *[Interruption.]* That is the fact of the matter; the hon. Lady is simply wrong. She should ask her researcher to go back and look at it again.

Mr. Clive Betts (Sheffield, Attercliffe) *rose—*

Mr. Gerry Steinberg (City of Durham) *rose—*

Mr. Horam: I shall not give way.

The controls that are in place, both managerial and statutory, are perfectly adequate to deal with the situation. The new clause is entirely unnecessary, and I therefore urge the House to reject it.

Mr. Simon Hughes (Southwark and Bermondsey): The Minister's response has not taken the debate much further.

[Mr. Simon Hughes]

In fairness to the hon. Member for Rother Valley (Mr. Barron), I must say that the question is implicit in the new clause. The £5 million could have been £6 million or £7 million; that is not the fundamental question. The question is: is there a limit on the amount of money that any trust can incur as a liability which, of itself, will force that obligation to be called in to be double-checked?

That is a perfectly proper question, and there are two reasons for asking it, which I offer to the Minister for his slightly more considered reflection. First, the NHS does not have a wonderful reputation for entering into capital commitments that prove to be terribly wise. Plenty of things go wrong, as the Minister may recall.

The litany of things that the NHS has done under the arrangements that the Government have introduced has not always been a happy one. Contracts for the health service in Wales have not been satisfactory; neither have the contracts for computers in the west country, which cost millions of pounds. Nearer to home, and more recently, money has been wasted on contracts for computers in Greenwich. The Minister will be aware of that. There are all sorts of such obligations and implications.

All the money involved is public money, and the bills have all been incurred by trusts. The monitoring system and all the controls—the accounting officers, the external financing limits and so on—have not worked so far. That is the first issue, but let us assume that it will all be dealt with by some method.

We also have a second issue. It is no secret, because the Chancellor of the Exchequer has conceded the fact, that the Government are now clearly seeking to replace public sector expenditure on capital projects in the health service with private expenditure. In this financial year, and thereafter, public expenditure on such projects will go down, and were it not for the private finance initiative there would unarguably be less money spent on the health service than in the previous couple of years.

As I have said to Ministers before, the Government have never obtained parliamentary endorsement for the proposal that we should build 10, 20 or 50 per cent. of our hospitals with private money under the PFI. All the evidence suggests that the PFI is a dubious way forward and not yet a certain and secure one. I guess that the Treasury Committee will come into the next debate if the hon. Member for Strathkelvin and Bearsden (Mr. Galbraith) pursues new clauses 2 and 3. It has raised questions about public expenditure.

We are entitled to ask the Minister what figure for incurred liability the Government believe should be authorised by central Government rather than by local, delegated trusts that meet in secret. If not £5 million, is it £10 million, £20 million, £50 million or £100 million? Is there a figure, or are the Government entirely happy with the present regime?

Ms Harman: Is it £5 billion?

Mr. Hughes: As the hon. Lady says, is it £5 billion? Is there a figure sufficiently large that it should be called in automatically? Big planning applications cases are called in by the Secretary of State for the Environment. Big national health service expenditure projects that involve borrowing should be called in and examined centrally.

It would be different if we could attend local hospital trust meetings, hear the debates, see the submissions and elect people to the trusts, but we cannot do any of that. The process is secret and we hear about it later. The Audit Commission or the National Audit Office reports two years later, when it is too late to stop a project that may have gone wrong.

I hope that the Minister understands that there is significant public concern that the mechanisms for accountability, democracy and the assessment of importance are not being dealt with adequately. The Government say that everything is fine because it has worked in the past and no matter how big the liability, they believe that it can be incurred by the present trust structure meeting undemocratically in secret. Many people, and not only Opposition Members, are unhappy with the present regime. The Minister must give a better answer to persuade them than he has given us.

Mr. Sam Galbraith (Strathkelvin and Bearsden): I thought that the Minister's response was both confusing and more worrying than I had expected. He sought to muddy the waters by introducing the question of payment for bandages. He somehow equated that with the building of a large district general hospital. Although it seems silly to equate the two, one of my problems with the private finance initiative concerns where the dividing line is drawn between when the buying of supplies involves PFI and when it involves normal contractual arrangements. That confusion pervades the Government, too. There is no clear definition of what the PFI is. It is a heterogeneous idea that can involve leasing, building, or running things. The parameters have not yet been clearly drawn. That is part of the problem in discussing it and part of the reasoning behind the new clause.

There are two issues involved in the PFI, which I shall deal with when I come to new clause 2. The main one is about who carries the risk in long-term agreements. Currently, in Scotland, Stonehaven hospital is out for tender under the PFI. Three submissions have been made, one of them by the local trust, yet none has been made public. They are not going to be made public—not even that from the local trust, which is a public body. No one knows how much money is involved, how long the leases will be or anything else.

What liability will the Scottish Office and the Treasury be taking on? What length of time will be involved? Are we to be lumbered with a hospital with a 100-year lease that could be obsolete, but for which we have to accept the residual liabilities and so keep it going against our wishes? How great are the liabilities? It is no good the Minister saying that that would require every contract to brought down here for scrutiny. That is impractical. That is one of the problems of the PFI, and the Government should have thought about that before they got into it.

There must come a dividing line, beyond which value Parliament and the Treasury have to scrutinise a contract. That is the issue. The external financing limit is no good because it can be got round. We do not know whether the EFLs will be breached in the Stonehaven contract.

There must come a point when the Treasury has to say, "We want to know what the liability is here. We want to consider it." Unless the Minister comes up with some answer on that, we are storing up trouble for future Governments.

11.15 pm

Mr. Robert Ainsworth (Coventry, North–East): It is entirely understandable that the Minister does not want to accept interventions, given the manner with which he dealt with the only one that he accepted—that of my hon. Friend the Member for Doncaster, North (Mr. Hughes). He was attempting to suggest that the intervention was a waste of time, but it exposed the fact that the Minister's answer was not appropriate.

The National Health Service (Residual Liabilities) Bill has nothing to do with bandages, or with over-centralisation or regulation. We are talking about the proper scrutiny of public money. The Minister is attempting to confuse those issues and, therefore, to participate in debate. If that is what he is going to do, he will provoke more hon. Members to intervene to a greater extent. He has a duty to answer properly the point being made in the new clause and in my hon. Friend's intervention.

Mr. Spearing: I would not have sought to catch your eye, Mr. Deputy Speaker, but for the unfortunate discourtesy of the Minister in declining to give way to the second intervention of the debate. For reasons that you will know of, Mr. Deputy Speaker, I do not think that we can put the origin of such discourtesy on the institute of higher education that the Minister happened to attend, so I must look for some other explanation. I suspect that it is the weakness of his case. With due courtesy, perhaps I can test that out.

The Minister said that the new clause was unnecessary regulation and that there were proper scrutiny, audit procedures and this, that and the other. In other words, "Don't worry, it's all right, it's been dealt with." I shall put an actual case to the Minister and ask him, if he catches your eye to reply, Mr. Deputy Speaker, to confirm or deny the scenario.

In the Newham Healthcare NHS trust area, an old hospital is about to close—St. Andrew's, Bromley-by-Bow. Its facilities—alas, lacking 24 beds—will be rebuilt or built into the existing Newham general hospital. It may cost about £20 million or £25 million and the trust has been told that the money will not be available from health service or Government sources, as it used to be, but will have to first be considered under the private finance initiative.

I understand that that is a long procedure. One has to produce a scheme, put something out to tender, get banks, insurance organisations and perhaps even European institutions to say whether they will plan, build and take responsibility to some extent for running the newly built part of Newham general hospital. The anxious people of Newham and I have been told that it is going to be a lengthy process and, even at the end of it, there will be no guarantee that such PFI money is available.

Let us suppose that it might be. I suggest to the Minister that the money that is available, might be at a cost premium compared with that from Treasury or other sources. Of course, we will not necessarily know that—or will we? The terms of the PFI may or may not be made public. So my first question is that of transparency.

Let us suppose that the terms are made public and, at some stage, there is a public liability. Clearly, if the Newham Healthcare trust is changed—as it might well be if, alas, the present Administration continue and there is some change in the status of such trusts—some liability may be placed on the Minister. Something might go wrong. The hospital might have to stay. There will be a liability in respect of the money that has been contracted.

What will happen then? I assume that the amount of liability will not be known unless there is an audit in the Treasury or in the Department of Health; that it will not have been approved openly by the House; and, as the Minister mentioned, that every single contract of liability—such as that contained in the new clause—may not be practical.

Surely liabilities for large construction—such as that at Newham—should be made open to the taxpayers of Newham, to the taxpayers of London and to the representatives of the taxpayers in the House. The Minister has not given any reasons why that should not be so. If he cannot openly and clearly show us why that should not be the case, his discourtesy lies with the weakness of his case rather than any defect of his education or his personality and character, which some of us have known for some years.

Mr. Betts: My hon. Friend the Member for Strathkelvin and Bearsden (Mr. Galbraith) was correct: the Minister did not answer the questions about how public scrutiny can be exercised over non-elected people who are appointed to these boards in advance of long-term commitments. That is absolutely crucial. If any hon. Member tries to ask questions of any Government Department about the private finance initiative, as soon as they get to the issue of individual schemes and projects, they are told that it is commercial confidentiality and that it cannot release the information because it would breach confidentiality with the contractors with whom they are negotiating and with whom they are entering into contracts.

We can see some of the difficulties over intellectual property rights in these schemes, particularly when contractors have been asked to come up with new ways of doing things. The new clause provides a way of having accountability to elected representatives so that non-elected people cannot commit public funds for the future without any public control. That is a simple point, and the Minister has not answered it.

I understand that the Department of Health has instituted a registration scheme for PFI and other projects. This came out of the evidence given to the Treasury Select Committee by Treasury officials. They pointed out that work had been done to various Departments and the Department of Health had instituted a registration scheme whereby hospital trusts were invited to give details of projects that they had entered into. It was also revealed that the registration scheme was voluntary—that trusts are not compelled to give notice to the Department of the schemes that they are entering.

If the Minister cannot accept that he and his colleagues should be approving schemes costing over £5 million, he should accept that the trusts should give him notice and that the schemes should be registered. In addition, the registration scheme should be made public so that everyone can see what future commitments are being entered into. The Minister must address that issue.

The Minister was in danger of misleading the House on another issue. He mentioned external financing limits and said that they are mechanisms for control. Has the Minister thought to ask himself how many years ahead we have EFLs for? There are commitments in the Red

[Mr. Betts]

Book for a number of years ahead. How long are trusts committing public expenditure for by entering into PFI schemes? For far longer ahead than the Government have agreed EFLs for.

There are no control mechanisms, there are no monitoring levels and there are no real controls of public expenditure against which trusts are committing future expenditure. The Minister says that they can do that without public control and scrutiny or democratic accountability. Perhaps the Minister would like to come back to the EFL point, because I think he was in danger of misleading the House.

Mr. Deputy Speaker: Order. That is not the case on this amendment—maybe the next one.

Mr. Betts: I am sure that at some stage the Minister would want to address hon. Members on whether he has misled the House on that very important political point. Finally, I shall do a comparison with the way that the Government control local authority borrowing. We are talking about non-elected bodies committing public expenditure, and we are asking for some control by Ministers.

Every pound that local authorities borrow is controlled by central Government by general approvals or, in many cases—increasingly—by specific credit approvals for individual projects. Even when local authorities spend their own capital receipts, they are controlled.

Mr. Deputy Speaker: Order. The hon. Gentleman's knowledge of local authorities is extensive, but I should be grateful if he would restrict it for the moment to future liabilities as they affect the health service.

Mr. Betts: I was merely drawing attention to the fact that local authorities are democratically elected but are controlled, not merely in capital borrowing but in spending their receipts. We are discussing trusts that are completely unaccountable for the way in which they commit, not millions, but billions of pounds of public money. That is the comparison that we seek to draw.

Opposition Members are fighting for democratic control and proper scrutiny; Ministers do not appear to care about either.

Mr. Steinberg: I also had not intended to speak in the debate, but the Minister's discourtesy in not allowing several interventions forces us to make speeches to make our points. If he had been prepared to answer a simple question in the first place, we should not have had to stand up and speak.

My local health trust, the Dryburn trust, is in the process of accepting a preferred PFI bid. Unlike the experience of some hon. Members with other trusts, I can honestly say that I have had a very good relationship with the trust. I have a good relationship with the chairman, who has kept me informed of what has happened all along the line and freely given me information about all aspects and about bids that have been made.

Recently, I wrote the Minister a letter about the worrying revenue implications of the bid. The bid may possibly mean that the health commission, the purchaser, will have to pay about 11.5 per cent. interest charges over about 30 years. That is a considerable amount of public liability, which the public purse will have to find from taxation, and it is likely that the health commission will be unable to find that money over that period.

I want a response from the Minister. We have waited 15 years for a new district general hospital. Year after year, we were promised public funds with which to build it. In January 1994, the hospital was approved, and then it had to go out to a PFI bid and was delayed until October 1994. Now we are in a contract situation.

Let us suppose that everyone is reasonably satisfied with the PFI bid and that the trust accepts it and goes along to the health commission with the public liability of two or three times the amount of revenue which has to be paid each year to pay for that PFI bid. What will happen to my district general hospital and the PFI bid if the health commission says that it cannot afford to take on that public liability for the next 30 years? What will happen to my hospital? Am I going to get a hospital out of the PFI?

Will the Minister give the people of Durham and my constituents a guarantee that he will make Durham a special case and provide that money for the next 30 years? Or will he tell us, "You will not get the hospital that you have been promised for 15 years. Tough—you have had it"? Or will he say, "Right, I will now look at it in the public sector again and have a public bid"?

I want to know tonight what will happen if Durham County health commission says that it cannot afford that public liability for the next 30 years, which is probably considerably more than would have been spent if the hospital had been built in the public sector.

Mr. Bayley: I shall be brief.

The House has a responsibility to scrutinise and approve Government expenditure. The PFI, put simply, is a hire purchase scheme for the purchase of goods and services. If I may draw a parallel: if I came to the House seeking a Bill in which the law of the land would underwrite the hire purchase agreements that I might enter into should I default on those payments—if the House were minded to enter into such legislation—it would want some control over how many hire purchase agreements I took out, and it would want to assure itself that I would be in a position to meet the payments on those hire purchase agreements.

The amendment asks that the House has control over the expenditure consequences of liabilities incurred by the NHS under the private finance initiative. The Minister has not explained why the Government believe that the House should be denied the opportunity to exercise control over future liabilities that may be incurred if a health service trust enters into a hire purchase agreement that it cannot afford to meet.

Mr. Horam: I shall deal first with the point raised by the hon. Member for York (Mr. Bayley). He levelled the charge that the private finance initiative is a hire purchase agreement. That is not so, because a PFI project must demonstrate that it represents better value for money than a conventional publicly financed alternative. That is the test.

11.30 pm

It must demonstrate value for money in several ways. First, the trust must examine the business case over time and decide whether it will put it to a health commission or health authority. The hon. Member for the City of Durham (Mr. Steinberg) raised that point. The health authority then considers the case and decides whether it is affordable. As the hon. Gentleman is aware from his knowledge of the situation in Durham, every health authority receives a stream of revenue from the NHS Executive. Therefore, the authority must gauge the cost of the two alternatives—one publicly financed and the other privately financed—over the lifetime of the project. It will then reach a decision on that basis. We have not yet reached that point in Durham's case.

Mr. Steinberg: What happens if the health commission says that it cannot afford it?

Mr. Horam: I do not really want to respond to seated interventions. It would depend on which alternative it decides upon after comparing the items of expenditure—one financed publicly and the other privately. It must then decide what it can afford. I am not familiar with the details of the hon. Gentleman's example, but the health authority may decide that it cannot afford either scheme or it may opt for another scheme with fewer consequences for future revenue support. Neither scheme may pass the test.

If the health authority chooses to build a new hospital, for example, it must then decide which of the two schemes put before it is more likely to yield value for money over the next 30 to 60 years. The schemes are not hire purchase agreements in any sense: they compare private finance with public finance and determine best value for money for the public purse.

The second test is affordability—whether a health commission or health authority deems a scheme to be affordable. If it decides that it is not, the project will not proceed—whether it is financed publicly or privately. I hope that the hon. Gentleman understands that point.

Mr. Steinberg: With due respect to the Minister, that is my point. If the health commission says that it cannot afford to fund the PFI bid, my constituents will not get their new hospital, for which they have been waiting for 15 years. I seek a guarantee from the Minister tonight. His predecessor, the hon. Member for Bolton, West (Mr. Sackville), almost gave such a guarantee: he said that, if the PFI bid was unsuccessful, he would consider a public sector bid. If the health commission says that it cannot afford the PFI bid of 11.5 per cent. over 30 years, but it can afford 5 per cent. over 60 years, will the Minister provide a guarantee that the hospital will go ahead with public sector funds?

Mr. Horam: If it could be demonstrated that the public sector project was better value for money than the private sector project, the publicly financed project would be more likely to go ahead. I do not know the particular circumstances of Durham, but the proposal is still under discussion, so I cannot comment. It may be that a satisfactory conclusion will be reached, but the hon. Gentleman will understand that I cannot give him a definite answer. However, I will look into the matter and write to the hon. Gentleman about his particular case. The project is still in negotiation and open for discussion, but I hope that the hon. Gentleman now understands the way it will be decided.

Mr. Betts: Is not the fundamental dilemma that, if a comparison is made between PFI and public sector funding and the PFI is more expensive, a scheme cannot be funded that way? At the same time, if public funding would be cheaper, there is no guarantee that it will be available, because public sector finance has been cut to allow PFI schemes to grow.

Mr. Deputy Speaker: Order. That intervention had absolutely nothing to do with new clause 1.

Mr. Horam: Anyway, whether or not it had anything to do with the new clause—

Mr. Deputy Speaker: Order. Not anyway—the Minister will not respond to that intervention. He should address the new clause.

Mr. Horam: I am duly reprimanded, Mr. Deputy Speaker.

Many Opposition Members questioned the procedure by which schemes will be checked. First, they will have to pass the test of being better value for money than a fully worked out scheme alternatively financed by the public sector. The second test is that, where a full business case is worked out, and if the capital value is more than £10 million, the scheme will be scrutinised by the NHS Executive and the Treasury.

If the value is more than £50 million—the last two schemes were valued at £170 million in the case of Norwich and £70 million in the case of Swindon—the project must go to Ministers. That is the scheduling level with which a scheme must advance side by side. Those are the controls, and there will ultimately be a check by Parliament in the appropriation accounts and the normal Departmental—

Mr. Rhodri Morgan (Cardiff, West): Will the figures be published?

Mr. Horam: Of course they will be exposed. Normal parliamentary procedures will be available for checking.

Mr. Patrick Thompson (Norwich, North): My hon. Friend referred to the new Norwich district general hospital, which we hope will be built as soon as possible. Can my hon. Friend say, while remaining in order, what would be the effect of Labour's proposal on the prospects for that hospital?

Mr. Horam: They would cause further delay. When we launched that scheme, we pointed out in the press release that the scheme was being brought forward five years earlier than would have been the case if there had not been a PFI scheme.

Ms Harman: That is not true.

Mr. Horam: It is true.

Mr. Barron: My hon. Friend the Member for Peckham (Ms Harman) has quoted the 1990 press release about the new hospital in Norwich that was put out by the present

[Mr. Barron]

Chancellor of the Exchequer when he was Secretary of State for Health. What does the Minister mean when he says that the scheme will start earlier? It has been delayed for the last six years.

Mr. Horam: That is not true. If the Norwich scheme had to be in the queue for public financing, as the Opposition wish, it would not be progressing on the time scale that it has. The Opposition would delay schemes year after year. The hon. Member for Southwark and Bermondsey (Mr. Hughes) made the point well, when he read out a long list of conventionally financed schemes that were part of our NHS history, whichever party was in power. They were object lessons in delay, overspending, and so on. The Chelsea and Westminster hospital, and the national library, are examples of publicly financed schemes that got out of control.

There is no magic way to keep publicly financed schemes under way, never mind privately financed schemes. Under any Government, the record of publicly financed schemes is not good. I am sure that the hon. Member for Rother Valley will recognise that fact, because he is honest about such matters.

I contend—we discussed the point in Committee—that one of the points of the PFI is not only for a consortium to build a new project, such as a new hospital, but for it to have the responsibility for maintaining the building thereafter. That is why the PFI will bring us the possibility of greater—not less—control over the revenue consequences to public funds in the future. That is the reality.

Mr. Simon Hughes: That may be the reality, but the Minister must concede that all the professional evidence given to the Treasury Select Committee and the evidence given by the Treasury last year is that the case is not yet proved. The theory is that the PFI will do that, but the danger is that it will take us one step further away from control over that consortium of builders, which is a profit-making organisation. The danger is that the consortium will put its prices up and will make even more profit at the expense of the taxpayer and the NHS.

Mr. Horam: The organisation involved will not profit more, because no privately financed scheme will be agreed unless it is better value for money than a publicly financed scheme. I agree with the hon. Gentleman on one point: we cannot forecast the future—we are talking about a theoretical situation—but that is true of any scheme.

Mr. Hughes *indicated assent.*

Mr. Horam: I am glad that the hon. Gentleman agrees. Proper checks are properly written into the legislation. The normal checks are there, including the strong check of monitoring by the NHS Executive. The amendment is therefore unnecessary.

Mr. Barron: We would be happier about the checks if people knew about them. There is no openness in the current situation. Through new clause 1, we seek to bring openness, accountability and scrutiny to the delivery of health care and expenditure by the Department of Health.

I do not intend to go into great detail, but perhaps the Minister will write to me and to other hon. Members to tell us which individual trust holds a contract for bandages worth more than £5 million, as I was intrigued by that comment.

My only other comment on the Minister's speech is that we cannot accept the charge of causing bureaucracy in the national health service from a Government who have created so much bureaucracy in the health service in the past 10 years that most people, including clinicians and managers, would like to see the back of them tomorrow. We do not accept the charge. Our request for accountability, openness and the ability for all Members of Parliament to scrutinise decisions taken by the national health service would cause less than a tenth of the bureaucracy that the Government have forced on the health service.

We cannot see eye to eye with the Government on the new clause. I withdrew it in Committee to give the Minister a chance to consider whether he was prepared to accept what we think is common sense. Given that he is not prepared to do so, I invite hon. Members to join us in the Lobby.

Question put, That the clause stand part of the Bill:—

The House divided: Ayes 127, Noes 174.

Division No. 109] **[11.43 pm**

AYES

Adams, Mrs Irene
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Hilary
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Beggs, Roy
Bermingham, Gerald
Berry, Roger
Betts, Clive
Bradley, Keith
Brown, N *(N'c'tle upon Tyne E)*
Burden, Richard
Byers, Stephen
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Clapham, Michael
Clarke, Eric *(Midlothian)*
Clwyd, Mrs Ann
Coffey, Ann
Corston, Jean
Cousins, Jim
Darling, Alistair
Davidson, Ian
Dewar, Donald
Dowd, Jim
Eastham, Ken
Fisher, Mark
Flynn, Paul
Foster, Don *(Bath)*
Foulkes, George
Galbraith, Sam
Gapes, Mike
Godman, Dr Norman A
Hall, Mike
Hanson, David
Harman, Ms Harriet
Harvey, Nick
Henderson, Doug
Heppell, John
Hill, Keith *(Streatham)*
Hoey, Kate
Hoon, Geoffrey
Hughes, Kevin *(Doncaster N)*
Hughes, Robert *(Aberdeen N)*
Hughes, Simon *(Southwark)*
Hutton, John
Illsley, Eric
Ingram, Adam
Jenkins, Brian *(S. E. Staff)*
Jones, Barry *(Alyn and D'side)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jones, Nigel *(Cheltenham)*
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Liddell, Mrs Helen
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Lynne, Ms Liz
McAvoy, Thomas
McCartney, Ian
McKelvey, William
Mackinlay, Andrew
McLeish, Henry
Madden, Max
Mahon, Alice
Marshall, Jim *(Leicester, S)*
Martlew, Eric
Maxton, John
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Milburn, Alan
Miller, Andrew
Moonie, Dr Lewis
Morgan, Rhodri

Morley, Elliot
Mudie, George
Murphy, Paul
O'Brien, William *(Normanton)*
Pickthall, Colin
Pike, Peter L
Pope, Greg
Powell, Ray *(Ogmore)*
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Raynsford, Nick
Reid, Dr John
Rendel, David
Robertson, George *(Hamilton)*
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Sheerman, Barry
Short, Clare
Simpson, Alan
Skinner, Dennis
Smith, Chris *(Is'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Spearing, Nigel
Spellar, John
Squire, Rachel *(Dunfermline W)*
Steel, Rt Hon Sir David
Steinberg, Gerry
Stevenson, George
Sutcliffe, Gerry
Tipping, Paddy
Touhig, Don
Turner, Dennis
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Wicks, Malcolm
Williams, Alan W *(Carmarthen)*
Worthington, Tony
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Joe Benton and
Mr. Malcolm Chisholm.

NOES

Alison, Rt Hon Michael *(Selby)*
Arness, David
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Banks, Matthew *(Southport)*
Batiste, Spencer
Bonsor, Sir Nicholas
Booth, Hartley
Bottomley, Peter *(Eltham)*
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & C'thorpes)*
Browning, Mrs Angela
Bruce, Ian *(South Dorset)*
Burns, Simon
Burt, Alistair
Butcher, John
Butler, Peter
Butterfill, John
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Cash, William
Channon, Rt Hon Paul
Clappison, James
Clark, Dr Michael *(Rochford)*
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Coe, Sebastian
Congdon, David
Conway, Derek
Coombs, Simon *(Swindon)*
Cran, James
Davies, Quentin *(Stamford)*
Day, Stephen
Deva, Nirj Joseph
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Eggar, Rt Hon Tim
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fabricant, Michael
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Fox, Dr Liam *(Woodspring)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gill, Christopher
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Gummer, Rt Hon John Selwyn
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hampson, Dr Keith
Hargreaves, Andrew
Harris, David
Hawksley, Warren
Heald, Oliver
Hendry, Charles
Higgins, Rt Hon Sir Terence
Horam, John
Howard, Rt Hon Michael
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Hunter, Andrew
Jack, Michael
Jenkin, Bernard
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lang, Rt Hon Ian
Legg, Barry
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McNair-Wilson, Sir Patrick
Maitland, Lady Olga
Malone, Gerald
Marland, Paul
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Mates, Michael
Mawhinney, Rt Hon Dr Brian
Merchant, Piers
Mitchell, Sir David *(NW Hants)*
Monro, Rt Hon Sir Hector
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Norris, Steve
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Pattie, Rt Hon Sir Geoffrey
Porter, David *(Waveney)*
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Robathan, Andrew
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Sackville, Tom
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Streeter, Gary
Sweeney, Walter
Sykes, John
Taylor, John M *(Solihull)*
Temple-Morris, Peter
Thompson, Patrick *(Norwich N)*
Townsend, Cyril D *(Bexl'yh'th)*
Tredinnick, David
Twinn, Dr Ian
Vaughan, Sir Gerard
Waldegrave, Rt Hon William
Walden, George
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wilkinson, John
Wolfson, Mark
Wood, Timothy
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Michael Bates and
Mr. Patrick McLoughlin.

Question accordingly negatived.

Motion made, and Question proposed, That further consideration be now adjourned.—[*Mr. Streeter.*]

Question put:—

The House divided: Ayes 160, Noes 80.

Division No. 110] **[11.55 pm**

AYES

Alison, Rt Hon Michael *(Selby)*
Arness, David
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baldry, Tony
Banks, Matthew *(Southport)*
Bates, Michael
Batiste, Spencer
Bonsor, Sir Nicholas
Booth, Hartley
Bottomley, Peter *(Eltham)*
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(South Dorset)*
Burns, Simon
Burt, Alistair
Butcher, John
Butler, Peter
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Cash, William
Channon, Rt Hon Paul
Clappison, James
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Coe, Sebastian
Congdon, David
Conway, Derek
Cran, James
Davies, Quentin *(Stamford)*
Day, Stephen
Deva, Nirj Joseph
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Eggar, Rt Hon Tim
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David

Faber, David
Fabricant, Michael
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Fox, Dr Liam *(Woodspring)*
Freeman, Rt Hon Roger
French, Douglas
Gale, Roger
Gallie, Phil
Gill, Christopher
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Greenway, Harry *(Ealing N)*
Gummer, Rt Hon John Selwyn
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hampson, Dr Keith
Hargreaves, Andrew
Harris, David
Hawksley, Warren
Heald, Oliver
Hendry, Charles
Higgins, Rt Hon Sir Terence
Horam, John
Howard, Rt Hon Michael
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Hunter, Andrew
Jack, Michael
Jenkin, Bernard
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Kirkhope, Timothy
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lang, Rt Hon Ian
Legg, Barry
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Maitland, Lady Olga
Malone, Gerald
Marland, Paul
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Mates, Michael
Mawhinney, Rt Hon Dr Brian
Merchant, Piers
Mitchell, Sir David *(NW Hants)*
Monro, Rt Hon Sir Hector
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Norris, Steve
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Pattie, Rt Hon Sir Geoffrey
Porter, David *(Waveney)*
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Robathan, Andrew
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Streeter, Gary
Sweeney, Walter
Sykes, John
Taylor, John M *(Solihull)*
Temple-Morris, Peter
Thompson, Patrick *(Norwich N)*
Townsend, Cyril D *(Bexl'yh'th)*
Tredinnick, David
Twinn, Dr Ian
Vaughan, Sir Gerard
Walden, George
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wolfson, Mark

Tellers for the Ayes:
Mr. Timothy Wood and
Mr. Roger Knapman.

NOES

Ainsworth, Robert *(Cov'try NE)*
Anderson, Donald *(Swansea E)*
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beckett, Rt Hon Margaret
Beggs, Roy
Bermingham, Gerald
Betts, Clive
Boateng, Paul
Bradley, Keith
Brown, N *(N'c'tle upon Tyne E)*
Burden, Richard
Byers, Stephen
Campbell, Ronnie *(Blyth V)*
Clapham, Michael
Clarke, Eric *(Midlothian)*
Clwyd, Mrs Ann
Coffey, Ann
Corston, Jean
Darling, Alistair
Davidson, Ian
Dewar, Donald
Dowd, Jim
Galbraith, Sam
Godman, Dr Norman A
Hall, Mike
Hanson, David
Harman, Ms Harriet
Harvey, Nick
Henderson, Doug
Heppell, John
Hill, Keith *(Streatham)*
Hoon, Geoffrey
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark)*
Hutton, John
Illsley, Eric
Ingram, Adam
Jenkins Brian *(S.E. Staffs)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jones, Nigel *(Cheltenham)*
Kennedy, Jane *(L'pool Br'dg'n)*
Liddell, Mrs Helen
Lloyd, Tony *(Stretford)*
McAvoy, Thomas
McCartney, Ian
Mackinlay, Andrew
McLeish, Henry
Mahon, Alice
Martlew, Eric
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Milburn, Alan
Moonie, Dr Lewis
Morgan, Rhodri
Morley, Elliot
Mudie, George
Pike, Peter L
Pope, Greg
Prentice, Bridget *(Lew'm E)*
Primarolo, Dawn
Purchase, Ken
Rendel, David
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Rowlands, Ted
Salmond, Alex
Simpson, Alan
Skinner, Dennis
Spellar, John
Steel, Rt Hon Sir David
Steinberg, Gerry
Sutcliffe, Gerry
Turner, Dennis
Wallace, James
Watson, Mike
Worthington, Tony

Tellers for the Noes:
Mr. Joe Benton and
Mr. Malcolm Chisholm.

Question accordingly agreed to.

Further consideration adjourned.

Ms Harman: On a point of order, Mr. Deputy Speaker. Would it be in order for the Government to explain why, when they apparently wanted to push Government business through the House, we have had the shambles of their abandoning it and seeking that further consideration be adjourned? Is the shambles of tonight's proceedings not evidence of the shambles of the Government and of the private finance initiative in the health service?

Mr. Deputy Speaker: I do not think that I need to answer that.

Mr. Alan Veale (Birth Record)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Streeter.]*

12.6 am

Mr. Nick Hawkins (Blackpool, South): The debate that I have initiated on behalf of and at the request of my constituent, Mr. Alan Charles Veale, relates to a rather sad series of events. My sympathies for my constituent arise partly because I used to practise at the Bar, where, among many other matters, I dealt with family law. The debate concerns the family case that has never been properly resolved.

The facts briefly are that my constituent Mr. Veale was originally married to a lady whose maiden name was Caroline—or Carly—Mary Lacey in July 1981. A male child, Tarran James Veale, was born to the then Mrs. Veale on 27 April 1987, and the birth was registered by the mother, registering Mr. Alan Veale—now my constituent—as the father, on 13 May 1987. Mr. Veale believes, and has abundant evidence to prove, that he was erroneously registered as the father. The mother told him very shortly after the birth that the true father was another man with whom his wife had been having an affair.

Mr. Veale also knows that blood tests were subsequently made by a Dr. Grant, using samples taken from the mother, the child, Mr. Veale and the other man. Those tests prove that Mr. Veale was not the father. Mr. Veale is blood group O and the child is blood group A rhesus negative, which is known to the courts as an exclusion result. All that was established to the entire satisfaction of the courts seven years ago. Sadly, Mr. Veale cannot now establish those facts to officialdom's satisfaction, and his problems in trying to do so are the basis of this short debate.

Mr. Veale began to take steps to correct the formal registration of Tarran's birth in 1992. Before that, however, he had not expected problems, since in the year after the child's birth, not only had the blood test established Mr. Veale's non-paternity, but an affiliation order was made in the courts against the other man. As far back as 1988, on the mother's application, the other man was recorded by Weymouth county court as the father of the child.

It is part of my and my constituent's contention that such a finding by a properly constituted court, based on proper blood test evidence, should be sufficient to allow the correction of the erroneous registration of birth. At present, it appears that the Office of Population Censuses and Surveys, now the Office of National Statistics—a somewhat Orwellian name—does not accept that the finding by the court is sufficient.

In 1992, after all the other proceedings arising from the marriage—the so-called ancillary relief proceedings—had finished, Mr. Veale began to seek to correct the erroneous birth registration. It is important to note that the court dealing with ancillary relief matters also accepted the clear evidence that the child was not what is known in law as a child of the marriage. Sadly, it was at this stage, in 1992, that Mr. Veale's real problems began.

Mr. Veale found that the procedures of what is now the Office for National Statistics stood in his way, as it was discovered that Dr. Grant, who had taken the blood tests, had, sadly, died in 1992. Dr. Grant's records of the blood tests he had taken, after being kept for a time after his death, had been destroyed. I discovered that, on my constituent's behalf, late in 1994. Frustratingly, the records had been shredded as recently as the beginning of 1994, before anybody had requested that they be kept.

The problem with Office for National Statistics procedures is that, to correct an erroneous entry of a registration of birth, the office requires, by law, two statutory declarations from two different people with knowledge of the facts. Mr. Veale himself obviously provided one declaration. However, the ancillary relief proceedings arising from the divorce from his ex-wife had been very bitter, and she has consistently refused to provide another statutory declaration, even though she had initiated the affiliation order proceedings against the real father.

It is part of the burden of my submission to my hon. Friend the Minister that the rules of the Office for National Statistics—or, if necessary, primary legislation—should be changed so that, in a case like this one, the application to a court by the ex-wife naming another man as the father should be treated as if it were a statutory declaration and should be valid later, even if the ex-wife later, as in this case, refused to co-operate or, to put another case, the ex-wife died after making such an application for an affiliation order.

At present, my constituent finds himself caught in a tricky Catch-22 position. He can apparently do nothing while the ex-wife, who was at fault all the way through the proceedings, can frustrate the correction of her own erroneous registration of the birth. That has wider implications, especially for Child Support Agency cases, unless the Office for National Statistics and/or the law can be changed.

The superintendent registrar of Dorset county council, Mrs. Heather Downie at Weymouth, has been sympathetic to my constituent since first contacted in 1993, but her hands are tied by the procedures of the Office for National Statistics, and the office says that the statute law concerned is section 29(3) of the Births and Deaths Registration Act 1953. The deputy registrar-general, Mr. Ribbins, wrote to me in August 1994 to say that he was sympathetic, but that his hands were tied by statute.

Subsequent to that letter to me in August 1994, there were further unhelpful developments. The man who assisted with the late Dr. Grant's affairs was contacted by me about the medical records, and another consultant, Dr. Patrick Lincoln, was contacted by the OPCS, as it then was. Sadly, Dr. Lincoln said that he could not provide a statutory declaration, as he did not have Dr. Grant's original records to look at.

Mr. Veale has found himself blocked at every turn in his perfectly proper efforts to correct this erroneous registration, despite having a sworn affidavit from his former wife dated November 1991. I shall quote from that affidavit:

> "I had an affair with a gentleman . . . the result of which was my becoming pregnant and giving birth to my son Tarran James Veale whose date of birth is the 27th April 1987. Affiliation proceedings were subsequently pursued and an order was made in respect of Tarran for maintenance."

That sworn affidavit to the court, dated 7 November 1991, is apparently not sufficient to correct the erroneous birth certificate.

[Mr. Nick Hawkins]

The evidence has been accepted as fact by the courts for all the other important decisions in the divorce and the ancillary relief proceedings to be based upon it, but apparently, under the law as it stands, it is not sufficient for the Office for National Statistics.

On 28 April last year, my constituent and I tried another tack to secure a statutory declaration that the Office for National Statistics might regard as acceptable. We tried to get statutory declarations from the magistrate or the solicitor in front of whom the affiliation proceedings had taken place. That, too, was regarded as insufficient.

The Office for National Statistics subsequently made an offer, suggesting in a letter dated 22 May last year that it might be able to correct the birth registration if someone else could be found who was prepared to accept the findings of Dr. Grant and make a statutory declaration on that basis.

However, that offer is of no help to my constituent unless the office itself can find somebody who, without Dr. Grant's original records, is still prepared to make such a statutory declaration. My constituent has tried, but he has no means of finding such a person, and when the Office for National Statistics suggested Dr. Lincoln, he was unwilling to make such a declaration without the original records. The offer is therefore fruitless.

During the long saga of this case, it never occurred to me, or, I am sure, to my constituent, that it would end as a debate answered by a Treasury Minister. Such are the oddities thrown up when arms of Government responsibility are transferred from one Department to another. However, knowing of the sympathetic nature of my hon. Friend the Minister, I hope that she will be able to assist.

Now that the matter is within the purview of the Treasury, my fears about lack of parliamentary time are substantial. I do not suppose my hon. Friend can see any scope for making the required changes to statute law, if that is the only way forward, in a Finance Bill. However, I hope that she may be able to bring pressure to bear on officials, to break the vicious circle in which my constituent finds himself.

Perhaps she can ensure that the Office for National Statistics does more than express sympathy, as it has repeatedly done, and either finds a doctor who is prepared to consider the considerable legal evidence—based on medical evidence that everybody acknowledges once existed in the case—and who will swear the second statutory declaration that is said to be the only way out, or finds another way out for my constituent. Or perhaps she can find parliamentary time to change the law.

Clearly in this case, as Mr. Bumble said in "Oliver Twist",

"the law is a ass—a idiot."

If that is the best that the law can do, my hope for the law, like that of Mr. Bumble, is that its eyes may be opened by experience.

12.17 am

The Economic Secretary to the Treasury (Mrs. Angela Knight): I congratulate my hon. Friend the Member for Blackpool, South (Mr. Hawkins) on obtaining a debate on this serious case. Just as he was surprised to find that it was a Treasury Minister to whom his debate was addressed, I too, as that Treasury Minister, am surprised that the matter falls within my remit. As for the law, I could not possibly make any comment; as a barrister, no doubt my hon. Friend knows the law better than I do.

I am aware of the background to the case, and I have considerable sympathy with the difficult situation in which my hon. Friend's constituent, Mr. Veale, finds himself. I congratulate my hon. Friend on the assiduous way in which he has pursued the case.

The Registrar-General is responsible for administering the law relating to the registration of births, deaths and marriages in England and Wales, and I have consulted him about this matter. The Registrar-General's office forms part of the Office of Population Censuses and Surveys, which is now the Office for National Statistics. I am aware that there are particular complications with this most sensitive and unusual case.

The background legislation governing the handling of Mr. Veale's application is the Births and Deaths Registration Act 1953, which requires the birth of every child born in England and Wales to be registered by the registrar of births and deaths for the registration sub-district in which the child was born. The information required to be registered in respect of each child is prescribed by regulations made by the Registrar-General. The information is given to the registrar by a qualified informant, who is usually a parent of the child.

If the parents are married, the child's birth may be registered on the sole information of the mother or the father. There is a presumption in common law that a child born to a married woman is a child of the mother and the husband. In those circumstances, the husband would be recorded in the birth register as the father of the child, unless, at the time of registration, it was made clear to the registrar that the husband could not possibly be the father.

A great deal of reliance is therefore placed on the information given to the registrar being accurate and for that reason, every registrar permanently displays a notice referring to the penalties of the Perjury Act 1911 for giving false information. That, of course, does not always deter. Indeed, it would be true to say that, while a birth certificate is certainly evidence of the fact of birth, the same cannot always be said of the person named as the father. That is the nub and heart of this case.

The difficulty arises when one tries to make a correction to an entry contained in a birth register. Such a correction can be made in accordance with the law only if it can be shown that an error was made when the birth was registered. The appropriate section of the Births and Deaths Registration Act 1953 allows an error of fact or substance, which is what we have in this case, to be corrected. That may be done once satisfactory evidence of the facts has been obtained, and on production of a statutory declaration setting out the nature of the error and the true facts of the case made by two qualified informants of the birth.

The people who are qualified to act as informants are defined in legislation, and the mother and father of a child are the primary informants. The Registrar-General therefore looks first for statutory declarations from the people named as the child's parents when a correction is requested. The legislation goes on to state that, in default of a qualified informant, a credible person with

knowledge of the true facts may make the statutory declaration. That person must have personal knowledge of the facts.

My hon. Friend has outlined the circumstances of the birth and the divorce in this case. The birth was registered on information given by the mother as that of the child of herself and her then husband. Application for the father's details to be removed was made by Mr. Veale in February 1993.

Officials of what was then the OPCS were satisfied from the evidence provided that the entry could be corrected by means of statutory declarations by Mr. Veale and the child's mother. Evidence of paternity in the entry included a copy of a blood test result to which my hon. Friend referred. It was carried out in 1988 and excluded Mr. Veale from paternity of the child. A copy of an affiliation order made in 1988 naming someone other than Mr. Veale as the father was also submitted, together with an affidavit made by the mother in 1991. However, the child's mother refused to co-operate in making the statutory declaration required by law for the purpose of correcting the birth entry.

In those circumstances, OPCS officials advised that the blood tester would be qualified as an alternative declarant in the capacity of a credible person with knowledge of the facts.

The mother was notified, but it transpired that the blood tester had died, and other doctors who were contacted felt that they were not able to make a declaration based on the tester's original records, as my hon. Friend said. Officials also wrote to the person who had been named as the father, inquiring whether he would be willing to make a statutory declaration. Unfortunately, he declined to be involved in the matter.

I hope that the House will agree that the ONS tried to find someone who could provide the relevant evidence. The declaration from the mother was not made, so one was left with the difficulties that have been described. To date, Mr. Veale has been unable to find another person who is qualified by law to make the appropriate statutory declaration.

The provisions that govern the correction of errors in civil registration records are tightly drawn by law to prevent abuse. Neither the Registrar-General nor I have the power to exercise any discretion in this matter. The court records and blood tests provide good evidence of the facts, but the legislation still requires the statutory declaration to be made before a birth entry can be corrected.

As a consequence of this type of case, although not this one in particular, the provisions were reviewed in 1988 in a Green Paper. A White Paper was subsequently published, and the result has been a series of proposals that have not yet been brought into law because parliamentary time has not yet allowed it.

The proposals in that White Paper governing this sort of case would broaden the range of persons who could be qualified to make a statutory declaration. Such broadening could be a suitable candidate for the deregulation route. I hold out no promises to my hon. Friend, but I can assure him that we are examining that area, and I will keep in touch with him as far as progress and potential possibilities are concerned.

I can appreciate my hon. Friend's frustration, and particularly Mr. Veale's frustration, but without the co-operation of his former wife or a suitably qualified second person to declare that the blood tests taken were accurate, regrettably there is nothing further that I can offer him, other than considering the matter via the deregulation route to find out whether some of the White Paper's proposals can be brought into force.

I thank my hon. Friend again for bringing this matter forward for consideration, and I am sorry to have had to give him this answer, which is undoubtedly not as positive as he would have liked.

Question put and agreed to.

Adjourned accordingly at twenty-six minutes past Twelve midnight.

House of Commons

Thursday 25 April 1996

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

BODMIN MOOR COMMONS BILL *[Lords]*

Order for Second Reading read.

To be read a Second time upon Thursday 2 May.

Oral Answers to Questions

HOME DEPARTMENT

Closed Circuit Television

1. **Mr. Matthew Banks:** To ask the Secretary of State for the Home Department what measures his Department is taking to increase the number of CCTV schemes in operation. [25036]

The Secretary of State for the Home Department (Mr. Michael Howard): In March 1995, we distributed £5 million to 106 winners in our first CCTV challenge competition. Those schemes are now coming on stream. We are planning to spend a further £45 million over the next three years to promote the use of CCTV in crime prevention. We aim to fund 10,000 more cameras.

Mr. Banks: My right hon. and learned Friend will be aware of the strong support in Southport for the introduction of closed circuit television cameras. Does he agree that, where CCTV has been introduced, there has been a clear reduction in crime? Is not that to be welcomed? Will he pursue the policy with the utmost vigour?

Mr. Howard: I am grateful to my hon. Friend. I shall certainly continue to pursue the policy. When closed circuit television was introduced in Workington in 1994, crime was reduced by 57 per cent. on the previous year, and there was a further reduction of 59 per cent. in 1995. There have been similar reductions across the country. In the words of the chief constable of Northumbria:

"We are leading the world in closed circuit television technology".

Mr. Tony Banks: Before we all wildly applaud what the Home Secretary has just said, may I ask him whether he is aware that there are more electronic eyes—and that we are under more surveillance—in this country than in any other country on the planet, including all the eastern European countries? Are we not seeing the day of big brother? The fact that we have to have spies on every building to try to limit crime marks 17 years of Conservative government, and is a condemnation of him and everything that he stands for.

Mr. Howard: There speaks the authentic voice of the Labour party. The country will know that, whereas Conservatives are working hard to protect the public through the use of technology and other ways, all those efforts are being met by the most antediluvian opposition of the hon. Gentleman and his party.

Mr. Carttiss: In the light of my right hon. and learned Friend's answer, is he aware that although a number of Labour-controlled Norfolk towns, including the city of Norwich, have CCTV, the Labour-controlled Great Yarmouth borough council has rejected the crime prevention measure? What does that say about the so-called policy of being tough on crime and tough on the causes of crime that we hear so much from the Labour Front Bench?

Mr. Howard: It shows yet again that Labour cannot be trusted on crime. Not long ago, I had the privilege of visiting some of the CCTV schemes in Norfolk. They are very successful. It is a great pity that Great Yarmouth council is so blinkered that it is not prepared to follow the example of others in Norfolk.

Mr. Gapes: Will the Home Secretary support the bid of Labour Redbridge council for a CCTV scheme in the centre of Ilford, which is supported by the police and the local business community and would do wonders to cut crime and add to the thriving nature of many Labour-led businesses in our local authority?

Mr. Howard: I can assure the hon. Gentleman that the most careful consideration will be given to the bid for funding for CCTV in his constituency. I further give him the undertaking that we shall not hold it against his constituency that his neighbour, the hon. Member for Newham, North–West (Mr. Banks), has such old-fashioned and obstructive views on the subject.

Identity Cards

2. **Mr. David Evans:** To ask the Secretary of State for the Home Department how many European countries have a domestic identity card. [25037]

Mr. Howard: Eleven of the 15 countries in the European Union have some form of identity card.

Mr. Evans: I thank my right hon. and learned Friend for his reply. Is he aware that the vast majority of the British people want identity cards, not least to identify the thousands of illegal immigrants who are drawing benefit? Is he aware that, if the lot opposite ever came to power, inflation would soon be at 26.9 per cent., tax at 98 per cent. and we would need identity cards not to show that we are entitled to be here but to show that we are entitled to get out of here?

Mr. Howard: As usual, my hon. Friend put his point in a telling and inimitable way. Of course, his suggestion is right, not least because of the new tax on the family

through the withdrawal of family credit from families with 16 to 18-year-olds that is the latest weapon in the Labour party's tax armoury.

Mr. Henderson: The Home Secretary was correct that the hon. Member for Welwyn Hatfield (Mr. Evans) put his case in a telling way, which certainly cannot be said of the Government. Will he say whether he agrees with the Prime Minister when he said during last year's local election campaign that compulsory identity cards were necessary to combat crime, or will he own up to the fact that his officials have told him that a compulsory scheme would be too costly, ineffective and unpopular—even with the hon. Member's constituents in Welwyn Hatfield?

Mr. Howard: If the hon. Gentleman were to look at what was said by me and others, he would see that we said that we would consult on various versions of identity cards, ranging from the compulsory through the voluntary to none at all. We said that we would invite people's views on those options, as we have done, and that we would announce our decision in due course. That is exactly what we intend to do.

Mrs. Peacock: Will my right hon. and learned Friend give careful consideration to identity cards with photographs, which would be most helpful? In my constituency, there is a serious problem of a young man's details having being given to the police on three occasions by a small gang. That young man has been dragged to court, yet he has not been identified as the culprit at the scene of the crime. Someone else is using his name. If tearaways driving around in the middle of the night had to produce an identity card with a photograph, that problem would be resolved.

Mr. Howard: I am grateful to my hon. Friend for her suggestion. She knows that I always take her suggestions particularly seriously. I shall certainly take what she has said fully into account in working up our proposals.

Robberies

3. **Mr. Austin Mitchell:** To ask the Secretary of State for the Home Department how many robberies were recorded by the police (a) in England and Wales and (b) in Humberside in (i) 1995 and (ii) 1979. [25038]

The Minister of State, Home Office (Mr. David Maclean): The figures for England and Wales are 68,407 and 12,482. The corresponding figures for Humberside were 680 and 103.

Mr. Mitchell: As the Minister does not care to give us the percentage increases, my quick mental arithmetic gives them as 448 per cent. in England and Wales and 560 per cent. in Humberside. Given that robbery is the crime that most exacerbates the atmosphere of fear of crime, is not that amazing increase, which is continuing, a total condemnation of the Government's policy?

Mr. Maclean: Not at all, but it is typical of the hon. Gentleman to focus on robbery in Humberside, which has unfortunately been increasing. It is the duty of Humberside police to deal with robbery on their patch. I would have had more respect for the hon. Gentleman if he had mentioned that, in the past two years, crime has fallen on Humberside by 12,000 offences, or that there are 4,000 fewer car crimes and 9,000 fewer burglaries. How did the people who get involved in robbery on Humberside start? Perhaps they started as shop thieves. They may have been encouraged by the fact that the Leader of the Opposition seems to think that stealing from shops is okay and merely putting a "treat in your pocket".

Sir Ivan Lawrence: Is not robbery a crime of violence against the person? Have not crimes of violence against the person fallen nationwide over the past year, for the first time in 49 years?

Mr. Maclean: That is true; crimes of violence have fallen considerably in England and Wales for the first time in 49 years. Of course, the Labour party wants to pretend that crime was not invented until 1979, so I thought that I would look at the figures for 1975, 1976, 1978 and 1979. In those years in Humberside, violence increased by 23 per cent., violence against the person by 34 per cent., burglary by 6 per cent. and vehicle crime by 25 per cent.

Mr. Tony Banks: What about crime now?

Mr. Maclean: Crime rose under Labour Governments and, yes, it rose for some years under the Conservative Government, but it has been falling for the past three years—and Labour Members do not want to talk about that.

Recorded Crime

4. **Mr. Alan W. Williams:** To ask the Secretary of State for the Home Department what percentage change there has been in the incidence of recorded crime since (a) 1994 and (b) 1979. [25040]

Mr. Howard: Between 1994 and 1995, recorded crime in England and Wales fell by 2.4 per cent. Between 1979 and 1995, there was an increase of 102 per cent.

Mr. Williams: Does the Home Secretary now accept that there is a good correlation between unemployment and the incidence of crime? Over the past three years, there has been a significant fall in unemployment and a small fall in the incidence of crime but, over the past 15 years, we have had unemployment rates of 10 to 15 per cent., with the despond, lack of self-esteem and hopelessness that that produces in people, and its corrosive effect in society. Is not that the root cause of the fact that crime has more than doubled since 1979?

Mr. Howard: The research carried out into the matter does not support the hon. Gentleman's thesis. Furthermore, this is an irrelevant argument, because I accept that we must do everything to bring down unemployment, which is a social evil in itself, irrespective of whether it has anything to do with crime. We have been extremely successful in reducing unemployment at a time when it has been increasing in most of the rest of Europe. Why does the hon. Gentleman not rejoice with me in the fact that, in Dyfed-Powys, in which his constituency lies, recorded crime over the past two years has fallen by no less than 22 per cent.—a decrease of 5,300 in recorded crimes since 1993?

Mr. Bill Walker: Does my right hon. and learned Friend agree that, in the campaign to keep recorded crime

figures coming down, the possession of identity cards would be a big advantage to the police? The military and the reserve forces have identity cards, and so do Members of Parliament. Many people who work in companies have identity cards, too. Why should we not have identity cards for every member of the public, which would assist the police in their efforts to bring down crime?

Mr. Howard: I understand my hon. Friend's point, but he will doubtless be aware of the fact that the police do not favour a compulsory identity card. None the less, I shall take what he has said fully into account in working up my proposals.

Mr. Straw: What is there to rejoice about in a record which shows that, as the Home Secretary has confirmed, recorded crime has more than doubled over the past 16 years? Is he not aware that, as crime has doubled, the proportion of people convicted or cautioned for those crimes has fallen by more than half? Is that not the worst record of any British Government since the war—and, indeed, of any comparable Administration in any western country? Is it therefore any wonder that the British people have so comprehensively lost confidence in the Government's ability to keep communities safe from crime?

Mr. Howard: The hon. Gentleman knows perfectly well that, as my right hon. Friend the Minister of State pointed out, crime was rising before 1979. It has also been rising in other western European countries and in countries elsewhere in the developed world since that date. In the past three years, however, there has been the greatest fall in recorded crime since records began to be kept in the middle of the 19th century. That is a matter for some satisfaction, and we congratulate the police on their achievements.

However, there is much more to be done. That is why I have made further proposals. Why did the hon. Gentleman and his party oppose all the measures that we announced to improve our record further? Why does he oppose our sentencing proposals and the proposals to change the right to silence, which are having such a beneficial impact on crime? Why did he undermine the proposals to change the law on bail? Why does Labour have such an appalling record on crime?

Border Controls

6. **Sir Teddy Taylor:** To ask the Secretary of State for the Home Department if he will raise at the next meeting of the Council of Ministers the issue of border controls. [25042]

Mr. Howard: I have no plans to raise the issue of border controls at the next meeting of the Justice and Home Affairs Council.

Sir Teddy Taylor: Does the Secretary of State agree that the removal of border controls would effectively establish a single European state without frontiers? What constitutional defences are available to us if the European Court determines—as some of us believe it will—that the declaration attached to the Single European Act does not have the status of European law?

Mr. Howard: My hon. Friend knows perfectly well—because we have had exchanges on this subject before—that the Government have made it absolutely clear that they are firmly determined to maintain the United Kingdom's frontier controls. That is our position: we will maintain our frontier controls, as we have made clear on numerous occasions.

Prisons (Illegal Drug Use)

7. **Mr. Flynn:** To ask the Secretary of State for the Home Department what is his estimate of the percentage of prisons that are free of illegal drug use. [25043]

The Minister of State, Home Office (Miss Ann Widdecombe): Mandatory drug testing has been implemented in all prisons, on schedule, by 31 March. The data it will yield will provide, over time, a good indicator of the level and pattern of drug misuse in prisons. However, because the random testing programme involves the testing of only 10 per cent. of a prison's population every month, even when all the tests prove negative, it will still not be safe to claim that an entire prison is free of drug misuse.

Mr. Flynn: That is a disgraceful non-answer. I suggest that the Minister read my question again and the letter that I sent to her Department pointing out that, in my county of Gwent, in two cases, on two different days, convicted offenders were excused prison—which they most certainly would have had—for the serious offences that they had committed because the judge decided that, as ex-drug users, they would be exposed to more drug temptation in prison than they would be in the community. It seems, therefore, that drug users get a better chance of not going to gaol. In what percentage of prisons is drug use endemic? If the Minister does not know the answer, I can tell her what her right hon. and learned Friend the Secretary of State told me before—that drug use is endemic in 98 per cent. of gaols. Why is this the case after 17 years of Tory government?

Miss Widdecombe: If the hon. Gentleman wanted an answer to that question, perhaps he should have asked it. The hon. Gentleman asked me:

"what . . . percentage of prisons . . . are free of illegal drug use."

I have clearly explained to him that, even if all the random tests came out negative, it would be impossible to make the claim he asks me to make because all the other prisoners would not have been tested. However, it is well worth pointing out to him—as he referred to the figure for Welsh prisons—that, in the 14 tests carried out in Cardiff in February, there were no positive results. Perhaps he would like to congratulate the Government on that.

Perhaps the hon. Gentleman would like to congratulate the Prison Service on the wide range of initiatives that it has introduced to combat drugs—such as mandatory drug testing, additional searching provisions, closed visits and the increased use of dogs. Will the hon. Gentleman welcome those efforts and acknowledge that they are making a real impact on drug use in prisons? Will he preserve his scorn for those who try to get drugs into prisons, rather than use it on those who are doing their level best to combat drugs—and doing so very successfully?

Mr. John Greenway: Does my hon. Friend agree that there can be absolutely no rehabilitation of offenders in

custody so long as they have access to drugs, so removing drugs from our prisons is the single most important priority that the Government could have in ensuring that people do not re-offend when they leave custody? In that respect, does my hon. Friend think that we can learn a great deal from the boot camps in the United States of America, which are no-drug zones? Will she ensure that similar detention centres in Britain are also no-drug zones?

Miss Widdecombe: I hope that, one day, we shall be able to ensure that there is no prison, whether for young offenders or for adult offenders, in which there are drugs, and I described the measures that we were undertaking to try to move towards that.

My hon. Friend is right; drugs in prisons are a major evil. That is why it is important not only to take measures against the supply of drugs, but to try to combat the demand. I therefore welcome the fact that 80 prisons now have detoxification units, that we have many programmes designed to tackle drugs behaviour and that we are using education, counselling and medical help in prisons to try to get prisoners out of the habit—which most of them have before they enter prison.

Ms Lynne: The Minister is aware that there is a serious drugs problem at Buckley Hall prison in Rochdale, and that many of those drugs are coming over the perimeter fence. That is one of the reasons why the perimeter fence is being strengthened at the moment. Is she aware, however, that on Tuesday 23 April, at 2 pm, four prisoners, using construction equipment left lying about by the contractors, escaped over the prison fence? Is it not about time that she listened to the views of the people of Rochdale and instigated a full public inquiry into the running of Buckley Hall prison by Group 4?

Miss Widdecombe: First, the hon. Lady says that there is a serious drugs problem at Buckley Hall. It is worth recording that, when the last series of tests was carried out, 19 prisoners were tested and only one was found positive. Although that is one too many, it is not indicative of what she describes as a serious problem.

Secondly, with respect to the hon. Lady's comments on Buckley Hall, I answered at great length in an Adjournment debate, and proved that she is taking a most unfair line, that she is insulting staff—many of whom are probably her constituents—and that it is high time that she recognised the aspects in which Buckley Hall performed better than its public service comparators.

Mr. Key: Can my hon. Friend confirm that there is no lack of determination on the part of the Government or the Prison Service to eliminate drugs from prisons? Can she confirm that the root problem is that, as a result of court decisions, personal contact between prisoners and visitors is now compulsory, and that internal body searches are not allowed unless a doctor is present and the prisoner consents, which means that, for all practical purposes, substances can be taken into prison and prison staff have no option but to allow those substances to be used?

Miss Widdecombe: My hon. Friend is right to identify visitors' contacts with prisoners as being an aspect of major concern. That is why there is now increased use of monitoring by cameras at visiting time, why there is increased use of closed visits where prisoners are found to have obtained drugs, why there are strict search procedures and why dogs are often used at visiting times.

My hon. Friend is right to identify that. He is not right, however, to say that prison staff have no choice but to allow substances to be used. It might reassure my hon. Friend to know that there is a healthy record of detection and removal of substances and—perhaps most important of all—prosecution of guilty visitors.

Mr. George Howarth: Will the Minister give us an assurance that the mandatory drug testing scheme will be reviewed to discover what, if any, improvements may be made to it? Will she also give the House an assurance that the proposed cuts of 14.5 per cent. in real terms that are due to take place during the next three years will not affect the many effective, well-run drug rehabilitation programmes that are already going on in our prisons? Will she ensure that those programmes are protected? I am sure that the whole House agrees that it is important that people who are into taking drugs are helped to get out of them, especially when in prison.

Miss Widdecombe: The hon. Gentleman can of course have our reassurance that mandatory drug testing will be continued, that it will be kept under review so that, if improvements can be made, they will be made, and that we shall monitor carefully the results, especially when they have been up and running for long enough to allow us to perceive a steady pattern. I have pleasure in giving the hon. Gentleman that assurance.

The hon. Gentleman also asked about resources. Currently, about £5.1 million is allocated to drug rehabilitation and about £5.3 million is allocated to mandatory drug testing.

Mr. Ian Bruce: Does my hon. Friend agree that the work being done by prison officers throughout the United Kingdom, and especially in my constituency of South Dorset, tackling the drug problem is good news for everyone concerned, not least the prisoners? Will she take further measures, if necessary, to ensure that we can search people going into prisons, and that we can prosecute them with the full force of the law so that we stop people involved in that type of trafficking, which has been going on for many years?

Miss Widdecombe: My hon. Friend is absolutely right. We have fairly stringent searching, and when we have reason to believe that there is something untoward we have very stringent searching. We can refuse access, and we can—and do—call in the police with a view to prosecution when we find visitors trying to pass substances of that sort. I assure my hon. Friend that we shall seek to improve those procedures and that we are thoroughly committed to them.

British Passports

8. **Mr. Soley:** To ask the Secretary of State for the Home Department if he will make a statement on the design of British passports. [25044]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Timothy Kirkhope): The current new-style British passport, introduced from 1988, is in a common format that has been agreed throughout the European Union.

An internal review in 1995 found that the current design and security features provide adequate protection against fraud, but that is being examined again and consideration is being given to replacing the holder's photograph with a printed digitised image when the current printing equipment is replaced in 1998.

Mr. Soley: So when people renew their passports, they will, at the Minister's insistence, no longer be able to obtain a traditional British-style passport but must have what is called a "European Community passport". Is the Minister proud of that?

Mr. Kirkhope: I am somewhat surprised by the hon. Gentleman's remarks. The passport that is held by British nationals is quite clearly a British, not a European, passport. On its front cover, it bears this country's coat of arms and the clear and unequivocal statement that it is a passport of the United Kingdom of Great Britain and Northern Ireland. I give the hon. Gentleman an assurance that we intend it to remain that way—but I am not so sure that Opposition Front Benchers, with their Euro-enthusiasm, could provide the same guarantee.

Mr. Garnier: My hon. Friend is correct: the problem is not the design of the British passport, but designs on the British passport. Will my hon. Friend renew the fight to ensure that border controls and the sanctity of passports generally are upheld?

Mr. Kirkhope: I am sure that we can give that confirmation. However, the Opposition are apparently unable to do that. If we received more support from the Opposition in our determination in that regard, we would be in a much better position.

Private Security Industry

9. **Mr. Mullin:** To ask the Secretary of State for the Home Department what plans he has for regulating the private security industry; and if he will make a statement. [25045]

Mr. Maclean: We are still considering the case for regulating the private security industry.

Mr. Mullin: Has the Minister noticed that Lowther Construction, a company based in his constituency, has been employing an armed robber as a security guard—or at least it was until he was arrested on charges of supplying heroin? When will the Minister overcome his obsession with deregulation and do what all sensible people of all political persuasions both in and outside the industry are begging him to do: start regulating the private security industry?

Mr. Maclean: The hon. Gentleman and his party are very keen on regulation and more regulation, but they have not thought out the details and there is no blueprint for how it should be done.

Mr. Purchase: Get on with it.

Mr. Maclean: That is the Opposition's response to all regulation issues: they do not care about the details or the effect on criminal law or the industry; they would simply regulate and hope for the best.

The Home Affairs Committee has produced a very thoughtful report to which we are giving careful consideration. We have accepted many of its recommendations and we are working on the details of our White Paper on criminal record checks, which will address many of the problems in the industry. When we have formed our conclusions, we shall announce our proposals for the private security industry—whatever they may be.

Mr. Michael: Why does the Minister appear so unwilling to regulate the crooks? Does he realise that the experience of my hon. Friend the Member for Sunderland, South (Mr. Mullin) is not unique? What has the Minister to say about the experience of the police? For example, a police superintendent told me about a man with 23 pages of convictions on the police national computer who is running a private security firm. The police, the Labour party and the private security industry want statutory regulation of the industry. Why will not the Home Secretary bring in legislation to protect the public, instead of continuing to act as the villain's friend?

Mr. Maclean: It will not surprise the House to know that I anticipated that the hon. Gentleman might end with that jibe, so before coming to the House I looked up the Labour party's voting record—not on regulation, but on Bills to deal with people who have been convicted of crime. In 1988, Labour voted against the power to increase from two years to 10 the penalty for cruelty to children. Labour voted against penalties for hard drugs. Labour voted against the maximum penalty for taking a gun to crime. Labour voted against every prevention of terrorism Act until this year. Labour voted against many parts of the last criminal justice Bill and sabotaged others. We will produce our proposals for the private security industry in due course, but we will not take lessons from the Opposition when over the past 15 years they have voted against every measure that would have locked up more criminals.

Citizenship Applications

10. **Mr. Gordon Prentice:** To ask the Secretary of State for the Home Department if he will make it his policy to give reasons for refusing United Kingdom citizenship applications where the applicant has been lawfully resident in the United Kingdom for over 20 years, has no criminal record and has met all the duties and obligations which fall to be met by a person resident in the United Kingdom. [25046]

Mr. Kirkhope: No. Section 44(2) of the British Nationality Act 1981 expressly relieves the Secretary of State from giving reasons in such cases where the decision is at his discretion.

Mr. Prentice: Why will the Minister not give reasons for the refusal of British citizenship to the Fayed brothers,

as recommended in February by Mr. Justice Igor Judge, who said that not to do so gave the impression of secrecy and was unattractive, and who called on the Minister to think again? Is not the refusal of UK citizenship to the Fayed brothers, who have been in this country more than 20 years, a calculated act of political spite because the Fayed brothers blew the whistle on Ministers who enjoyed lavish hospitality at the Paris Ritz, allegedly for planting parliamentary questions? Is that not the reason for blackballing the Fayed brothers?

Mr. Kirkhope: Under schedule 1 to the 1981 Act, certain requirements must be met for approval to be given to citizenship. Some are objective matters and some are subjective, subject to discretion. Mr. Justice Judge's pronouncement, to which the hon. Gentleman referred, made it clear that the British Government have always acted lawfully in respect of the matters that the hon. Gentleman mentioned. The judge found as a matter of law that there was no obligation either to give reasons or to invite representations, and that the Home Office in no way acted unlawfully.

Mr. Ashby: Having received a pretty shabby letter from Mohammed Al Fayed, I hope that my hon. Friend the Minister agrees that he is not fit for British citizenship. People who are fit for British citizenship include children born in Germany of parents serving in the British forces. Why are such children subject to such an onerous burden of proof in obtaining a British passport?

Mr. Kirkhope: I thank my hon. Friend for that. I will be pleased to look into that matter and reply to him. I remind the House that we take British nationality extremely seriously. It is a very special status, not to be conferred in a flippant or easy manner—as suggested by the Labour party.

Police Forces (Revenue Finance)

11. **Mr. Benton:** To ask the Secretary of State for the Home Department how much he plans to increase the revenue finance for police forces in England and Wales in each of the next three years in order to increase by 5,000 the number of police officers. [25047]

Mr. Maclean: Police authorities will receive an extra £20 million this financial year, £60 million more in 1997-98 and £100 million more in 1998-99. That will enable them to recruit 5,000 additional police constables over that period.

Mr. Benton: Is the Minister aware of the early-day motion tabled by my hon. Friend the Member for Liverpool, Garston (Mr. Loyden), drawing attention to the increasing level of violence and use of firearms on Merseyside? Is he also aware that under the constraints imposed by the Government, Merseyside fire authority—this year, not in three years' time—will have to reduce its officer numbers by 130? How will the Merseyside authority cope with the increased levels of crime? Will the Minister put the elderly people and other vulnerable groups on Merseyside at ease with some statement of comfort, and will he agree to meet a delegation from the Merseyside police authority?

Mr. Maclean: People on Merseyside might be put more at ease if the authority did not waste hundreds of thousands of pounds on leaflets claiming that its budget will be cut by £19 million when in fact it received an increase of £8 million or 5.1 per cent. this financial year. I would be more impressed by the hon. Gentleman if he quoted from the latest Audit Commission report which shows, among other things, that Merseyside has almost 50 per cent. more money per head of population to tackle crime than the average police force. As a result of all that extra money, Merseyside has 50 per cent. more bobbies available for ordinary duty than the average police force. I should be delighted to meet a delegation from Merseyside on any occasion to remind it of the success of that force in that regard.

Mr. Dunn: Is the Minister satisfied that the police establishment of the county of Kent is sufficient to deal with all the manifestations of the channel tunnel rail link, in view of the huge increase in traffic moving through the county from the north to the coast and from there to Europe?

Mr. Maclean: Yes, I am. We no longer set establishments, but in view of the generous funding that all forces, including Kent, have received and the success that Kent police have had in tackling all aspects of crime, I am satisfied that Kent's excellent chief constable will be able to deploy the resources that we have given him in the most effective way to tackle any problems arising from the channel tunnel and any other problems of crime in his county.

Mr. Barnes: When will sufficient resources be given to the police in Derbyshire so that they can secure the return of their certificate of competence? Why is that force still suffering as a result of a past policy of civilianisation when that policy is now recommended by the Home Office?

Mr. Maclean: I will tell the House what Derbyshire is suffering from: it is suffering from a legacy of Labour control in Derbyshire in the mid-1980s—from Bookbinder and hostile Labour councillors who hated the police and did everything to do them down. Derbyshire's success is improving because the Tory Government have given more money to Derbyshire than its Labour council in the 1980s took away from it. Derbyshire will get about 5 per cent. more this year. It has had generous capital funding and if Labour councillors in the past had shown some respect for their county force, it would not have its problems.

Sentencing Policy

12. **Mr. David Nicholson:** To ask the Secretary of State for the Home Department what representations he has received about sentencing policy for crimes of burglary, car theft and shoplifting. [25048]

Mr. Howard: I receive many representations about sentencing policy, including widespread support for the proposals set out in the White Paper, "Protecting the Public".

Mr. Nicholson: My right hon. and learned Friend will be pleased to learn that there is widespread support in my constituency for his proposals for greater certainty in

sentencing. Is he aware that businesses in my constituency which have suffered through burglary or shoplifting—not just the theft of a tea cake but the theft of hundreds of pounds' worth of household or DIY equipment—expect the courts to provide at least loss of liberty or custody, not just probation, for persistent offenders? Will my right hon. and learned Friend contrast that concern with the lightness with which the Leader of the Opposition recently treated such matters?

Mr. Howard: I entirely agree with my hon. Friend about sentencing. I am sure that he will have drawn the attention of his shopkeeping constituents to the fact that the Leader of the Opposition has been going up and down the country making speeches which excuse shoplifters. The Leader of the Opposition will go down in history as the pilferer's friend.

Recorded Crime

13. **Mr. Patrick Thompson:** To ask the Secretary of State for the Home Department if he will make a statement on the latest recorded crime figures. [25049]

Mr. Howard: Recorded crime in England and Wales fell by 2.4 per cent. in 1995 and by 8 per cent. in the three years to the end of 1995. That is the largest ever continuous fall in the number of annually recorded crimes. Those figures are a testament to the achievements of the police and local communities in helping to prevent crime.

Mr. Thompson: Is my right hon. and learned Friend aware of the stupendously good news in Norfolk with regard to recorded crime? Is he aware that recorded crime and burglaries have fallen during the past year in Norfolk, and that car theft has fallen by 14 per cent. during the past year in Norfolk? Will my right hon. and learned Friend pay tribute to the police and the crime prevention panel in Norfolk for that really good work, and will he say that there will be more resources for more police and more special constables in Norfolk in the coming year?

Mr. Howard: I am grateful to my hon. Friend for giving me the opportunity to pay tribute to the record of the police in Norfolk. Norfolk has had a 20 per cent. reduction in recorded crime during the past two years, with some 9,000 fewer victims—the biggest fall of any county. I join my hon. Friend in congratulating the Norfolk police on that achievement.

PRIME MINISTER

Engagements

Q1. **Mr. Corbett:** To ask the Prime Minister if he will list his official engagements for Thursday 25 April. [25066]

The Prime Minister (Mr. John Major): This morning, I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

Mr. Corbett: Did the Prime Minister hear his Chancellor on the "Today" programme this morning deriding the claim that economic and monetary union would necessarily mean the end of the nation state? Is that the Prime Minister's view, or will he be giving another shambolic free vote to his Cabinet?

The Prime Minister: I am surprised that the hon. Gentleman does not think that on matters of conscience it is right to have a free vote in the House. I understand that last night's debate was of a very high quality, as is frequently the case when we have a free vote in the House, and I believe that it was the right way to deal with the problem. With regard to the nation state, my right hon. and learned Friend is a strong supporter of it.

Dame Jill Knight: May I assure my right hon. Friend that the Government's announcement earlier this week on the abolition of anti-personnel mines has been widely welcomed both within and outside the House? Bearing it in mind that some 2,000 innocent people are killed or maimed every month as a result of those diabolical instruments, will my right hon. Friend please use his considerable influence to obtain their abolition worldwide?

The Prime Minister: I am grateful to my hon. Friend. We have stated for a long time our aim to eliminate anti-personnel mines and we hope that through international agreement that aim can be achieved. I can certainly give my hon. Friend the assurance that we will work for a total worldwide ban on anti-personnel mines.

Mr. Blair: Does not the fact that four of the Prime Minister's Cabinet Ministers—*[Interruption.]* I am well aware why Conservative Members do not want to talk about this. Does not the fact that four Cabinet Ministers voted against the Prime Minister himself on a Bill from his own Lord Chancellor show the humiliating state to which his authority has been reduced?

The Prime Minister: I think that the right hon. Gentleman will recall what I said when I announced the Bill last November in the debate on the Queen's Speech. I made it clear at that time that this was a matter of personal conviction for all hon. Members and that I had no intention of riding roughshod over the convictions of any hon. Member, in the Government or beyond, on the matter. I said then that we would propose free votes on matters of conscience. If the right hon. Gentleman thinks that it is right to have a free vote on a matter of conscience, does he equally think that it is right that those members of any Administration who feel strongly on these matters should be excluded? Presumably he does. If he does, he has a strange view of what forms a matter of conscience.

Mr. Blair: I think that most people have an increasingly clear view of the Government. Is the Prime Minister not aware—*[Interruption.]*

Madam Speaker: Order. The House must come to order and listen to what is being said.

Mr. Blair: I remind the Prime Minister that that was a Government Bill, proposed by his Lord Chancellor. Last night's vote was not only about the amendment—it was fundamentally about the ethos of the Bill and about the direction of the Conservative party. Does not that vote

show the advanced state of decay of his Government—that he now has to rely on Opposition support to carry that messed-up measure through the House of Commons?

The Prime Minister: The right hon. Gentleman is deliberately misleading, and he knows that he is deliberately misleading—*[Interruption.]*

Madam Speaker: Order. I am sure that the Prime Minister did not intend to use unparliamentary language. I refer to the words "deliberately misleading". Will he please rephrase that?

The Prime Minister: Of course—as Madam Speaker wishes it. I will simply say that the right hon. Gentleman is being disingenuous in the way in which he addresses this issue. He has known from the Bill's outset that I have made it clear that, on the issue of fault and on other issues of conscience, there was to be a genuinely free vote of the House. A free vote was not forced on the Government. I announced it from the Dispatch Box last November when I spoke about the Bill in the Queen's Speech. I have honoured that promise, for every member of my party.

I made it clear that we were to have a free vote, and I made it clear to every member of the Government that a free vote would apply to them as well. In the past we have had free votes on other matters of conscience, such as capital punishment and Sunday trading. I believe that on an issue of such importance, and on one which is a matter of conscience, it is right for hon. Members to have an opportunity to vote exactly as their consciences dictate. I believe that that is in the best interests of Parliament. Moreover, if I had imposed a Whip on members of the Government after announcing that there would be a free vote, the right hon. Gentleman would now be criticising me from the Dispatch Box for not allowing the genuine free vote that I promised the House some months ago. I gave my word to the House, and I have kept it.

Mr. Blair: I do not mind the Prime Minister talking tough with me, but it is time that he also talked tough with his Cabinet—that is all that we ask. Is this not all of a piece with the defiance that we heard—*[Interruption.]* We heard the Chancellor this morning—[HON. MEMBERS: "Where were you?"] Conservative Members are all shouting—*[Interruption.]*

Madam Speaker: Order. Sir Ivan and other hon. Members who are shouting, come to order.

Mr. Blair: They are all asking where I was. That is a novel constitutional proposition—that it is now my duty to turn up and vote with the Government to save them from their own Cabinet Ministers. After hearing the Chancellor this morning, and with two Cabinet Ministers sitting in silent support of the European Communities (European Court) Bill, is not the Prime Minister's real problem that every member of his Cabinet has a future agenda but him? Until he gets an agenda and asserts it, this country will continue to suffer from the most feeble Government in living memory.

The Prime Minister: The right hon. Gentleman overlooks the fact that I set out the agenda last November, and I have kept to that agenda. I realise that in the new autocratic Labour party—where party henchmen oversee everything that Front Benchers and Back Benchers say and, should they stray, a signed statement is put out in their names later on the same day—the concept of a free vote is alien to the right hon. Gentleman.

The next time the right hon. Gentleman talks to us about his conscience and matters related to church and conscience, perhaps he will say that it does not apply when he sees political advantage. He would be prepared to go through people for his own party political interests and to go against their consciences—even on a matter that affects the conscience of every hon. Member. If that is the way he behaves in opposition, people will be aware of that and they will be aware of what sort of Government he would be likely to have if he ever had the opportunity. What he has revealed to the House this afternoon is that he has no understanding of parliamentary tradition, no understanding of individual conscience and no understanding of the way in which Parliament must deal with matters of this sort which affect the consciences of every hon. Member and every family in the country.

Mr. Spring: Does my right hon. Friend share the universal disgust that, despite the clear way forward that has been mapped out for enduring peace and stability in Northern Ireland, the IRA's bombing campaign continues unabated? Does he share my outrage that a proposal to condemn the ending of the IRA ceasefire was rejected by the Labour party in Islington?

The Prime Minister: I can only hope that the Leader of the Opposition will bring his own party in Islington into line on a matter of importance to everyone in the United Kingdom. It puts into proper context the nonsense that the right hon. Gentleman has just been talking to the House.

Sinn Fein and the IRA, with their tired old combination of bullets and bombs, remain locked in the past. While they do so, they must remain outside the democratic consensus established by the two Governments, and outside the democratic consensus of all the other parties in Northern Ireland. I repeat to Sinn Fein that it has to make a choice, for it cannot duck it. If it wishes to become a democratic party, it must make it clear that it will have no truck now or in the future with violence of the sort that we have seen. If it does not do that, there is no way in which it can join the democratic discussions about the future of Northern Ireland.

Q2. **Mrs. Jane Kennedy:** To ask the Prime Minister if he will list his official engagements for Thursday 25 April. [25067]

The Prime Minister: I refer the hon. Lady to the answer I gave some moments ago.

Mrs. Kennedy: Given the President of the Board of Trade's gloomy prediction that manufacturing firms are set to shed jobs in the coming months, and remembering that almost 3 million manufacturing jobs have disappeared from Britain since his party came to power, does the Prime Minister realise that his claims to have made Britain the enterprise centre of Europe have no credibility whatever?

The Prime Minister: I am afraid that the hon. Lady has slightly misinterpreted, first, what my right hon.

Friend said and, secondly, the facts. Perhaps she would care to acknowledge that manufacturing employment is 50,000 higher now than at the beginning of 1994; that this is the first time that a downward trend has been reversed for many years; that manufacturing output has risen by more than 8 per cent.; that exports have risen by a quarter to record levels; that total manufacturing investment in plant and machinery is up by 16 per cent.; that across the economy as a whole 5,000 new jobs have been created every week since the recovery began—almost three quarters of a million in all. While the policies of the Labour party would destroy jobs, the Government are creating jobs faster than any other comparable economy in western Europe. We have a lower level of unemployment than any other such economy in western Europe. The policy of the minimum wage and similar policies would certainly increase unemployment. As the deputy leader of the Labour party said some time ago, any silly fool knows that—even the deputy leader of the Labour party.

Mr. Renton: Contrary to the hon. Member for Liverpool, Broadgreen (Mrs. Kennedy), I congratulate my right hon. Friend on the excellent speech that he made yesterday on Britain as the enterprise centre of Europe and on his vivid comment that those who think that Britain can be a trading haven on the edge of Europe without being in the European Union are in cloud cuckoo land. Does he recall that the original cloud cuckoo land was an imaginary city built in the air by the birds? Would that not also be a suitable destination for those who think that they can vote Labour without seeing their personal and business taxes go sky high?

The Prime Minister: That does not apply only to personal and business taxes. It now seems that anyone who is ill advised enough to encourage their youngsters to stay on and take A-levels will lose £560 in child benefit every year. Those who happen to have two children aged between 16 and 18 doing A-levels will lose more than £1,000 a year. There is no purpose in the shadow Chancellor's shaking his head: that is his policy—that is his response to people on low incomes who want their children to take A-levels, proceed to university and do better.

We are not talking just about the withdrawal of child benefit. Before child benefit it was a tax allowance. This is the direct equivalent of a tax increase of £560 for every family with children taking A-levels. There is no point in the shadow Chancellor's shaking his head: it is his policy and it is nonsense—and we intend to tell every family in the land about it.

Q3. **Mr. Chris Davies:** To ask the Prime Minister if he will list his official engagements for Thursday 25 April. [25068]

The Prime Minister: I refer the hon. Member to the answer I gave some moments ago.

Mr. Davies: Does the Prime Minister accept that the Government's statement earlier this week about anti-personnel land mines was a case of three steps forward in PR terms and two steps backward in terms of reality? It will greatly disappoint people all over the world who can take no steps at all because their limbs have been destroyed by those inhumane weapons. Will the Prime Minister not support the recommendations in today's left-wing *The Daily Telegraph*, which suggests that the Government and Britain should take a moral lead in calling for a unilateral ban on the production and use of such weapons?

The Prime Minister: I just wonder where the hon. Gentleman may have been about 13 minutes ago, when I made it perfectly clear that we would work for a total worldwide ban on anti-personnel mines. I would have hoped that he could support that.

BSE

3.31 pm

Mr. Elliot Morley (Glanford and Scunthorpe) (*by private notice*) asked the Minister of Agriculture, Fisheries and Food if he would make a statement on the proposals that he was submitting to the European Union on bovine spongiform encephalopathy.

The Minister of Agriculture, Fisheries and Food (Mr. Douglas Hogg): Right hon. and hon. Members will recall that I made a statement in the House on 16 April, in which I made it plain that the Government's purpose was to achieve, as speedily as we could, a rapid and complete lifting of the ban on the export of British beef and beef products. In that and previous statements, I set out a wide range of measures including a buy-up scheme for all cattle aged over 30 months, further tightening of controls on specified bovine offals, and further tightening of the rules governing animal feed. I discussed the details of those measures with Commissioner Fischler on Tuesday.

As I said on 16 April, we were considering the possibility of a scheme of selective culling to accelerate the decline in the incidence of BSE at an acceptable cost. Since that time, I have developed the idea still further, and I have incorporated a more flexible approach to the targeting of animals identified as being most at risk of developing BSE.

That concept involves giving farmers the choice between slaughtering them and placing them under a restriction order. As was made plain in my previous statement, the scheme would involve only limited numbers of individual animals, amounting to tens rather than hundreds of thousands. It would not involve the slaughter of whole herds.

I have now sent an outline of my ideas to the European Agriculture Commissioner, who is considering them ahead of next week's meeting of the Agriculture Council. I have made it clear to Commissioner Fischler that the Government would consider implementing such a scheme only in the context of plans for the lifting of the EU ban on British beef. I will report to the House on the outcome of these delicate and sensitive negotiations.

I am also discussing my proposals with representatives of the British beef industry, and my officials and I will be having further discussions with them and others in due course.

Mr. Morley: The whole House will welcome a chance to discuss new details of BSE slaughter packages. It is only right for those details to be reported to the House rather than just to the media. We welcome the fact that measures are being put to the Commission to restore consumer confidence, deal with the BSE problem and bring the beef export ban to an end as quickly as possible.

I have some questions about the proposed measures. First, we understand that a system to trace cattle back to their origin has been proposed. While we welcome that—it is a measure that we proposed more than six years ago—there will be difficulties. Could the Minister give some details of how any such tracing operation will work, and of the time scale that would be involved?

Secondly, will the Minister confirm that, according to his proposals, the tracing will be done from herds in which animals were born after September 1990? Given that the feed ban was imposed in July 1988, why is 1990 the chosen year? Does that not point to some problems in the implementation of the feed ban at that time?

By identifying year groups for selective slaughter, which we understand is one of the proposals, does the Minister appreciate that some holdings could lose cattle from three-year cohorts? The cost implications for those holdings in terms of lost milk production may be more than the simple replacement value of the animals. Will that be taken into account in any compensation package? Can the Minister give some idea of the proportion of the total package of new measures that will be met by European Union funding?

Did the Minister put proposals to the Commission for exemptions for some beef animals over the age of 30 months for human consumption when they are from BSE-free sources? Is he confident that the restriction order measures that he announced will not be open to fraud, and that measures will be put in place to prevent it? I understand from the proposals that calves from cows subject to restriction orders will not be used for human consumption. Does that reflect a change of thinking by the Ministry on risk assessment, or the possibility of vertical transmission of BSE?

I reiterate our concern that the Ministry should recognise potential welfare problems for animals under these new measures, and should ensure that full consideration is given to that.

Finally, may I ask about reports that the Commission is still waiting for details of these proposals in writing, and is disappointed by the failure to deliver the Government's promised plan? Are those details the Government's total proposals to the Commission, and is the Minister confident that they will bring about a lifting of the European ban?

It is important that a negotiated settlement is presented and agreed on the basis of sensible measures, rather than relying on empty threats and sabre rattling. We want to see a clear programme of measures to help the beef sector at all levels, and measures to protect and reassure consumers so as to restore stability to the beef market. We support any move that will put us on course for that objective.

Mr. Hogg: I am grateful to the hon. Gentleman for his support. Perhaps I may make the obvious point that we are in the process of delicate and sensitive negotiations. Therefore, I hope that the House will understand if I avoid too much detail.

The ideas that I have forwarded in writing to Commissioner Fischler, to whom I have also spoken on a number of occasions, are set in the context of clear framework plans for the rapid and complete lifting of the ban. I think that that accords with the sense of the House.

The hon. Gentleman raised a number of issues. Traceability is clearly important, and he will recall what I said about that in my previous statement—that we hope to have an operating passport system up and running by the beginning of June or thereabouts.

The hon. Gentleman also asked about beasts that were born before September 1990. He will bear it in mind that the mandatory requirement for birth documents came into effect only at about that time. In addition, the incubation period for BSE is between four and five years.

Consequently, if we focus on the older animal, the seven or eight-year-old beast, we are not being as effective as we might otherwise be, in the sense that those older beasts will either have developed the condition or will not develop it at all.

Compensation is an important matter, which I discussed yesterday with industry representatives. We will discuss that.

On exemptions, that too is an important point. It goes to the question of the 30-month rule. I have discussed that with Commissioner Fischler and I hope that Ministry officials will shortly go with proposals on how we might agree a carefully defined scheme. The evidence available suggests that vertical transmission does not occur. Welfare is an important question, and my right hon. and hon. Friends are conscious of it.

In substance, I agree with the broad approach adopted by the hon. Gentleman. I am in the business of negotiating and of persuading.

Mr. Patrick Nicholls (Teignbridge): May I say to my right hon. and learned Friend that, this morning, I received a letter from a veterinary surgeon who travels extensively in Europe? He tells me that it is commonly recognised on the continent, especially in Ireland, Holland, Belgium, France and Germany, that the incidence of BSE there is at least as high as in this country—and probably, in some cases, considerably higher.

What confidence can my right hon. and learned Friend really have that he will be able to bring reason to bear and to negotiate on the basis of scientific principles, when it is painfully obvious that the people with whom he must negotiate are turning their back against the deficiencies in their own country and arguing from entirely different premises? What possible grounds does he have for optimism? Is not the alternative to turn around and say that, if we were to impose a ban on the importation of European beef products, we would not be indulging in an exercise in law breaking—we would, in all probability, be protecting the health of this country's citizens?

Mr. Hogg: It is the objective of the British Government and, I believe, of the European Commission to restore the single market in beef and beef products. That essential proposition is subscribed to by member states. I hope that I will be able to persuade those states to honour the implied and, indeed, expressed commitments that are part of the single market concept, so I am relying on persuasion and negotiation, pointing to what we have done and to what we propose to do, as set out in my statement on 16 April.

I am certain that there is a much higher level of BSE on the mainland of Europe than has been disclosed in the figures, but I do not subscribe to the proposition that the incidence is as high as it is in this country. I fear that our problem has been greater, but my hon. Friend is right to say that there is a substantial number of undeclared cases on the mainland of Europe.

Mr. Simon Hughes (Southwark and Bermondsey): The Minister knows that we entirely sympathise with his objective of having the ban lifted as soon as possible, but it would help if he explained the basis for the proposition that he has told the House about today. Is it necessary to have culling of the number of cows that he proposes for entirely scientific reasons—which is not the view, as I understand it, of the National Farmers Union—or is it necessary to restore consumer confidence and because that is the political requirement of other member states and of the Commission? That would be inconsistent with the line that the Government have always adopted so far. He needs to tell us, because otherwise the danger is that we will be in a series of negotiations where the number may just be upped and upped and upped for no justifiable reason.

There is one matter that the Minister has not yet told the House about, and I should be grateful if he or the Government dealt with it: if there is to be any culling, what environmental and public health activities and actions will the Government propose to ensure that there is no public health risk from any culling of any animals anywhere in the country?

Mr. Hogg: It is perfectly true that a culling policy is not essential in terms of achieving human health, because the controls that we have in place already achieve that. It is also true that a culling policy is not essential in terms of promoting animal health, because of the way in which BSE develops, its relationship with feed and the action that we have taken on the feed regulations. None the less, I would make two points.

First, restoring consumer confidence is an important policy objective for us all, and for the European countries. Secondly, if one stands back and asks oneself whether one is content that, in a country such as Britain, which has such high standards of agricultural quality, we should, after 10 years or so of BSE, still have a substantial number of cases in our national herd, the answer must be no.

Therefore, if, in a targeted and proportionate way, acceptable to the industry and the House, we can significantly accelerate the decline in the incidence of BSE, I commend it to the House and the industry on its merits.

Sir Hector Monro (Dumfries): Will my right hon. and learned Friend accept the warm thanks of the farming community and the National Farmers Union for all the work that he has put into resolving the crisis? Will he accept that, as of today, the most pressing problem facing farmers, where fodder is now very short, is the disposal of beasts over 30 months old to the auction marts or slaughterhouses under his prime beef scheme? Can my right hon. and learned Friend give me any sort of assurance that the intervention board will have its scheme up and running by next week?

Mr. Hogg: It is our intention that the scheme should be up and running in the week beginning 29 April. I am conscious that, in the early stages, it may not run as smoothly as one would wish—there is a risk of that. However, I can tell the House that I and my right hon. and hon. Friends will be sensitive to points that have been made by the industry and by right hon. and hon. Members, and we will do our best to ensure that the schemes—there are more than one—operate as smoothly as possible. We will be as responsive as we can to complaints that the schemes are not running as smoothly as possible.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley): Does not the Minister realise that his vacillation,

[Mr. George Foulkes]

his to-ing and fro-ing and his blowing hot and cold over the past six weeks are causing a great deal of disquiet among farmers in Scotland, in Ayrshire in particular, and to people down the line involved in the meat processing, rendering and distribution industries and in the slaughterhouses? What sort of message does he have for the hundreds of people who have been laid off in those industries over the past few weeks? What sort of compensation will they receive? When will they get their jobs back? He has made some sort of concessions to farmers, but what about all the others whose jobs depend on the meat industry?

Mr. Hogg: I do not think that I have been guilty of any vacillation or of blowing hot and cold. I have tried to pursue a steady course, and I think that I have succeeded. I have the utmost sympathy for people who have lost their jobs or suffered lay-offs in the way that the hon. Gentleman has described, but, as I made plain in my statement to the House on 16 April, our objective in the targeting of financial assistance is to maintain the vital links of the beef industry in good and viable condition. I have never pretended, and I do not pretend, that we are trying to compensate everybody for loss. That is not practical, and it is not the justification for the compensation payments that I brought forward on 16 April.

Mr. Roger Gale (North Thanet): May I raise with my right hon. and learned Friend the concerns expressed at the meeting of the all-party animal welfare group when it raised this issue earlier this week? First, it was concerned that the scientifically unjustified slaughter plans may turn into an open-ended response to economic blackmail through the Council of Ministers.

Secondly, there was concern about the need to see compensation paid for casualty animals slaughtered on the farm to avoid the inhumane and unnecessary transport to slaughter to obtain payment for unfit animals. Thirdly, there was concern about the need to amend the European directive to base compensation formulas on hot carcase weight rather than live weight, again to avoid cruelty to the beasts.

Clearly we will see the slaughter of many thousands, if not millions, of animals under unprecedented circumstances. Will my right hon. and learned Friend say that he will put animal welfare and animal husbandry at the top of his list of priorities?

Mr. Hogg: My hon. Friend is quite right to place such emphasis on animal welfare. I hope that he will be reassured by the language I have used—that the ideas that we have in mind involve the slaughter of tens of thousands rather than hundreds of thousands of beasts. That is what I said on 16 April.

I am conscious that the Government's ability to move ahead with such a policy, if that is what is decided, depends ultimately on the consent of the House and the industry. That is a major reassurance on the concern of my hon. Friend the Member for North Thanet (Mr. Gale) about the size of any particular policy. The relationship between dead weight and live weight is indeed important. The draft conclusions on compensation made provision for both. I raised the question with Commissioner Fischler on Tuesday, and he responded sympathetically to the point that I made.

Mr. Roy Beggs (East Antrim): May I put it to the Minister that, while we appreciate the earnestness with which he is trying to resolve the matter, there is inherent prejudice among our European colleagues against accepting his recommendations? In the event of his present proposals not being accepted, will he take account of early-day motion 773, and try to ensure that beef in herds in regions of the United Kingdom that have farm-assured schemes and traceability records that can confirm BSE-free status, can move, and move immediately, without having to cope with the prejudice in Europe?

Mr. Hogg: My right hon. Friend the Prime Minister had an extremely useful meeting, at which I was present, with representatives of all the NFUs in the United Kingdom, most particularly from Northern Ireland, although other parts of the UK were represented. I entirely recognise that the system of traceability and record keeping in Northern Ireland is an example to the rest of the Kingdom. I accept that.

I have a very great preference for trying to bring about a collective rather than a partial solution. The point raised about exemptions is particularly relevant. If we can drive through the concept of exemptions in respect of the 30-month rule, it might be part of a process of relaxing the ban, and would, I think, be of particular benefit to Northern Ireland due to the nature of the herds and the very high degree of traceability provided for in the Province.

Mr. Edward Garnier (Harborough): May I, like my right hon. Friend the Member for Dumfries (Sir H. Monro), thank my right hon. and learned Friend for his efforts on behalf of British farmers, but remind him that one of the problems facing farmers is the damage to cash flow? Will he please ensure that any compensation packages are paid quickly, so that cash flow, and thus businesses, are not endangered further?

Mr. Hogg: My hon. and learned Friend makes a very serious point. We will try to ensure the speedy payment of any of the money that is due under the provisions that I set out in my statement on 16 April and in other statements. Other support payments are of course available to producers, and I shall do my best to ensure that they are also made very promptly, especially to producers of dairy cows and beef.

Mr. Alan W. Williams (Carmarthen): The Minister has said this afternoon and in earlier statements that he is thinking in terms of tens of thousands of cattle, and a figure of 40,000 has been quoted in the media. Will our European partners be impressed by a figure that amounts only to one third of 1 per cent. of the total cattle herd? Would that eradicate BSE?

Is it not now clear that we urgently and desperately need a test for BSE in live cattle, so that we can be certain that the animals slaughtered are the ones that carry BSE? Will the Minister commission urgent work from his Department to develop such a test? I am sure that it could be done in a matter of weeks—certainly months.

Mr. Hogg: Again, I make the point that my right hon. Friend the Prime Minister, at his very useful meeting with

the NFU, had the opportunity to talk with Welsh representatives, which was helpful and we were grateful to them for coming. Live tests have been discussed before in the House. I have a feeling that I may have had the pleasure of discussing them with the hon. Gentleman. We would very much like to have a live test and are supporting research into one. We want a live test, but so far as we can judge, a valid one is not yet available or likely to be available in the immediate future. I wish that it was otherwise.

On the scale of the cull, slaughtering cattle over the age of 30 months that have completed their working lives—the old milkers—would involve the slaughter of hundreds of thousands of beasts in the course of the year. We are now focusing on the selective cull idea. We have tried to produce a plan that is intellectually sustainable and that targets the group of animals most at risk. I believe that the House wants that and that it accords with common sense. I therefore hope to persuade our colleagues in Europe to accept it.

Mr. John Greenway (Ryedale): May I thank my right hon. and learned Friend for resisting the temptation to go for a massive cull of British cattle, especially of whole herds of dairy cattle? Can he confirm that what he has told us will have a negligible impact on milk supplies in the United Kingdom? None the less, given the uncertainty that has been generated in the dairy and beef industries, will he do his level best to implement his proposals speedily? Do not our European partners and the Commission have a duty and responsibility to make sure that all the uncertainty is quickly ended?

Mr. Hogg: I am grateful to my hon. Friend. The ideas that I have presented to the House will have a very small effect on milk production. My hon. Friend is right about the great importance that we and the House attach to rapid progress.

Mrs. Margaret Ewing (Moray): The Minister emphasised selective culling. Can he say whether a proportion of the animals slaughtered will be scientifically investigated to find whether a key link can be established that would help the search for a live test? If we are to go through this procedure, there should be such a recommendation. Scientific and research institutes should be alerted to that possibility. I hope that we will able, at the end of all this, to see some way forward.

Mr. Hogg: Representatives of the Scottish NFU were at the recent meeting with the Prime Minister. I know that the Prime Minister was extremely pleased to have their views, which were most helpful. On the live test, I do not see a relationship between developing a live test and the pathology that might be available at the completion of a selective cull. None the less, the hon. Lady has raised the concept and I am willing to put it to those who are considering how best to bring about a live test to find whether there is anything that we can learn from a selective cull if we adopt it. I do not see a relationship, but I may be wrong about that.

Mr. Christopher Gill (Ludlow): Will my right hon. and learned Friend join me in applauding the tolerance and patience of the meat and livestock industry on both sides of the farm gate? Does he accept that patience and, more particularly cash, are running out? There is an urgent necessity for the ban on British beef to be lifted. Will he assure us that if it is not lifted by the European Community next week, he will assert the authority of the House and instruct his Department to start reissuing export licences for British beef to non-EC countries?

Mr. Hogg: This has been one of the greatest calamities to face British agriculture for decades. Against that background, the farmers of the United Kingdom have shown extraordinary patience and tolerance. It must be an intensely worrying and distressing time for them, and I am deeply impressed by the way in which their representatives in the National Farmers Union and other bodies, as well as individuals, have conducted themselves.

My hon. Friend is right about the importance of getting cash, and I understand about the cash running out. That explains the package that I announced on 16 April, and the importance that I attach to making early payments in respect of other support that may be due. We attach great importance to the lifting of the ban, and the concepts that I have outlined for a selective cull must be seen in that framework.

Several hon. Members *rose—*

Madam Speaker: Thank you. We shall now move on to the business question.

Business of the House

3.59 pm

Mr. Jeff Rooker (Birmingham, Perry Barr): Will the Leader of the House set out the forthcoming business, please?

The Lord President of the Council and Leader of the House of Commons (Mr. Tony Newton): The business for next week is as follows:

MONDAY 29 APRIL—Progress on remaining stages of the Housing Bill.

TUESDAY 30 APRIL—Conclusion of remaining stages of the Housing Bill.

Motions relating to the Education (Grants for Nursery Education) (England) Regulations and the Education (Grants for Education Support and Training: Nursery Education) (England) Regulations.

WEDNESDAY 1 MAY—Until 2 o'clock, there will be debates on the motion for the Adjournment of the House.

Remaining stages of the National Health Service (Residual Liabilities) Bill.

Remaining stages of the Licensing (Amendment) (Scotland) Bill.

Motion on the Elections (Northern Ireland) Order.

Motion on the Deregulation and Contracting Out (Northern Ireland) Order.

THURSDAY 2 MAY—Second Reading of the Arbitration Bill *[Lords]*.

FRIDAY 3 MAY—The House will not be sitting.

During that week, the House may also be asked to consider any Lords messages that may be received.

On a more provisional basis, the proposals for the following week are as follows:

On Monday 6 May the House will not be sitting, because it is a bank holiday.

TUESDAY 7 MAY—Second Reading of the Housing Grants, Construction and Regeneration Bill *[Lords]*.

Motion on the Contracting Out (Administration of Civil Service Pension Schemes) Order.

WEDNESDAY 8 MAY—Until 2 o'clock, there will be debates on the motion for the Adjournment of the House.

Opposition Day (11th allotted day). There will be a debate on an Opposition motion. Subject to be announced.

THURSDAY 9 MAY—Consideration in Committee and remaining stages of the Armed Forces Bill.

FRIDAY 10 MAY—Private Members' Bills.

The House will also wish to know that European Standing Committee A will meet at 10.30 am on Wednesday 1 May to debate natural mineral waters.

It may also be for the convenience of the House to know that it is proposed that on Wednesday 8 May there will be a debate on the welfare of calves in European Standing Committee A and a debate on consumer credit in European Standing Committee B. Details of relevant documents will be given in the *Official Report*.

[Wednesday 1 May:

European Standing Committee A—European Community document: 12712/95, Natural Mineral Waters. Relevant European Legislation Committee Report: HC 51-viii (1995-96) and HC 51-xiv (1995-96).

Wednesday 8 May:

European Standing Committee A—European Community documents: 13099/95 and 4647/96, Welfare of Calves. Relevant European Legislation Committee Report: HC-51-xii (1995-96).

European Standing Committee B—European Community documents: 7774/95 and unnumbered, Consumer Credit. Relevant European Legislation Reports: HC 70-xxiii (1994-95), HC 70-xxv (1994-95) and HC 51-xi (1995-96).]

Mr. Rooker: I thank the Leader of the House for continuing to use his best endeavours to announce two weeks' business, albeit that the second week's business is given on a provisional basis. Most hon. Members are most grateful for that, because it allows other arrangements to be made.

I accept that business sometimes has to be changed, but we think it unfortunate that last night's Government decision to draw stumps on the National Health Service (Residual Liabilities) Bill and to transfer its remaining stages to next Wednesday means that some of the votes next Wednesday on that Bill and on the motions, especially those on Northern Ireland, will be exceptionally late. I am not one who says that the House should never sit late, but we do not think that the business of the House is so overloaded that no other slot could have been found for the Bill.

The Leader of the House will be aware of the two significant defeats that the Government have sustained on the rights of disabled people over 65 in Committee on the Community Care (Direct Payments) Bill, which has now completed its Committee stage. There is considerable interest among disabled people over 65 in the fate of those amendments, which would benefit them. We require from the Government both an early statement about whether they intend to accept the amendments, and early notification of when Report stage will take place, so that Ministers and others can be subject to the lobbying that will need to take place.

Finally, I refer to two issues that my hon. Friend the Member for Dewsbury (Mrs. Taylor), the shadow Leader of the House, raised with the right hon. Gentleman last week. The first is about water supply. Is the right hon. Gentleman aware of reports in today's *Daily Express* that Ministers are considering proposals to deal with water supply problems? Is not the House the place to debate water supply problems, particularly in advance of yet another crisis? We do not want to have a crisis and then have hon. Members from both sides of the House say, "What has happened since last year?" We should have a general debate on the issue rather than have the Government in a hole in the corner trying to find a solution. Our constituents will not thank us if there is a crisis this summer, just as there was last summer.

The second point that was raised last week concerns the electricity industry. Is it the intention of the Government to make an early statement in the House on the decision of the President of the Board of Trade—with

which we agree—to overrule the Monopolies and Mergers Commission on electricity company takeovers? Even when the Opposition agree with the Government, it is still the right of the House to have a statement made so that hon. Members from both sides can question the Minister—otherwise, it looks as if there has been a fix between the two Front Benches, and that is not the intention. Consensus and agreement are not excuses for Ministers not to come to the Dispatch Box to make a statement. Furthermore, there is turmoil over the ownership and structure of the electricity industry, and there are good grounds for having a one-day general debate on the issue.

Mr. Newton: I shall take the questions in reverse order. I note that the hon. Gentleman welcomed the statement of my right hon. Friend the President of the Board of Trade following his study of the report of the Monopolies and Mergers Commission, and I shall bring the hon. Gentleman's points to the attention of my right hon. Friend. Similarly, I shall bring his points about water supply to the attention of my right hon. Friend the Secretary of State for the Environment, if only by way of warning him of a question that he may be asked when he is here for questions on Tuesday next week.

On the Community Care (Direct Payments) Bill, I have no doubt that my right hon. and hon. Friends are carefully considering what happened in Committee. However, I am not in a position to say what their conclusions may be. As always, I shall give the House as much notice as I can about the remaining stages of the proceedings—as I do with others, including those that I have announced this afternoon.

The hon. Gentleman will be aware that last night—after the House had already had two very late nights this week—it was clear that hon. Members wished to spend a considerable amount of time on the National Health Service (Residual Liabilities) Bill. We felt that it was right to provide for that at a more convenient time than last night. That is met by the proposal that I have announced this afternoon. Finally, I am extremely grateful for the kind words with which the hon. Gentleman began his remarks.

Mr. Nicholas Winterton (Macclesfield): My right hon. Friend will have heard my right hon. and learned Friend the Minister of Agriculture, Fisheries and Food indicate to the House in reply to a question that the bovine spongiform encephalopathy problem is one of the worst crises, if not the worst crisis, to hit agriculture in this country for many decades. Therefore, I request my right hon. Friend to find time for a debate on agriculture in general, so that hon. Members can present and explore the dire problems that farmers are experiencing in feeding their livestock—as is the case in my constituency of Macclesfield, particularly for those who are on the marginal and hill land—and the problems that we fear for milk, which could well be affected by even the selective cull policy announced by my right hon. and learned Friend.

Mr. Newton: As I have demonstrated on earlier occasions, I shall keep the possible need for such a debate very much in mind. However, I think that the right time to make a judgment about that will be in the light of what happens at the Agriculture Council next week and the statement that my right hon. and learned Friend the Minister of Agriculture, Fisheries and Food has said that he will make to the House following that meeting.

Mr. David Trimble (Upper Bann): Is the Leader of the House aware of our concern about the shambles that the Northern Ireland Office is in regarding its business? I understand that the reforms of the Grand Committee are still stuck somewhere in that. More significantly, there is a serious problem with the elections order, which, as he announced, will be debated late on Wednesday night. That is a complex provision, dealing with the details of an entirely novel electoral system. As yet, there has been no consultation that I am aware of with any of the parties concerned—not even, I understand, with the Labour party—yet we must have some basis on which to be able to discuss it, or to catch some of the mistakes before they are made.

Mr. Newton: I thought that the hon. Gentleman's opening line about a shambles was perhaps a bit ungenerous. I should perhaps make it clear that I do not agree with it, but I have no desire to pick a squabble with him. On the rest of what he said, I think that he will agree that my right hon. and learned Friend the Northern Ireland Secretary has very much sought to consult people at every stage of the process, acknowledging that there is very great pressure on, for example, the draftsmen and others in view of the speed with which all this is progressing, but I am sure that the hon. Gentleman will do his best to try to maintain the posture that he has previously maintained.

I know that, among the many other things that my right hon. and learned Friend is seeking to do at the moment, he will be seeking a convenient opportunity to speak to the Northern Ireland parties in respect of the Northern Ireland Grand Committee.

Sir Hector Monro (Dumfries): I ask my right hon. Friend, in support of my hon. Friend the Member for Macclesfield (Mr. Winterton): may we have a debate on the common agricultural policy over and above what takes place in Committee, where time is so limited?

Mr. Newton: I shall of course consider that proposal very carefully.

Mr. Simon Hughes (Southwark and Bermondsey): Given that next Monday is the start of what is positively the last year of this Parliament, I assume that the Leader of the House does not want to pick a squabble with anyone in the coming year, in view of the Government's majority. I nevertheless say to him that, in the light of the exchanges between the Prime Minister and the leader of the Labour party at Question Time, he may need slightly to revise the way in which he gives business statements, in a way that I hope will be supportive of him and the Prime Minister.

The principle on which we have always acted on votes in the House is that every vote is a free vote, but some have a party line applied to them. May I say, on behalf of

[Mr. Simon Hughes]

my colleagues, that the Prime Minister and the Leader of the House have been completely unjustly castigated by the press and by the leader of the Labour party?

Mr. John Marshall (Hendon, South): You did not vote last night.

Mr. Hughes: I did vote last night.

Mr. Marshall: I meant that the right hon. Member for Sedgefield (Mr. Blair) did not.

Mr. Hughes: No, that is—*[Interruption.]*

Madam Speaker: Order.

Mr. Hughes: They were castigated for voting as they wished to on a Bill that was at all times a Bill on which the Government had a duty to introduce the legislation without expecting even their supporters to endorse it.

Will the Leader of the House reaffirm that Governments will always introduce some legislation that they do not expect their supporters to back, and accept that, if the leader of the Labour party believes that he will abdicate that principle, it is about the most severe threat to democracy that the House has heard for a very long time?

Mr. Newton: Far from picking a squabble with the hon. Gentleman, I very much welcome and wholly agree with the spirit of what he said. Indeed, in the past—notably when I was Minister for Health—I have been associated with such measures myself, related to abortion and embryology, for example, which were brought before the House with the specific intention of enabling the House to make the type of decision that we made last night. I emphasise that further by reminding the House that the Government offered—and I think it was accepted—drafting assistance with the amendments, to facilitate that process.

Mr. Richard Tracey (Surbiton): I am rarely at odds with my right hon. Friend in his selection of business, but I must ask why it has not been possible to hold a debate on the Audit Commission report on the performance of local councils, especially at this moment, when in a week's time the people of our country will elect their local councils in the various shire and rural areas. Surely the House should have been able to debate, and point out the shocking service that people receive from Labour and Liberal councils.

Mr. Newton: I must admit that it sounds quite a good idea, but so also, from my point of view, is getting on with the Government's legislative programme, much of which is very helpful to local authorities.

Mr. Andrew Faulds (Warley, East): When can the House have an opportunity to debate the horrendous attacks by the racist regime in Israel on the Lebanon, which are intended to destroy Lebanon's economy, to continue Israel's occupation of southern Lebanon and, in the long term, to get the waters of the Litani, which has been a long-standing aim of Eretz Israel?

Mr. Newton: The British Government, working with other Governments in any way that we can, will do everything conceivable to bring about a solution to the tragic situation in Lebanon.

Mr. Bob Dunn (Dartford): Is it possible to arrange for an urgent, early debate on the link between staying-on rates post-16 and child benefit, given that the proposal to eliminate child benefit for those aged between 16 and 18 would be an absolute nightmare for millions of blue-collar worker families?

Mr. Newton: I agree with my hon. Friend: it is the most extraordinary proposal that I have heard for some time. It will leave many families, including those that are less well off, in a significantly worse position while discouraging them from doing what we have encouraged them to do for years: keep their children at school in order to acquire greater skills. The proposed policy is absolutely insane.

Mr. Dennis Canavan (Falkirk, West): When will there be a statement to the House about the firearms amnesty that was declared yesterday? Although the amnesty is generally welcome, is the Leader of the House aware that many people believe that it does not go far enough? More than 140 Members of Parliament have signed my early-day motion 639.

[*That this House calls on the Government to introduce legislation to make it illegal for private individuals to possess hand guns and to enforce much stricter control of all fire-arms.*]

More than 420,000 people have signed the *Sunday Mail* petition demanding an urgent review of firearms legislation and a ban on the private ownership of handguns. Will the Government take steps to introduce the necessary legislation instead of simply waiting for Lord Cullen to state the obvious?

Mr. Newton: While understanding why the hon. Gentleman makes that point, I think that, having set up Lord Cullen's inquiry and created a specific opportunity to examine the matters about which the hon. Gentleman is concerned, the Government would be open to considerable criticism if they were to act without waiting for the results of that inquiry. However, I note with gratitude the hon. Gentleman's support for the amnesty.

Mrs. Ann Winterton (Congleton): May I show solidarity with my honourable, close and affectionate friend, the Member for Macclesfield (Mr. Winterton), in requesting my right hon. Friend to arrange a further debate on BSE, which is the most urgent problem to affect this country's rural areas for decades? Is my right hon. Friend aware that, although the House debated the issue a month ago, farming communities continue to operate in limbo in spite of the measures that have been introduced? For example, farmers in my constituency ask me whether they will be compensated for the dairy cows that have reached the end of their lives—which were worth £200 at market before the crisis—for which they must now pay £30 to have removed and slaughtered. In the light of the fact that

many small dairy farms have difficulty managing their cash flow, it is a vital matter that needs the urgent attention of the House.

Mr. Newton: While I cannot add to my earlier comments about the possibility of a debate, I acknowledge that the combination of Macclesfield and Congleton in happy marital harmony is a formidable pressure.

Mrs. Helen Jackson (Sheffield, Hillsborough): As my hon. Friend the Member for Birmingham, Perry Barr (Mr. Rooker) mentioned, the Water Companies Association stated yesterday that the present regulatory regime is failing both companies and customers. It called upon the Government to take a belated lead and conduct a national overview of water resources. I suggest that the odd answer during Question Time is not sufficient to address issues involving an essential public service such as water. In view of the extreme public disquiet, I urge the Leader of the House to stress the need for a full statement about the present situation.

Mr. Newton: My earlier answer was only a relatively light way of saying that I would ensure that the attention of my right hon. Friend the Secretary of State for the Environment was drawn to the remarks made to me—and I now have double cause for doing so. We welcome the association's review of water resource levels, and the Environment Agency will report to my right hon. Friend in the next few days.

Mr. Piers Merchant (Beckenham): Will my right hon. Friend find an early opportunity for the House to review the practical workings of the Register of Members' Interests, in view of concerns that there may be methods of disguising the real origin of hon. Members' non-parliamentary income? I refer in particular to the current entry in the register for the hon. Member for Redcar (Ms Mowlam).

Mr. Newton: Some reference to that matter was made in a point of order raised with you, Madam Speaker, earlier this week. I do not wish to comment beyond your own remarks—other than making the obvious point that if complaints are made that hon. Members are not complying with the rules, the right course is to bring the matter to the attention of the Parliamentary Commissioner for Standards.

Mr. Paul Flynn (Newport, West): When can the House debate the major flaw in election law, whereby there is no limit on spending by individuals or parties on national funding? One Bill that came before the House in 1989 and another in 1994 warned that if an individual, who might be a billionaire, decided to spend millions of pounds on a campaign, nothing could stop him buying votes that way. Will the Government now act out of their own political interests, having failed twice to act to protect the integrity of our election system?

Mr. Newton: I have no plans to debate those matters, but I shall, with my usual generosity towards the hon. Gentleman—with whom I rarely agree—at least draw his views to the attention of my right hon. and learned Friend the Home Secretary.

Mr. Harry Greenway (Ealing, North): Will my right hon. Friend arrange a debate next week on the education of 16 to 18-year-olds, many of whom in my constituency have already had the payment of their fares to school or college stopped by Ealing Labour council? [HON. MEMBERS: "Oh."] Yes, they have—and that is disgraceful. Under Labour, the parents of those children would lose the child benefit that has enabled their children to remain in education. May we debate that double hammer blow on working people, who should not suffer in that way?

Mr. Newton: I think that you, Madam Speaker, would agree—although I had better not ask you to do so—that such a debate is an excellent idea.

Mr. Dennis Skinner (Bolsover): I join hon. Members who have called for a debate about the beef crisis. Is not it remarkable that after 16 years of listening to Ministers saying that market forces will solve everything, it is now all a question of compensation and subsidy for a selected few—mainly Tory voters? Why could not miners have been given subsidies when they were being chucked out of work? Why cannot there be subsidies for all the workers in the meat trade who are being thrown out of their jobs? Why are we hearing restricted demands from Tory Members for subsidies for a selected few? If there are to be subsidies and compensation, let us make sure that everybody is treated equally.

Mr. Newton: I am not sure how closely the hon. Gentleman has studied everything that has been said. I accept that he is an assiduous Member of Parliament, and if he has followed the BSE debates carefully, he will know that the purpose of all the Government's actions has been to restore confidence in the market and therefore to assist and underpin the employment of more than half a million people. Government policy is aimed at helping all the people whose work is connected with beef.

Mr. Andrew Rowe (Mid–Kent): Could we have a debate about the criteria exercised for foreign companies seeking to buy into previous utilities in this country, to ensure that they do not have an easier passage than British-based companies? For example, a bid has been made for Mid Kent Water plc in my constituency by a French consortium, half of which belongs to a company that has four subsidiaries arraigned for fraud in the French courts.

Mr. Newton: I shall bring those comments to the attention of my right hon. Friends the Secretary of State for the Environment and the President of the Board of Trade.

Mr. Harry Barnes (North–East Derbyshire): Will the Leader of the House confirm that when the welfare of calves is discussed in European Standing Committee A, there will be an hour of questions, during which time any hon. Member can attend and ask questions to discover the position? Will he also confirm that if the business today in the other place leads to many orders in connection with the Northern Ireland (Entry to Negotiations, etc) Bill, it will be possible to change the business next week so that that business can be dealt with next Friday?

Mr. Newton: On the latter point, let us see what happens in another place today. On the former point, after the enjoyable two hours or so that I spent being grilled by

[Mr. Newton]

the hon. Gentleman and others on the Select Committee on European Legislation the other day, I am glad that he has found an opportunity to advertise the merits of debates in European Standing Committees A and B.

Mr. Jacques Arnold (Gravesham): May we have a debate next week on the accuracy of entries in the Register of Members' Interests? Over the past fortnight, we have been regaled with stories of stays in five-star hotels, luxury flights and general swanning about in the far east by the hon. Member for Hartlepool (Mr. Mandelson), who tells us that that was for the purpose of fostering industry in his constituency. Today, we have a letter from Barclays plc, which states:

"There is no question of Mr. Mandelson being financed to support his Hartlepool constituency".

If we had a debate, we might get accurate information about that and not be misled by spin doctors.

Mr. Newton: I have focused on the fact that there appeared to be some difference of opinion about the precise object of that exercise. As the Chairman of the Select Committee on Standards and Privileges, I had better not get involved in that argument beyond pointing once again to the Parliamentary Commissioner for Standards.

Mr. Tony Banks (Newham, North–West): Could we have a debate on this country's relations with Germany? It is bad enough that the Germans get down to the swimming pool first and rubbish our beef, but they have been pinching our balls. Is the Leader of the House aware that the ball with which Geoff Hurst scored a hat-trick at the Wembley world cup final in 1966 was stolen by Herr Haller at the end of the match and conveyed back to Germany? This is a serious point, because that ball is the equivalent of the holy grail to English football supporters and we want it back. In that debate, we could remind our German colleagues that this country went to war over Jenkin's ear, and we are prepared to take action over Hurst's ball.

Mr. Newton: Obviously, the hon. Gentleman and I share that splendid moment in our relative youth when that third goal went in.

Mr. Banks: Or did not.

Mr. Newton: Or did not, as the case may be. On the question of the ball that did or did not go in, I am not sure whose attention I should draw that to—perhaps His Excellency the German ambassador.

Mr. Anthony Coombs (Wyre Forest): Could I too ask for a debate on the BSE crisis, so that my hard-pressed farmers can get an answer to the following question, which I was not able to put during the private notice question? What possible rational criteria could there be for lifting the ban on the export of British beef, given the fact that it was imposed by the European Commission without the slightest scrap of scientific evidence in the first place?

Mr. Newton: I realise that my hon. Friend has, in a sense, asked a frustrated question from previous business. I shall not attempt to comment beyond what my right hon. and learned Friend the Minister of Agriculture, Fisheries and Food said, but I shall ensure that my hon. Friend's concern and the way in which it was expressed is brought to my right hon. and learned Friend's attention.

Mr. Clive Betts (Sheffield, Attercliffe): On 16 April, in response to a question from my hon. Friend the Member for Sheffield, Heeley (Mr. Michie), the Prime Minister said of Sheffield city council that

"It does not . . . make its interest payments".—[*Official Report*, 16 April 1996; Vol. 275, c. 509.]

That comment was completely untrue and without foundation. There is not one single example of the city council failing to make its contracted interest payments. Given that the Prime Minister has so far only acknowledged a letter from my hon. Friend on that point, will the Leader of the House arrange for the Prime Minister to withdraw that misleading statement before the House and to apologise unreservedly to the House and to the people of Sheffield for the completely unfair and inaccurate slur that he made against their city?

Mr. Newton: The hon. Gentleman said in his question that his hon. Friend the Member for Sheffield, Heeley (Mr. Michie) has written to my right hon. Friend the Prime Minister, and I am sure that my right hon. Friend will respond appropriately.

Mr. John Marshall (Hendon, South): Will my right hon. Friend consider closely the demand by the hon. Member for Warley, East (Mr. Faulds) for a debate on the middle east, so that I can point out that Hezbollah has been attacking Israel with rockets for many years and that Hezbollah kamikaze bombers have been going into Israel to kill innocent Israelis? Surely no democratic Government should stand idly by and not react to such a situation, when those guerrillas are supported by the Government of Iran as well.

Mr. Newton: I shall say almost exactly the same as I said earlier. The right thing for all of us to do is to concentrate on doing the best that we can to bring an end to the situation in the Lebanon.

Mr. David Hanson (Delyn): May we have an early debate on the impact of the cuts to the reduced earnings allowance, which will mean that up to 20,000 people, who are among the most severely disabled in the United Kingdom, who have earned that allowance as a result of injuries at work, will lose £29 a week? Many of my constituents, including many miners, have now lost that money from 1 April and there has been scant parliamentary discussion on the matter. May we have an early debate?

Mr. Newton: Parliament agreed in 1988 the principle that compensation for loss of earnings through reduced earnings allowance should continue past pension age only for those who continue in regular employment. People moving from REA to what is called retirement allowance still receive a preferential benefit, which recognises that reduced earnings during their working life may have led to reduced earnings-related pension rights. I hope that the hon. Gentleman will at least acknowledge those points.

As for the notion that at this moment I should be pressed for a debate under the general heading of social security cuts, in view of what Labour Front-Bench spokesmen are suggesting about child benefit, I simply marvel at the nerve.

Mr. Tony Banks: On a point of order, Madam Speaker. During business questions, two Conservative Members raised the matter of the Register of Members' Interests. That included an attack by the hon. Member for Gravesham (Mr. Arnold) on my hon. Friend the Member for Hartlepool (Mr. Mandelson), who is not someone I usually leap to defend. If such exchanges are to take place, would it not be appropriate for hon. Members to give notice—it may have been in this case—to hon. Members that such points, which are quite serious, will be raised, which, in this case, have gone unchallenged?

Madam Speaker: I have made it clear that we now have a structure in the House whereby we have appointed a Parliamentary Commissioner for Standards, and if hon. Members are concerned about matters of finance, resources or visits abroad which have been received and are not properly recorded, or which should not have taken place, the Commissioner is the person to whom the matter should be referred. Such matters should not be raised either in points of order or during business questions across the Floor of the House.

BILL PRESENTED

ELECTED HEAD OF STATE (REFERENDUMS)

Mr. Paul Flynn presented a Bill to make provision for referendums to be held on the future constitutional status of the Sovereign as Head of State and on the means of electing any future elected Head of State: And the same was read the First time; and ordered to be read a Second time upon Friday 12 July and to be printed. [Bill 115.]

SITTINGS OF THE HOUSE

Motion made, and Question put forthwith, pursuant to Standing Order No. 22,

That this House, at its rising on Thursday 2nd May, do adjourn till Tuesday 7th May.—[*Mr. Streeter.*]

Question agreed to.

SCOTTISH GRAND COMMITTEE

Motion made, and Question put forthwith, pursuant to Standing Order No. 94H(1),

That the Order of the House [11th December] be further amended, in paragraph 8, by leaving out the words 'in Scotland on Monday 13th May' and inserting the words 'in the Maryatt Halls, Dundee, on Monday 13th May'.—[*Mr. Streeter.*]

Question agreed to.

Orders of the Day

Rating (Caravans and Boats) Bill

Lords amendments considered.

Clause 1

CARAVANS AND BOATS OCCUPIED AS SOLE OR MAIN RESIDENCE

Lords amendment: No. 1, in page 1, line 20, at end insert—

("(4A) Subsection (3) or (4) above does not have effect in the case of a pitch occupied by a caravan, or a mooring occupied by a boat, which is an appurtenance enjoyed with other property to which subsection (1)(a) above applies.")

4.31 pm

The Parliamentary Under-Secretary of State for the Environment (Sir Paul Beresford): I beg to move, That this House doth agree with the Lords in the said amendment.

We welcome the amendments proposed in the other place and I urge the House to accept them.

Lords amendment No.1 ensures that pitches occupied by caravans or moorings occupied by boats which are part of a larger domestic property, such as a house with a river frontage mooring, will be considered as an appurtenance to the main property. They will therefore be domestic property. Without this amendment, any such pitches or moorings would be non-domestic property and subject to non-domestic rates. Furthermore, new rating lists are required because of local government reorganisation in Wales. Amendments Nos. 2 and 3 will enable the Bill's provisions to apply in the same manner in England and in Wales.

I have been asked to mention another issue in relation to boat owners' concerns about council tax. This is a rating Bill and, as such, it is not the right vehicle with which to deal with problems relating to council tax. Nevertheless, the Residential Boatowners Association is being consulted, and will be fully consulted, on the Valuation Office Agency's new guidelines on moorings. The VOA has issued instructions to its local offices that no mooring cases will be pursued until the guidelines have been issued.

If the association still feels that there are problems after the guidelines are in place, we shall review the situation and, if necessary, put the problems right through the right mechanism—council tax legislation.

Ms Hilary Armstrong (North-West Durham): We are quite happy to accept the amendments, which demonstrate the problems encountered in making legislation. The Bill was originally introduced because a valuation panel had, in essence, changed people's understanding of the existing law, which we were trying to put right. Apparently, we did not manage to do that during the Bill's earlier passage through the House, but that problem has now been corrected. I certainly agree with the Government's intention in the amendments, and I shall not oppose them.

I thank the Minister for his words of reassurance to the Residential Boatowners Association. Members of that organisation clearly have been working on the issue for

[Ms Hilary Armstrong]

some time, and I am pleased that they have received some reassurance. It is important that groups such as that one—composed of people who live a different life style but who, none the less, have rights and responsibilities, as do the rest of us—feel that they are being fairly treated and properly consulted. Those people are looking basically for a rating system that is fair and simple to administer, as are we all. I think that we are accomplishing that aim, but the Bill's passage shows how difficult that is to achieve.

Many boat residents feel that they are being unfairly treated, and that there are too many grey areas resulting in constant disputes that waste the time and resources of everyone involved. As the Minister said, boat residents are particularly concerned about some aspects of council tax legislation. Their concern has arisen because of how they are treated by changes in council tax legislation in comparison with how they were treated under the general rates, which was, of course, before the poll tax.

Many boat residents who previously had no rates liability contend that that they now have to pay council tax in addition to licence and mooring fees, which previously were how they paid a share of local rates. Boat residents have substantial concerns, and it is right for the Government to deal with their concerns in a way that enables them to feel that they are properly involved in consultations.

Any legislation on rating and valuation ends up being far more complex than any hon. Member would like it to be. I hope that we are able to move to a clearer system so that there are not continual wrangles and conflicts over a matter in which everyone has a responsibility to make his contribution. People also have a right not to be treated unfairly. I am happy to reassure the Minister that we do not wish to press our concerns any further.

Question put and agreed to.

Lords amendment No. 1 agreed to [Special Entry.]

Lords amendments Nos. 2 and 3 agreed to.

Channel Tunnel Rail Link Bill

As amended (in the Select Committee and on re-committal in the Standing Committee), considered.

Ordered,

That on consideration of the Bill, as amended, the New Clauses be considered in the following order, namely, New Clauses 4 to 7 and New Clauses 1 to 3.—*[Mr. Streeter.]*

New clause 4

EXPENDITURE IN CONNECTION WITH SECURING CONSTRUCTION OF WORKS

'.—(1) The Secretary of State may make payments under any agreement entered into by him for the purpose of securing the construction of—

(a) any of the works authorised by this Part of this Act, or

(b) any related works.

(2) For the purposes of this section, the following are related works—

(a) a station at Stratford, in the London Borough of Newham, for use in connection with the rail link, and

(b) a railway providing access between the rail link and the West Coast Main Line by means of a connection to the North London Line.'.—*[Mr. Watts.]*

Brought up, and read the First time.

Motion made, and Question proposed, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Geoffrey Lofthouse): With this, it will be convenient to discuss the following: Government new clause 5—*Related works: application of section 9 of the Transport and Works Act 1992.*

Government amendments Nos. 1, 2, 9 and 10.

The Question is—*[Interruption.]* I am sorry. I call Mr. Tony Banks.

4.40 pm

Mr. Tony Banks (Newham, North–West): Thank you, Mr. Deputy Speaker. We are moving so fast that I almost missed the train. I thank the Secretary of State for tabling the new clauses and amendments. When I proposed in Committee that Stratford should be named in the Bill, some of my colleagues tried to dissuade me from doing so on the ground that I would be defeated. When I explained that the amendment was exploratory and that we wished simply to go over the case, they seemed more satisfied. Even I did not expect that we would move to this particular position and I am deeply grateful to the Minister for having given an assurance at the end of a constructive debate that he would consider including Stratford within the Bill, and that he has done precisely that.

For the record, the campaign to name Stratford in the Bill and, indeed, to have the international station at Stratford, was waged—or I should say conducted; waged is too hostile and macho—by both the public and the private sector in the east end. During the campaign, we invited virtually all the Transport and Environment Ministers to the area so that they could see the site. I well remember the Minister standing at Holden point, a tower block which overlooks the Stratford railway lands, when it was pouring with rain. We were well protected and he was not, and I was worried that he might hold it against

us, but he did not. He—and, I am sure, others—was impressed by the scale of the potential in Stratford. One has to see the area to realise the scale of the potential. I am glad that the Under-Secretary will also be visiting. We look forward to letting him see what is possible at Stratford.

The campaign for Stratford was a good campaign. We worked together. It was necessary for us to argue coolly and rationally. There was not much point getting hot under the collar, which is perhaps one of my normal styles of doing things. When needs must, I can sup with the devil, although I always remember my long spoon and my manners, and the coolness with which I can maintain a good case. In the end, it was not the activities of Members of Parliament or the council which achieved success. It was simply a good case. It was good to see that Ministers were able to recognise that.

I am grateful to the Minister for tabling the new clauses and amendments. They have given enormous encouragement to the locality. I should just point out—this is really for another time—that we must make sure that when, as we can say now, the development goes ahead, the jobs that come to the east end and particularly the Stratford area match the needs of the people in the area. We do not want to see another Isle of Dogs, where the local people realised that they would not get the jobs. They suffered the conditions, but they did not get the benefits. We must make sure that the local people get the benefits because they deserve a break.

The international station at Stratford will be more than just a break. It will be a wonderful opportunity to look forward to the future with great confidence. So, again, I say thank you very much to Ministers present and past who took the time and trouble to come to Stratford, to hear our case and to listen to the lobbying from the public and private sector in the east end.

I should like to ask the Minister just one thing. Stratford will be regarded as a proposal of national significance under the Transport and Works Act 1992. Will the Minister explain for the record precisely what that will mean? The new clause does not mean that the development will necessarily take place, but I assume that when and if it does, we shall not have to argue the case for Stratford again. I welcome the new clause and amendments with much enthusiasm.

4.45 pm

Mr. Stephen Timms (Newham, North–East): I agree with everything that my hon. Friend the Member for Newham, North-West (Mr. Banks) has said. I welcome the steps that the Government have taken in introducing the new clause and amendments. It is worth putting on the record the strong support by the private sector for the campaign in favour of Stratford station. The Stratford development partnership comprised organisations such as Land Securities, Tarmac Construction, John Mowlem and Company, P and O Developments and Laing Civil Engineering as well as the London borough of Newham, the university of East London, the Carpenters' Company and the London Docklands development corporation. All those bodies worked together effectively with politicians to advance the case. I, too, am delighted that the Government have accepted it. Just last week, the university of East London published with Lawrence and Wishart a book called "Rising in the East", which drew attention to the Stratford station proposal and the benefits that would come from it, all in support of the new clause that we are considering.

It is encouraging that the conditions are now right for a major boost to the economy of east London over the next 20 years. This is our one chance to change things permanently for the better in the east end. We need to get on with it now that everyone—the Government, the local authority, the local institutions and the private sector—is pointing in the same direction.

I look forward to hearing the explanation, for which my hon. Friend the Member for Newham, North–West asked, of the implications of treating the proposal as one of national significance. I welcome the fact that it will be treated as such, but I hope that the Minister will be able to tell us that that means that the matter will be expedited and that we can make progress.

Mr. Andrew Rowe (Mid–Kent): I merely wish to say how pleased I have been to be associated with the excellent campaign for Stratford, from fairly early on. It was extremely well run. I enjoyed my visit to the site at an early stage. It has probably changed since then, but it is a remarkably good place. When I joined the campaign, there was no need for the Conservative party to find another Stratford to distract attention from the other one, which has been somewhat of an embarrassment to us.

Ms Glenda Jackson (Hampstead and Highgate): I, too, thank the Secretary of State for Transport for writing into the Bill that which I and my hon. Friends requested should be there, at the second sitting of the Standing Committee. When the request that Stratford should be named in the Bill was put to the Minister, he replied that it was not possible to do so because it would delay the passage of the Bill by introducing a rehybridising amendment. Will the Minister clarify what has changed in the comparatively short space of time since 7 March when I requested that Stratford be named in the Bill?

Mr. David Chidgey (Eastleigh): I shall make a brief point about new clause 4(2)(b). Can the Minister assure us that the trains will be able to use the whole length of the new line, including the section between Ripple lane and the junction with the North London line north of St. Pancras? That would facilitate access for freight to and from the west coast main line. I appreciate that that is a detailed point, and if the Minister is not able to answer now, I should appreciate an answer later.

Mr. Gordon Prentice (Pendle): I have a query about new clause 4(2)(b), which deals with the connection with the west coast main line. I am delighted that such a connection is to be provided, but why was that not made explicit in the competition overview so that all the companies bidding for the contract to build the link could make specific proposals for the connection between St. Pancras and the west coast main line? It is clear from the Minister's statements, and from the letter that we received from the chairman of London and Continental Railways, that that was one of the measures that tipped the balance in favour of awarding the contract to London and Continental.

The Minister for Railways and Roads (Mr. John Watts): My rather wet visit to Stratford did not dampen

[Mr. John Watts]

my enthusiasm for the project. I can now confess that for quite some time I was a closet supporter of Stratford; subsequently, I have been able to come out.

The new clauses and amendments have three major effects. First, they make it explicit that the provision of the new station at Stratford and the dual-track connection with the North London line, for which no powers are granted in the Bill but which are none the less contained in the development agreement, are part of the works for which my right hon. Friend the Secretary of State can make payments to London and Continental under the terms of the agreement. Secondly, the measures deal with the Transport and Works Act powers for Stratford station. Inserting in the Bill the provision that the scheme will be treated as a scheme of national significance will enable the proposal to be dealt with on the Floor of both Houses before the principle can be approved. What will remain will be local public inquiries to deal with the more general planning issues; but the principle will have been decided by the House—assuming that the House endorses it—on the basis that the scheme is of national significance.

Thirdly, the measures bring the regulatory regime for Stratford station into line with those for Ebbsfleet and St. Pancras stations. That could not have been done in the original text of the Bill, because at that stage Stratford was not included.

The hon. Member for Hampstead and Highgate (Ms Jackson) asked what had changed between the second sitting of the Committee and the end of our proceedings. If we had included explicit powers to build Stratford station in the Bill subsequent to Second Reading and consideration in the Select Committee, that would have rehybridised the Bill, and would have caused delay. In a later debate in Committee, I gave an undertaking to the hon. Members for Newham, North-West (Mr. Banks) and for Newham, North-East (Mr. Timms) and others that I would seek ways in which Stratford station could be brought within the terms of the Bill, but in a way that would not rehybridise. That is what we have done in the new clauses and amendments.

The hon. Member for Eastleigh (Mr. Chidgey) asked about freight. It is a requirement for the link to be built in such a way that freight can run on the line, but it is not a requirement that it shall run on the line. I take that to mean the whole line, but, as the hon. Gentleman acknowledged, it is a fairly detailed point. I will write to him and place a copy of the letter in the Library; that will enable me to go into the details.

I commend the new clause to the House.

Mr. Timms: May I ask the Minister a simple question? Does the designating of Stratford station and the connection with the west coast main line as "of national significance" mean that they will be presented as Government proposals when the Transport and Works Act procedure is reached?

Mr. Watts: No. They will have to be presented by London and Continental Railways, as promoters of the project. However, a motion will be proposed to the House by a Minister of the Crown—presumably my right hon. Friend the Secretary of State or me—and the House will then be able to decide on the principle.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New clause 5

RELATED WORKS: APPLICATION OF SECTION 9 OF THE TRANSPORT AND WORKS ACT 1992

'.—(1) If an application under section 6 of the Transport and Works Act 1992 (application for an order under section 1 of that Act) is made by a relevant undertaker, section 9 of that Act (procedure where the Secretary of State considers an application relates to proposals of national significance) shall have effect in relation to the application with the insertion at the end of subsections (1) and (2) of "or relate to, or to matters ancillary to, the construction of works which are related works for the purposes of section [*Expenditure in connection with securing construction of works*] of the Channel Tunnel Rail Link Act 1996".

(2) In subsection (1) above, the reference to a relevant undertaker is to a person who, under section 32 above, is the nominated undertaker for any purpose of section 1(1) above, so far as relating to the rail link.'.—*[Mr. Watts.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 6

TRAFFIC FLOW

'.—(1) The nominated undertaker shall in constructing the scheduled works have regard to easing the flow of passengers and freight traffic from the entire United Kingdom to and through the Channel Tunnel;

(2) The nominated undertaker shall, in relation to the works authorised by Part I of the Act, operate and use them in such a way as to ease the flow of passengers and freight traffic from the entire United Kingdom to and through the Channel Tunnel;

(3) The Secretary of State shall require the nominated undertaker to provide him with such information as he deems necessary to show how subsections (1) and (2) above have been satisfied and shall lay before Parliament an annual report on the steps taken by the nominated undertaker to comply with those provisions.'.—*[Mr. Allen.]*

Brought up, and read the First time.

Mr. Graham Allen (Nottingham, North): I beg to move, That the clause be read a Second time.

I am here in the stead of my hon. Friend the Member for Cunninghame, North (Mr. Wilson), because I understand that his wife is about to give birth. I believe that they are hoping for a girl. A rumour is sweeping the House that she will not be named Clare, but that may be just Tea Room gossip.

I am conscious of being a new boy among all the old lags of the Select and Standing Committees, but one thing is obvious to me. It is appropriate, on the day when the Government have officially conceded that they have no transport strategy—in a Green Paper published an hour and a half ago—that Opposition Members should raise the issue of how to integrate the channel tunnel rail line into our United Kingdom transport strategy in both regions and nations. By the end of the month, our own transport policy document will be in the public domain, and we hope that everyone with an interest in transport will then see a return of the sense of strategy that is so sadly lacking in the Green Paper.

The channel tunnel represents a huge opportunity for regions outside the south-east, opening up new markets for British business, attracting increasing numbers of

visitors and tourists to the British Isles and offering an efficient means of travel to and from the continent. What Ebbsfleet and Stratford can do for the south-east must be replicated in every other region. I should say immediately how much we welcome Stratford's inclusion in the plan, and pay tribute to the hard work of my hon. Friends in Committee and throughout many months of lobbying before that stage was reached.

On the very day when I stopped dealing with super-highways and the media and took up the transport brief, I addressed a conference in Northampton. I had been in my post for all of 40 minutes when my hon. Friend the Member for Newham, North-East (Mr. Timms) sat down next to me and began lobbying me about Stratford international. My hon. Friend is someone who wastes no time, and he and his east end colleagues have succeeded in their campaign, thanks largely to the energy that they put into it. Now that they have won their battle, hon. Members representing other regions—Scotland, Wales and all the English regions; the east midlands, in my case—must make their case with similar force and I hope, given a new Government, with similar success.

The tunnel also provides a unique opportunity for us to transfer more road and air traffic to rail, reducing road and airspace congestion and supporting sustainable development. Up to now, the debate has focused on the relatively minor aspect of the link between the tunnel and London, but it should now become wider. When a new Government come to power, we will ensure that our whole transport planning structure—from our national transport framework, through the regional transport strategies, to our local transport plans—reflects the need to exploit the rail links with the tunnel. That will be good news for the regions, but also for London and Continental, which will be able to capitalise on such developments.

Failure to capitalise on the tunnel would threaten our regions with increasing isolation on the edge of Europe, reduced ability to compete in the single market, less inward investment and the prospect of United Kingdom firms being attracted to mainland Europe for expansion or relocation. Economic imbalance between the south-east of England and the rest of the country could then widen.

Mr. Jacques Arnold (Gravesham): Can I take it from what the hon. Gentleman is saying that the Opposition Front Bench thinks that the high-speed rail link should be used for freight trains?

Mr. Allen: I shall come to that later. There is certainly room for increasing freight and the high-speed rail link could assist in that.

The Bill does not refer to the potential benefit of the tunnel to the United Kingdom as a whole. That may be mentioned in the contracts, but Parliament has not been allowed to scrutinise them. For the regions fully to benefit from the tunnel, we should like to see not only ministerial and company assurances but a duty in the Bill on the statutory undertaker to build and operate the link in a way that will require the free flow of passengers and freight between the tunnel and the regions.

5 pm

We should not simply be delivering people to London to make the connection, causing extra air and traffic movements towards and in the capital. The Government have been slow to promote other possibilities. It was left to London and Continental Railways to add to the plans the small but all-important usable link north of King's Cross that would allow a connection to the west coast line. We commend LCR for that addition. That company is currently excluded from many of the regulator's powers which could be used to insist on the provision of regional services. That will have to be reviewed by an incoming Government.

As far as we can discover, current proposals for a regional service are limited and unsatisfactory and cannot realistically compete with air travel for people in the regions. The current rail timetable suggests that it will take nine hours 15 minutes to go from Glasgow to Paris and five hours 45 minutes to go from Manchester to Paris. In addition, the frequency of the service is still unclear. Those problems must be addressed if the regional links are to compete with air travel.

Ticketing must also be addressed. Never has so great a service been marketed so badly. Having to force one's fare upon a reluctant Eurostar must become a thing of the past. When it does, regional usage will be able to take off. Arrangements need to be put in place to provide a speedy and satisfactory freight service. Sir Alastair Morton was quoted recently in *The Guardian* as saying that in 1993 the railways had planned to transport 3.3 million tonnes of freight through the tunnel in 1995. It managed only 1.3 million tonnes—barely half the objective.

To ensure that constraints are not replicated when the high-speed link is built, it is important that the requirements of freight and passengers from the regions are taken into account from the beginning, and that the finished link has the capacity to cope with increased future flows. The Minister may wish to comment on the reports in yesterday's *Evening Standard* which, ironically, implied that one of the first impacts of the channel tunnel rail link will result from giving away the King's Cross lands because three cement and construction companies are to be evicted from their sites there, resulting in a massive transfer of freight from rail to road.

That is exactly the opposite direction to the one that we should seek to take. Even that has been given a nod in the weak Green Paper that was published today. Are these just press reports or will the Minister make it clear that this is not an unfortunate early precedent on these large sites at King's Cross? If those companies are thrown off their sites, it will massively increase the number of heavy goods vehicles trundling in and out of the centre of the capital.

The linkage to the regions underlines what we mean by integrated transport. Regional services should be able to join the high-speed link directly without complex manoeuvring and without having to enter congested areas of London's suburban railways. The link needs to be built in a way that will make that possible from the moment that it is operational. Direct services to the regions beyond London are essential, and the Government should use this opportunity to instigate and promote new developments, including innovative service patterns that will allow domestic and international passengers to use the continental trains, as happens on the continent. They should allow the extension of the London-Paris/Brussels trains to other UK cities.

Currently, domestic passengers are not allowed to board any train whose ultimate destination is outside the UK. That means that load factors will fall alarmingly as

[Mr. Allen]

trains travel northwards through England and that frequencies will be poor. The solution has to be Paris/Brussels-London regional through trains, and attempts to develop services under present operating conditions could lead to the raising and the dashing of expectations and could have little impact on the regional economies of England, Wales and Scotland.

Initially, there will be an inadequate rolling stock to deliver a frequent service on that basis, but when the link has been completed and international trains are operating to St. Pancras, an intermediate approach could be adopted whereby Eurostar trains, Eurostar regional trains and InterCity trains would all run to St. Pancras and a gradual process of train renewal, or the adaptation of the capital-to-capital trains, would eventually facilitate through running.

Regional passenger services should be able to use the high-speed link at all times and should not be held up by slower freight trains. That requires that the construction of the route takes account of the needs of both types of traffic. There must be sufficient rolling stock to provide an attractive and competitive service, and the timetables must offer convenience and must compete with the airlines. The Minister may wish to comment on the class 92 position and say when approval for that class type is likely to be granted.

In the context of freight services, the Minister may wish to speak about security because, as he knows, the freight industry is deeply concerned about the great delays caused by security on approaching the channel tunnel from the UK side. No one underestimates the need for security clearance, but perhaps the Minister has had some thought about whether the process could be tightened up so that freight does not suffer further delays.

Railtrack's current track access charging regime is inhibiting private and public rail companies and will have a detrimental effect on the efforts of London and Continental Railways. It should not be allowed to price freight off the railways by making them uncompetitive with road, sea or air. Freight services to the continent, including trainload intermodal, piggyback and wagonload should give maximum choice to customers. By strengthening the powers of the regulator, Labour will make sure that rail access charges are fair and will encourage a greater shift towards rail and the development of the regional potential of the links to the tunnel.

The development of the high-speed link should take forward the European Union's vision of trans-European high-speed rail networks for passengers and combined road-rail or sea-rail transport for freight. Our amendments place a duty on the Secretary of State to ensure that that is done. Rather than warm words and assurances from the Minister and the company, we want to see these matters in the Bill.

Taxpayers in Scotland, Wales and the English regions are providing the massive funding for the channel tunnel rail link. We shall come to that in the next debate. The Government should look after their interests by taking full account of the wider economic and environmental opportunities that are offered by the tunnel because, much as we commend the additions to the channel tunnel rail-link in respect of the south-east, it belongs to everybody in Britain. We have paid for it, and we wish the regions and nations of the United Kingdom to benefit from it.

Mr. George Stevenson (Stoke–on–Trent, South): May I impress on the Government how important the new clause is? There is a perception in the UK as a whole that this tremendously important project is viewed as a south-east project and will primarily benefit that region. For the purposes of the argument, whether that perception is correct is neither here nor there. I wish to give the example of the west midlands to illustrate the strength of feeling about the vital need for the link, from the beginning, to be constructed and operated to benefit directly the countries of the UK.

The west midlands faces two significant problems in terms of rail links and the connection to the high-speed link and, therefore, the channel tunnel. The first is the state of the west coast main line. I shall not go into that in this debate because you, Mr. Deputy Speaker, would probably stop me, but it is important that, if the Government are, as we hope, determined that the benefits of the link are spread throughout the country, the present infrastructure is examined carefully. There are particular problems in terms of the west coast main line, although we look forward to improvements in, we hope, the not too distant future—there have been considerable delays.

The second problem faced by the west midlands and, especially, Stoke-on-Trent, part of which I have the honour to represent, involves services operating through the channel tunnel. There is a service from Manchester, but its operators have decided that trains will stop only at Stafford. That is of considerable concern to us as it gives a worrying idea of what the operators' approach—taken because of commercial pressures—will be once the link is up and running. That approach could be to the detriment of the regions. It has been touched on by my hon. Friend the Member for Nottingham, North (Mr. Allen).

At present, there is one stop at Stafford and none at Stoke-on-Trent, which we are rightly lobbying and arguing about. That region in north Staffordshire has a population of some 350,000, who, because of a decision by the operators, have no direct access to the train services through the channel tunnel. We hope that that will change and that the advent of the link will have a beneficial and positive effect, but the evidence is not encouraging.

Unless the Bill includes an obligation—the new clause seeks to do this—both on the builder and operator of the link and, through the Secretary of State for Transport, on the Minister to ensure not only that the regions are seen to benefit, but that the construction of the scheme is designed to benefit the south-east and the other regions, the fear is that commercial pressures, which will certainly exist, will mean that the regions will not benefit, which I am sure no hon. Member wants.

The example that I am giving of the west midlands and Stoke-on-Trent in particular is a stark and reasonable one which causes concern. At present, the operators are simply, as it were, putting their toe into the water—they are seeing how the service works. If it does not work, through inconvenience or whatever, they will not continue it. If the loadings are such that, because of the way in which services operate, getting to London is one commercial proposition, but getting north of London is another, services that we hope will develop investment, business, industry and, I hope, employment will be jeopardised at the outset.

5.15 pm

I am sure that what I am about to say applies to many other regions throughout the UK, but it is reasonable for hon. Members, when making a case, to use their best knowledge and that tends to be of the constituencies that they represent. I do not want to argue this from a purely parochial view, but, obviously, I am not qualified to speak about other regions. The position as it affects Stoke-on-Trent, however, is possibly a microcosm of the dangers that we will face if the benefits of the high-speed link and the channel tunnel are not available to the rest of the UK, which will happen unless the Government are minded to accept the new clause.

The region was built on mineworking and the pottery industry. There is now hardly any mineworking, but I will not go into that—we all know the reasons for it. It is important, however, to say two things about the pottery industry and the efforts to bring investment into the region, about which the Minister knows full well because he has been there on two or three occasions, for which I am grateful.

First, the pottery industry depends for its survival on its exports. It does not sell much of its stuff in the domestic market. Historically, it has always had a clear export-driven philosophy and it is seeking to develop export markets, which have traditionally been in the United States of America and in Europe. It is willing to make that investment so that it can use its undoubted expertise in exporting its quality products to Europe. Unless it has an opportunity to maximise transport links, especially through the high-speed link, those investment plans and the attempt to capture more of the European market will be put in jeopardy. Heaven knows, like many other regions, we desperately need that investment.

Secondly, significant efforts have been made, through the Government, the European Union, local authorities and private money, in the region. There is potential for development and investment of many millions of pounds. Chambers of trade, which I know the Minister has met recently, businesses in the region and potential investors continually ask not only what the road links are like—and, as the Minister knows, we are working on that—but what the rail links are like and how they can gain maximum access to the high-speed link and the channel tunnel so that they can seek to exploit the European market.

At present, we are not in a position to give as positive a response to that as we would like. Unless the new clause is included in the Bill, for the foreseeable future, we shall not be in a position to give such a positive response and, more important, we may send the wrong signals to potential investors in regions north of London.

I hope that the Minister understands that I am not discussing a parochial issue, but using the best knowledge that I have, which is of my constituency, to illustrate, I hope, how important it is that this obligation is included in the Bill. I hope that the Government will accept it as such.

Mr. Chidgey: I shall not revisit some of the arguments made earlier in the debate—I would not try the patience of the House that much—but I must make a couple of points.

I believe that there is a good deal of sense behind the main thrust of the new clause, particularly in relation to linking the channel tunnel rail link to the remainder of the United Kingdom rail network. What is particularly important is the linking for large-gauge freight trains to and from the west coast main line. It is fundamental to what the link can achieve. It also brings in the entire context of making sure that Railtrack does facilitate freight trains coming from the channel tunnel rail link. I believe strongly, as we have said in the House before, that there is a need to regulate Railtrack so that it encourages freight business. That business should be encouraged with far lower access charges than is now the case. I believe that those charges should be at wear and tear costs only if we are to achieve a shift of freight from road to rail.

Equally important is the operation of through passenger services from the channel tunnel rail link, particularly to the east coast and west coast main lines. Of course it would be totally unreasonable for the nominated undertaker to be expected to provide facilities and links for through operations unless, in turn, Railtrack was playing its part in upgrading the remainder of the network. That is precisely why, in the national interest, the Liberal Democrats wish to take back control of Railtrack at an early date and regulate its operation with a series of strategic measures. It underlines the need for a national transport strategy, which was so lacking in today's transport Green Paper.

Mr. Watts: The hon. Member for Nottingham, North (Mr. Allen) raised the issue of the cement batching plants. We gave an undertaking to the Select Committee that we would secure suitable replacement premises for the plants. The Government will comply fully with that undertaking. A lease that is consistent with that undertaking is currently under discussion with all the parties concerned and I understand that we hope that it will be concluded and granted before 24 May—obviously as speedily as possible.

The Government have always recognised the importance of spreading the benefits of international services throughout the United Kingdom. It was always part of the reference design that there would be connections to both the east coast and west coast main lines. One of the attractions of the bid from London and Continental Railways—the hon. Member for Pendle (Mr. Prentice) referred to it earlier when he chided the Government for their base design—is the strong emphasis that it has placed on developing the market for international services, not just in the south-east but to the rest of the country.

The hon. Member for Stoke-on-Trent, South (Mr. Stevenson) made what I have always thought is an important point, which is that this should not be looked upon as a scheme that is intended to benefit just the south-east—of course, it will benefit the areas of north Kent and around Stratford because of regeneration benefits. London and Continental's proposals to enhance the project in connection with the Stratford station and the dual-track link to the west coast main line exist because of its intention of developing business north of London.

The main reason for favouring a station at Stratford is that it knocks a further 30 minutes off journey times north of London. Today, a journey from Birmingham to Paris—to use another part of the country—would take five hours using a through train. With the combination of the new high-speed link and the dual-track connection and using Stratford as a London stop instead of taking every train into St. Pancras, there would be a one-hour saving,

[Mr. Watts]

making the journey time from Birmingham to Paris about four hours. That saving of one hour will apply to every destination north of London. We have already approved new clauses and amendments which facilitate the provision of those enhancements to the service.

The hon. Member for Nottingham, North mentioned ticketing arrangements. I understand that one of the early intentions of London and Continental Railways, as soon as it has operational control of Eurostar, is to improve the marketing, particularly of the interim services operating as feeder services north of London. Before today's debate I was in Shropshire visiting Gobowen station, which has just had its waiting room and ticket office refurbished. The station is run as a business venture by a local school. I was told that it was able to sell tickets for Eurostar and to any other part of the United Kingdom rail network.

Mr. Allen: Is it better than Waterloo?

Mr. Watts: It may well be. I suggest that if the hon. Gentleman wants a ticket for Eurostar he should try the Morton Hall travel service operating from Gobowen to see whether it can provide a better service.

I agree that the better marketing of the service is crucial and that is one of the reasons why it is part of the development agreement that European passenger services are transferred to the nominated undertaker so that the business can be built up as early as possible.

Mr. Allen: Is London and Continental Railways free to go ahead with taking over the ticketing arrangements? There were some question marks because of the intervention of the European Union on that matter.

Mr. Watts: I would not describe it as intervention. Part of the process involves formal approval on state aid and competition grounds. That must be cleared before the formal handover can take place.

The hon. Member for Nottingham, North asked about class 92 locomotives. They are currently being operated on a trial basis on the Swanley-Maidstone line. That is to ensure that the modifications that have been carried out allow them to operate safely without interfering with signalling and so on. It is British Rail's intention that the frequency of use of those locomotives should build up through the year until they are operating all the freight trains on that line. I agree with the hon. Gentleman that we want to get those modern locomotives in proper operation as soon as possible, but I am sure that he will agree that as a prerequisite we need to be sure that that can be done safely and without any interference with signalling and control.

The hon. Gentleman also mentioned the channel tunnel freight security regime. In the autumn I announced some modifications to the regime, particularly in relation to—I forget the precise term—security-cleared freight forwarders, which were welcomed by the industry. We will remain in close touch with the freight industry and if we can make further modifications that are consistent with providing the necessary security for the tunnel, we are prepared to adopt a flexible approach. We want to see more freight on rail in general and operating to continental destinations in particular.

As I said earlier, the base requirement of the project is that it is capable of taking freight, but it is not a requirement that freight should be operated on it. Generally, it has been considered that the main benefit to freight flows will be the train paths on the existing network which will be freed by the transfer of the international passenger services on to the new infrastructure.

I am not aware of any great enthusiasm for being able to operate high-speed freight. Over the longer distances to continental destinations, freight trains travelling at conventional speeds can have a significant time advantage over road haulage. It is more likely that, apart from low weight-high value goods, perhaps some of those produced in Stoke-on-Trent which may be carried on high-speed passenger trains, freight will develop on the capacity that is released on the domestic network. We have always wanted to keep that option open and that is why there is a requirement for the freight links to be provided.

Mr. Rowe: My hon. Friend and I have exchanged correspondence on the matter, but it remains of concern, first, that the curves on the line are not designed for freight trains. A serious question is still hanging over that design. They do not, for example, conform to either German or French standards. Secondly, the big freight loops that are being built in my neighbouring constituency of Ashford are static. If he is really as doubtful as he seems to be about the likelihood of freight being carried on the line, is the building of such freight loops not a huge additional land take and expense?

5.30 pm

Mr. Watts: We have always thought that it is important to keep open the option of freight on that infrastructure. That is why we have made provision for the freight loops.

A further point in considering what sort of services should be using the capacity concerns the domestic services that will also operate on the high-speed link. Thirty minutes will also be knocked off journey times for commuters travelling into London from parts of Kent. Right hon. and hon. Members would probably agree that it is more beneficial for domestic passenger flows to be able to move more conveniently and quickly and that they should have priority over the haulage of freight on the new high-speed link. We have therefore reserved eight train paths an hour in peak periods for those domestic services, which will bring considerable benefits.

Sir David Mitchell (North–West Hampshire): If the line will potentially carry freight—it will certainly be used for passengers—a far heavier infrastructure will have to be built to enable it to take the weight of freight trains than would be required for either high-speed passenger trains or local passenger trains. Is my hon. Friend really telling the House that he will incur those substantial costs without knowing whether the line will be used for freight?

Mr. Watts: The minimum requirement, which is embodied in the development agreement, is that the link must have the capacity to take freight traffic and that the passing loops must be provided. I am perhaps not as well versed in the technicalities of rail freight and its operation as my hon. Friend, but if it is essential that there is some greater strength required in the infrastructure to enable such operation, and if it incurs greater cost, my answer to him must be yes.

I share the sentiments of a number of Opposition Members, particularly those of the hon. Member for Stoke-on-Trent, South, that we must ensure that this major project delivers benefits to regions of England and, indeed, other countries in the United Kingdom, not only the south-east. The private sector promoter has identified market opportunities in order to do that and has proposed modifications to the original design, to which we have agreed, which he considers enhances the overall project. The requirements that the new clause would place on the promoter are therefore unnecessary.

As there is no intention that, beyond the general regime of track access, freight facility grants, and so on, which we have in place to support rail freight, there should be any general subsidy to the operator, it would be wrong to impose on him a requirement to develop plans for developing freight services that might not be commercially viable and for which he would receive no public sector support. The new clause is unnecessary and I hope that the hon. Member for Nottingham, North will not press it to a vote.

Mr. Allen: Opposition Members made the point that not only are there commercial opportunities in the channel tunnel rail link for all regions—that is why London and Continental has made those links—but there are service and economic opportunities. No doubt, those points will be taken up by my hon. Friends in the other place, and with the assurances on the specific points, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New clause 7

RAIL ASSETS NOT TO BE TRANSFERRED

'.—(1) No Minister of the Crown shall transfer to a rail link undertaker ownership of any asset which is owned by the Crown which is a rail asset.

(2) In this section "rail asset" includes any railway asset or additional railway asset, any ancillary service, any premises (including any station), any locomotive, any network, any railway facility, any railway vehicle, any rolling stock or any track.

(3) In subsection (2) above, the terms used shall be construed in accordance with section 83 (Interpretation of Part I) of the Railways Act 1993.'.—*[Mr. Allen.]*

Brought up, and read the First time.

Mr. Allen: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 11, in clause 30, page 16, line 32, at beginning insert

'Subject to the provisions of section (*Rail assets not be transferred*),'.

Mr. Allen: In years to come it will be judged that the channel tunnel rail link was a vital, exciting and very welcome scheme. Whatever unnecessary delays and sordid sweeteners have accompanied it, the Opposition will repeat the view that the high-speed link is essential and will considerably help economic regeneration throughout the United Kingdom and not just the south-east—especially when we have a Government who will seize the opportunities to which I referred in an earlier debate.

It is almost incredible that the present Government have somehow managed to contrive a losing position for the taxpayer out of such a magnificent concept—first, by delay, and secondly by the financing of the project. Delay has, of course, caused incalculable loss. I do not mean because of the increased expenditure required to complete the link; I mean, as my hon. Friend the Member for Cardiff, Central (Mr. Jones) said in Committee, because of the years of use that have been lost by the project not going ahead when it could have done in the late 1980s. In addition, there is the loss of what one might term prestige. We look like a backward nation in Europe that was unable to seize the opportunities of the channel tunnel once it was built, not least when compared with our friends and neighbours across the channel in France, who moved so quickly to seize the opportunities and advantages offered by it.

As for the financial aspects of the deal, never in the history of privatisations in the past few years under the Government has there been a sweetener as large as the one that we are about to nod through today. There is no question but that seven years ago Conservative dogma determined that it was unacceptable to use any public money to get the project off the ground. Yet we know that the project could have been ours for the ludicrously small sum of £1 billion just a few years ago in 1989.

Mr. Jacques Arnold: Is the hon. Gentleman saying that he would have accepted that bargain basement scheme, which would have cost the environment and people in Kent and east London dearly if it had been railroaded through with no consideration to the environmental interests of local residents?

Mr. Allen: There is no question but that the final scheme would have been very different from the one initially proposed by Trafalgar House and British Rail, and—one hopes—those considerations would have been taken into account.

Although the Conservative party may not admit it, I hope that the lesson that all important large-scale transport projects are massively subsidised has been learnt and that the pipe dream of a totally privately financed scheme of such magnitude has been dispelled once and for all by the channel tunnel rail link. I hope that we have matured enough to move on from the "private good, public bad" sloganising, and that serious discussion is now about the form of that subsidy and, consequently, the value for money achieved for the taxpayer, which will need to be in even greater detail as we approach a change of Government.

The Conservatives' chosen form of subsidy is a £1.4 billion hand-out, plus a free gift of taxpayers' assets of £3 billion and the writing off of a loan to Eurostar of £1.3 billion—a grand total of £5.7 billion for something that we could have had for £1 billion in 1989. Some people question those figures. It is impossible to tell whether they are accurate. Some people think that we are understating the subsidy. My hon. Friend the Member for Hampstead and Highgate (Ms Jackson) has followed the matter closely and will no doubt allude to it later. The cash subsidy is £1.4 billion at net present value. By the time we come to pay it in real money over the period involved, it could approach £2 billion. Equally, some people think that the profits to be made out of

[Mr. Allen]

development lands, not least at King's Cross, will be far higher than the original estimates that were made when the deal was announced.

That is not a clever twist of creative accounting; the assets are as much real money as our income tax payments are real. Anyone who has ever bought a rail ticket or paid a penny in income tax has helped to build and buy the Eurostar trains that are being given away, the station properties at King's Cross and Waterloo and the plum development lands at King's Cross, Stratford and elsewhere. We are not discussing a tiny amount of money; £5.7 billion pounds is equivalent to almost 3p on the standard rate of income tax or asking every family to pay another £370 on its tax bill to fund this Conservative incompetence.

The £1.4 billion cash giveaway is roughly equivalent to the money that will be raised by the Government selling off virtually the whole of our rail network. We are getting nothing from privatising the rail network; we are giving the proceeds straight to London and Continental because the Government are desperate to carry out the PFI in this cack-handed way. To rub salt into the wounds, the Government's failure to clinch the deal in the late 1980s meant that the taxpayer had to build Waterloo international. That, too, has disappeared in the special "build one, get one free" offer to London and Continental.

Most remarkable of all, every one of the assets has been given away up front, before a single sleeper has been laid on the channel tunnel rail link. Only a Parliament doped by years of endemic privatisation sleaze would tolerate what the Government have done—and all because the Government could not admit that a public-private finance partnership was the way forward in the late 1980s, despite constant pressure from the Opposition and the hopes of many people not only from around the link, but from all the regions of England and from Scotland and Wales.

We blame the Conservative Government, not London and Continental. It is debatable whether the constituent parts of London and Continental—Halcrow, Virgin, National Express, Warburg, Bechtel and Systra—are happy with the "some in cash, some in kind" arrangement. They might well have preferred a straightforward private-public sector partnership and to have got on with the job in hand without the complications with the assets that come in its train.

All this gives the PFI a bad name in the same way that the design, build, finance and operate concept on our roads has begun to undermine the valuable concept of public-private initiative because of its complexity, lines of accountability, high borrowing costs, large mortgages for the taxpayer and high tendering overheads. Public-private initiatives are welcome, essential and indeed unavoidable as a way forward, not least for transport schemes, but they should be genuine partnerships assessed on their merits, and not clumsy devices to get assets off the public books or to produce income tax cuts today paid for by massive mortgages on future taxpayers.

After all that largesse, what guarantees are there that the job will be done? The Bill gives only outline permissive powers and the guarantee of completion rests on contractual obligations that may appear very different in four years' time. The Government have delayed the scheme so that there has been a massive spiralling of cost. The incompetence and profligacy with our money almost defies comprehension. As we celebrate the construction of the high-speed link and work to make it effective for all our regions, we must never forget its tremendous costs. We will never forget the incompetence of the Government who incurred them.

5.45 pm

Mr. Gordon Prentice: I support new clause 7. I welcome the rail link, which is long overdue. If people knew the extent of the subsidy involved, they would choke on it. Public assets are being given away. It amounts to grand larceny. If it were not being done by the Government, the person responsible would be behind bars in Pentonville. Public assets are being gifted.

The story is full of ironies. One of the four bidders is Lord Parkinson, in his latest metamorphosis as chairman of Eurorail. In 1990, he vetoed a proposal by British Rail to construct the rail link. As my hon. Friend the Member for Nottingham, North (Mr. Allen) said, it is a matter of public record that the subsidy required then was £1.9 billion: a low-interest loan of £1 billion, capital grant of £500 million and an additional £400 million investment required by Network SouthEast. Now the Government are shovelling public money into the pockets of London and Continental as if there were no tomorrow. It will not be the people of Britain who own this magnificent new railway but the shareholders in London and Continental.

Lord Parkinson said at the time that it was not the Government's policy to subsidise the rail link and came out with this fantasy on 11 June 1990, when he said that it was

"illegal for the Government to subsidise any fast tunnel link, on the ground that it would create unfair competition for ships, road freight and airlines."—[*Official Report*, 11 June 1990; Vol. 174, c. 4.]

We have the same Government but a different situation. The most enormous subsidy is going to London and Continental. As my hon. Friend the Member for Nottingham, North said, the outrage that people should feel is not being felt because of the diet of privatisation outrages. *The Guardian* on 4 March 1996 said:

"It is only because we have been nurtured so long on the drip-feed of privatisation sleaze that people haven't been more outraged."

How true that is.

I shall deal with the specific figures. The straight cash subsidy, the so-called financial contribution, for a 68-mile long line is £1.4 billion. Railtrack is currently being floated, and all the pundits and commentators who know about such things tell us that that will raise about £1.7 billion. It was originally valued at about £6 billion, then the figure went down to £3 billion; now we are told that it is worth £1.7 billion.

What assets are we, the British people, losing in exchange for that £1.7 billion? First we shall lose 10,000 route-miles of permanent way, compared with an important rail link 68 miles long. Then 2,500 stations will go, plus 90 light maintenance depots, 40,000 bridges, viaducts and tunnels and, Railtrack tells us, 9,000 level crossings, with other bits and pieces. All that is to raise £1.7 billion. Even then, as my hon. Friend the Member for Nottingham, North said, £1.4 billion of that will be transferred seamlessly to the private sector company, London and Continental, to build 68 miles of fast link.

The fast link should have been built years ago, in 1989-90. It is a national disgrace that it still has not been built. When I was on the Select Committee we went to

France to see the TGV. It was a blur of light; we could not see the thing as it flashed across the plain in northern France. But over here in Kent there is a puffing Billy: it is a Eurostar train, but it wends its way to the channel portal at 40 or 50 mph. And that will continue until the fast link is built. It is a tragedy that the Government were so short-sighted—or rather, ideologically blinkered—that the line has not already been constructed.

Now for the great railway sell-off. The Opposition have calculated a total of £5.7 billion, and I think that that figure is right, but for the purposes of argument I shall concentrate on what the Government say the assets are worth. There is a big difference. All the commentators and journalists and economists without exception, including the *Financial Times* and all the business broadsheets, say that although the Opposition may have pitched the figure a bit high at £5.7 billion, no one believes the Government's subsidy figure, which I shall deal with in a moment, because it is too low.

Apart from the £1.4 billion, there are the King's Cross railway lands, with an existing use value of £5.8 million. When I asked the Minister a question, he said that the development value of those lands was £10.6 million. I am not a surveyor, but the King's Cross railway lands are within spitting distance of central London.

The Minister told me that the existing use value for the Stratford rail lands—they were valued as railway marshalling yards, although they would not really be worth anything for their existing use—was £15.2 million. He then told me that

"the development value of the Lands excluding those parts required for the CTRL"—[*Official Report*, 14 March 1996; Vol. 273, c. *721*.]

was £12.5 million. Pull the other leg.

Mr. Watts: Like the hon. Gentleman, I am not a surveyor, but the estimates of the development value of the land were made for British Rail for the purposes of its accounts. They are not my estimates, but professional valuations.

Mr. Prentice: Yes, those may have been the valuations prior to development, but it takes nothing more than common sense to see what will happen. There will be a new international station at Stratford, all the traffic coming in from East Anglia and the rest of eastern England will funnel into Stratford, and the adjacent railway lands are ripe for development. The British Rail surveyors should be out of a job if they value them at £12.5 million. We are not talking about one or two acres, but 240 acres, with the King's Cross and Stratford lands combined.

There are more depots too—for instance, Manchester Longsight. I do not know it personally. I have not visited it, as I have visited Stratford and King's Cross, but I have been told that the historic cost valuation was £5.9 million. No other valuation was given, just a historic cost valuation. So we do not know what that might be worth.

Then there is the Eurostar maintenance depot at North Pole in north London. The Government say that that is worth £77.5 million. Again, that is a historic cost value. I do not know when British Rail acquired that depot. It may have been a long time ago, or relatively recently. No other valuation was given. Again, the Government relied on a historic cost valuation.

My hon. Friend the Member for Nottingham, North mentioned the Eurostar fleet of trains. The loss of that is something that people should gag on. The fleet of 11 trains, each one weighing about 800 tonnes—a marvellous triumph of engineering—is being gifted to London and Continental. The Government say that it is worth £380 million. Yet the debt write-off alone for Eurostar trains was £1.3 billion.

Mr. Jacques Arnold: The hon. Gentleman is presenting a politician's judgment on the value of development land, as against the judgment of highly professional experts. He is also telling us that a politician's judgment of the value of carriages should be based not on their value but on the money spent on them. No business man would do that. The hon. Gentleman is making the fatal mistake that Labour politicians always make, especially when they are in government: they believe that politicians can carry out business better than business men. There is a very good example that he could look up—the Labour Government's attempt to set up the groundnut scheme.

Mr. Prentice: I should not have given way and allowed the hon. Gentleman to make that nonsensical intervention. We are talking about the valuation of public assets. As I told the Minister, every commentator who—unlike the hon. Member for Gravesham (Mr. Arnold)—knows anything about the subject, says that those public assets are being given away at a bargain basement price. *[Interruption.]* If the hon. Gentleman could contain himself for a second, I want to mention a few more public assets and tell the House the Government's valuation of them.

The new Waterloo international station has just been built. It is a marvellous beautiful station—the gateway to London. Apparently its value is £136 million. Then there is Ashford international station. All the work that has been done in Ashford in preparation for the new link—

Mr. Stevenson: That was all public money.

Mr. Prentice: Of course it was all public money; £41 million was spent.

Back in London, the Government tell us that the valuation of St. Pancras station, on existing use, is £3.7 million. Then there are some little dribs and drabs with which I shall not weary the House—the land at Kensington Olympia, the marshalling yards and the 650 properties along the line, all of which will be given to London and Continental.

If we add all those together, using the Government's own figures, the valuation amounts to £621 million-worth of assets, which are all to be gifted to London and Continental. If we add the £1.4 billion contribution, that makes more than £2 billion. Yet all those years ago, the entire line could have been constructed and kept in public ownership for less.

The whole affair has been an absolute disgrace. The Government say that it is a triumph, but people out there are not so stupid. They realise that valuable public assets such as Railtrack and the assets associated with the channel tunnel rail link are being handed over. If any

[Mr. Prentice]

other organisation were doing that, its managers would be behind bars, not sitting on the Front Bench. The sooner the Government are out of office, the better.

Mr. Chidgey: I listened to the hon. Member for Pendle (Mr. Prentice) with great interest. There is considerable public concern about the details of this transaction, and to some extent I share that concern. I refer hon. Members back to the amendment and to the implications that it might have for the contractual arrangements that the Government may or may not have entered into for the channel tunnel rail link. I hope to get some clarification on this from the Minister.

The amendment may block the progress of the channel tunnel rail link. If the Government have entered into a contract with London and Continental, and if progress is blocked, where would we stand? If the amendment is passed and the Government abandon the contract, will London and Continental—having negotiated or won a contract for the channel tunnel rail link against significant competition and having struck a deal—be able to make a claim? Would we find ourselves faced with yet another huge bill to be met by the public purse?

6 pm

The key question is: under the terms of the contract that has been struck with London and Continental, what assurance do the public have that there is no escape clause allowing the contractor to abandon the project before its completion? I am most concerned to ensure that there is no opportunity in the contract for London and Continental to decide that the project is no longer a valid financial proposition or that it cannot possibly complete the project without further access to, or drain on, public funds.

I am anxious to see the project go ahead. It is many years late, as been most eloquently stated by many hon. Members. One could argue long and hard about the money that has been lost because of the delays. I want to see the project completed because it is most important to the transport strategy of this country. I also want an assurance that there is no way, having struck this deal, that the contractor can walk away from the project and leave the public holding the purse strings and shelling out more cash to make it viable and complete.

Ms Glenda Jackson: My hon. Friend the Member for Pendle (Mr. Prentice) gave an almost depressingly graphic elucidation of just what the Government have stolen from the people of this country in handing over the building of the channel tunnel rail link to the designated undertaker. All hon. Members will welcome the fact that, at long last, a designated undertaker has been selected, and that there is a possibility that a high-speed rail link will be entered into.

Over the past few years, we have watched the travesty of the Government changing their mind on which route the link should take and how it should be financed. That vacillation impacted disastrously on all those who live on the previously proposed routes—in Kent, in east London and in north-west London.

As my hon. Friend the Member for Nottingham, North (Mr. Allen) said, this vital link for the nation could have been the nation's property years ago for a fraction of what it will cost us now, in both cash and kind. I will not repeat just how much the Government have stolen from the public purse. I wish to refer to the enormous amount of national assets—in both cash and kind—that are being handed over to the designated undertaker, and, as far as I know, we still have no absolute guarantee that the line will be built.

We welcome the line—we have argued for it for long time. The nation is in desperate need of such a line. During the debate on the previous two amendments, we heard of the requirement that the designated undertaker must acknowledge that the channel tunnel rail link is not for the exclusive benefit of London and the south-east—it is of vital importance to the nation. The Minister, in his response to my hon. Friends in relation to those amendments, made no mention of the fact that profits—if they are made by the designated undertaker over the running of the channel tunnel rail link—should be invested in improving the lines that are north of what will be the channel tunnel rail link.

The Minister mentioned the station at Gobowen—a station that I know well from my childhood—as having something to do with the creation of a rail network fit for the 21st century, which the channel tunnel rail link surely must be. That would have been almost laughable—if it had not been so sad.

The ease with which we are supposed to accept the possibility that mere marketing techniques and improvement in selling tickets could open up the rest of the country, its people, its products, its business and its facilities to the channel tunnel rail link is patently absurd. The only thing that will open up the rest of the country to the facilities of the channel tunnel rail link is modernising the west coast main line—and there should be a requirement on London and Continental to assist in the vital investment to improve that line so that the country can be opened up.

In Committee, we said that it was almost impossible to define the cost—not only financially, but emotionally—of the delays, the vacillations and the changes of mind that have sat over this project year after year. My hon. Friend the Member for Nottingham, North referred to this on the previous amendment.

Hon. Members have referred to the King's Cross lands. A previous scheme for the building of the channel tunnel rail link said that the London terminus should be at King's Cross. While that project was still in that curious limbo that Conservative Governments call planning, there was a scheme between the London borough of Camden, British Rail and other owners of the lands at the time to enter into a scheme to regenerate the area—it is in desperate need of regeneration.

The work that had been engaged in by British Rail, by Camden and by other local authorities in the area for the regeneration of the King's Cross land was thrown out of the window overnight. Links that had been made with interested businesses, with financial houses and with architects as to how the land could be regenerated were scrapped and dustbinned. It would be possible to work out how much that waste of a scheme cost—and it became meaningless overnight.

There is still a great need for regeneration in that area of London—regrettably, there is a great need for regeneration over the whole United Kingdom after 17 years of Conservative misrule. National treasures such

as St. Pancras station and St. Pancras chambers—which was recently refurbished at a public cost of, I believe, £8 million; it now glows like a glorious rose on Euston road—could have played a vital and intrinsic role in the regeneration of this part of London, where it is desperately needed. They should not be handed over to London and Continental.

Unemployment in certain wards in that part of London is between 35 and 85 per cent. There is a vast preponderance of children under the age of five. Illness is infinitely higher in certain wards in that part of north-west London than in others.

If—as we are told—public money must be attracted, why should an investor be attracted to this project, to help in the regeneration of those parts of the King's Cross lands, when the Government have set the model that all one has to do is to wait? The Government have created the expectation that, because they cannot decide on a continuous plan, they will in effect decide to wash their hands of something that has become inordinately difficult—like a properly integrated public transport system and the construction of a channel tunnel rail link—and will declare, "Take it away from us. We can't handle this problem any more. Take all this money, take all these assets and tell us that you will, possibly, probably, hopefully, build us a line."

When the Secretary of State announced to the House that a designated undertaker had at last been selected, I asked him what guarantees there were that the British taxpayer was getting a good deal, and he replied—I paraphrase his response—that there would be an explanatory memorandum of the contracts with London and Continental. I understand that no one in the House is privileged to see the contracts in any detail or to discuss them, on grounds of commercial confidentiality. It is a curious commercial enterprise that is clouded in mystery in one direction.

It has been accepted, has it not, that the sharing of risk is essential in projects of so large a scale and so extraordinary a nature. We should surely look to a Government to protect the taxpayer from risk, so that—as has been said—should London and Continental not succeed in attracting the funds it claims it can to make the line a reality, not a dream, we do not suddenly find that the public purse is expected to fill up any possible hole.

There is an interesting definition of sharing of risks in the explanatory memorandum of the contract with London and Continental Railways. Paragraph 13 says:

"The possible events to which the sharing of responsibility is to apply include the following:

changes in law or taxation which discriminate . . . against London and Continental Railways".

It is an interesting possibility, is it not, that London and Continental would appear, by that sentence, to be given fiscal powers. I should have thought that changes in law or taxation were the responsibility of Government—indeed, of the House—but apparently there is a sharing of responsibility.

Other possible events to which the sharing of responsibility is to apply are "war, rebellion and revolution". It is unlikely that London and Continental would be responsible for war, rebellion and revolution; regrettably, those are far too often the responsibility of Governments. As we know, the female former leader of the Conservative party was responsible for taking this country to war twice. I would hardly have called that a genuine shared responsibility.

We are asked to believe that the vast amounts of public assets being handed to London and Continental are necessary to get the line built, which may be the case—I do not know how well or how toughly London and Continental argued its case—but that the handing over of those assets will guarantee for us, as a nation, that the line will be built.

We all agree that the line needs to be built. It is a scandal and a disgrace that there was such a long period between the time when it was first considered possible to build the line and its construction. It is doubly disgraceful that what we could have had a few years ago for £1.8 billion may have cost, on completion, more than £8 billion, and that none of the profits will be returned to the public sector.

Unquestionably, the line needs to be built, but there is doubt that it ever will be built. Let us hope that those doubts prove unfounded. Indisputably, the country, given the exchange of assets and cash, is not getting the best of all possible deals.

Mr. Peter Brooke (City of London and Westminster, South): I should declare what I believe to be an interest, as chairman of the Conference on Training in Architectural Conservation, which has a professional interest in St. Pancras chambers, allowed by the appropriate authorities. I heard the hon. Member for Hampstead and Highgate (Ms Jackson) describe it as "shining like a . . . rose". I am conscious that a considerable amount has been spent on making it appropriately watertight, but she would be exaggerating if she suggested that it had been returned to its former glory, for which considerable subsequent investment is still needed. The hazard of language such as she used is, I fear, that it devalues the effectiveness of some of the other things she said.

6.15 pm

Mr. Watts: My right hon. Friend the Member for City of London and Westminster, South (Mr. Brooke) is right. Although money has been spent on restoring the exterior of the St. Pancras buildings to a very attractive condition, anyone who has visited the interior knows that a great deal more money needs to be spent to bring that into any—

Ms Glenda Jackson: The point that I was making was clearly about the exterior of the building. Despite the right hon. Member for City of London and Westminster, South (Mr. Brooke), when I make comparison now between the exterior colour of that building and the colour that I knew it to be only a few years ago, I stand firm in my belief that it now glows like a rose in Euston road.

Mr. Watts: The hon. Lady has made her own point.

I congratulate the hon. Member for Eastleigh (Mr. Chidgey) on getting to the nub of the problem with the new clause. The new clause goes to the heart of the channel tunnel rail link competition. It would prevent the transfer of European Passenger Services Ltd. and other assets to London and Continental Railways, and in so doing would wreck the basis on which the project is proceeding.

[Mr. Watts]

The transfer of those assets was assumed in the promoters' bid for Government support, and the removal of that part of the equation would lead to a corresponding and massive increase in the taxpayer's contribution. It would seriously damage the viability of the project, and we would return to the position that we were in in 1993, before the competition was launched.

Opposition Members appear to have overlooked the fact that the majority of the assets being transferred are an integral part of what will be the high-speed link, and are necessary to its proper operation.

Mr. Allen: Will the Minister give way?

Mr. Watts: I would rather make a little more progress.

Mr. Allen: On that point?

Mr. Watts: I give way.

Mr. Allen: The Minister rightly said that there may well be a stronger argument about assets that are integral to the project, but many of the 240 acres of King's Cross lands surely cannot be put in that arena. My hon. Friend the Member for Pendle (Mr. Prentice) was chided from the Conservative Benches for saying that the £126 million valuation—

Mr. Gordon Prentice: No—£12.6 million.

Mr. Allen: I thank my hon. Friend. He was chided for saying that a valuation of £12.6 million was rather modest. A scheme was proposed in the 1980s to take over those lands and develop them, and even in those days it was a £5 billion scheme. Now the Government are giving away those assets for £12 million.

Mr. Watts: In fact, the hon. Member for Pendle (Mr. Prentice) mentioned several operational assets. He mentioned North Pole depot, the Longsight depot at Manchester, and Waterloo international station. Those could have substantial development values only if they were not used for the purposes of a railway.

The hon. Gentleman sounded like the most rampant of property speculators. All these matters were debated in considerable detail in Standing Committee. I gathered then—and it has been confirmed today—that Labour Members are not entirely at one with our proposal for funding the project. Nonetheless, our approach to the competition produced high-calibre bidders, and we reached an extremely good deal with London and Continental Railways that minimises the taxpayer's contribution and maximises the benefits of the channel tunnel rail link to the nation.

I shall deal first with the cash contribution of £1.4 billion from the public sector. A substantial part of that sum is a charge for the domestic capacity that we have secured in order to run domestic commuter services. The money will be paid over a long period, and it may result in corresponding revenue to the Government from train operators that operate services on the link. It is not an up-front contribution: it will be spread over a number of years when the link is in operation.

I can answer in part the question from the hon. Member for Eastleigh, who asked how we will guarantee that the line will be built and that the promoter will not walk away from the project. Not a single penny of the lump sum capital contribution will be paid until the promoter has incurred 68 per cent. of the project's outturn cost. If the promoter must put up so much of his own money before receiving a single penny of taxpayers' money, he will need to have very good reasons for not seeing it through.

Mr. Stevenson: The Minister has said that the £1.4 billion will be paid over a long period. Will he say whether that is an absolute figure? In other words, is there a ceiling on the figure, so that it cannot be increased over time?

Mr. Watts: The hon. Member for Hampstead and Highgate (Ms Jackson) referred to the summary of the terms of the development agreement and certain events that would trigger a sharing of costs, or allow costs to fall on the Government. Clearly, that could lead to an increase over and above the £1.4 billion.

For example, if a Government—for some perverse reason, as the hon. Lady mentioned—introduced tax provisions that discriminated against the company, it would give rise to a further payment by way of compensation. With that one proviso, I can confirm that the amounts in the development agreement are the sums that will be paid over a considerable period.

Mr. Allen: I thank the Minister for giving way again. Unfortunately, my hon. Friend the Member for Stoke-on-Trent, South (Mr. Stevenson) is not allowed to look at the contracts and examine the real details. After applying pressure in Committee, we were permitted to see the explanatory memorandum; but we have no insight into what appears in the contracts. The explanatory memorandum says that there could be changes in the amounts payable if there are changes to the project ordered by the Government or if there are variations in the draft agreement. Virtually any changes would trigger increased payments.

I refer the Minister also to the fact that the £1.4 billion payment is calculated at net present value. When it comes to be paid, the real amount will be nearer to £2 billion. Ministers are bandying about £600 million as if it were nothing.

Mr. Watts: There is nothing unusual in expressing contributions to a capital project—particularly a long-running project—in net present value. We have evaluated the benefits of the project in the same terms.

I must correct the hon. Gentleman on another point. The explanatory memorandum was produced not because of pressure applied in the Standing Committee. In announcing his decision, my right hon. Friend the Secretary of State said that he would place in the Library the explanatory memorandum summarising the main terms of the agreement.

Some very odd figures have been bandied about this afternoon. We heard the old chestnut about delivering an alternative scheme for either £1 billion or £1.9 billion—Opposition Members have advanced two different figures. That is a very different scheme, which would have pursued a highly unpopular route into London through the south, and involved much more tunnelling.

Hon. Members have argued persistently and effectively for the construction of a station at Stratford. Stratford would not have been part of the project unless it took a very odd route through the south of London, around to the east and then back to the terminal. Therefore, all the regeneration benefits that have been rightly applauded would not have been part of the scheme.

As to the value attributed to the assets to be transferred, the hon. Member for Pendle quoted correctly from the information that I have supplied to him through answers to parliamentary questions. The assets transferred amount to £600 million in accounts values, or a little more if one substitutes for existing use value the development value of the two areas of railway land.

The more fanciful evaluations that Opposition Members have tried to place upon the development value of the land depend upon one other important factor: that someone has completed the new high-speed link and that it is operating successfully. Unless that occurs, the value cannot be enhanced further. Even if one were to try to estimate that value, figures of £3 billion, £5 billion and so on are completely fanciful.

Mr. Gordon Prentice *rose—*

Mr. Watts: No, I shall not give way, as I have done so a number of times. We have had a fairly lengthy debate, and I wish to reply to it as speedily as possible.

As I explained in reply to expressions of concern about the development of services to the north of London, a critical part of the strategy is that the promoter should take control of Eurostar services at the earliest possible date and promote them. The hon. Member for Hampstead and Highgate sneered at the idea that better marketing could increase passenger numbers. I think that she will find that marketing is crucial.

Ms Glenda Jackson *rose—*

Mr. Watts: No, I shall not give way again; I have given way to the hon. Lady twice already. She should not be insulted by my quoting her words back at her. The hon. Lady must wait and see whether marketing improves the performance of the service.

Hon. Members must understand that, if the new clause were added to the Bill, it would wreck the whole project. It would involve either a massive additional sum by way of taxpayer subsidy or the total abandonment of the project as a joint public sector-private sector scheme. The alternative is probably one that Opposition Members would favour—a scheme funded entirely out of the taxpayers' pockets.

We know that one hon. Lady would be very happy to pay more taxes in order to fund that scheme or any others, but I suspect that her view is not universally shared by her colleagues. The new clause must be recognised as a wrecking attempt and nothing else. I invite right hon. and hon. Members to treat it accordingly, and to vote it down.

Question put, That the clause be read a Second time:—

The House divided: Ayes 76, Noes 175.

Division No. 111] **[18.28 pm**

AYES

Allen, Graham
Anderson, Ms Janet *(Ros'dale)*
Banks, Tony *(Newham NW)*
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Benn, Rt Hon Tony
Bermingham, Gerald
Berry, Roger
Brown, N *(N'c'tle upon Tyne E)*
Byers, Stephen
Cann, Jamie
Clapham, Michael
Clwyd, Mrs Ann
Cook, Frank *(Stockton N)*
Corbett, Robin
Corston, Jean
Dewar, Donald
Dowd, Jim
Fatchett, Derek
Flynn, Paul
Galbraith, Sam
Galloway, George
Gapes, Mike
George, Bruce
Godman, Dr Norman A
Godsiff, Roger
Griffiths, Win *(Bridgend)*
Hanson, David
Heppell, John
Hill, Keith *(Streatham)*
Hodge, Margaret
Hogg, Norman *(Cumbernauld)*
Hoyle, Doug
Hughes, Kevin *(Doncaster N)*
Hughes, Robert *(Aberdeen N)*
Ingram, Adam
Jackson, Glenda *(H'stead)*
Jenkins, Brian *(S. E Staff)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Kaufman, Rt Hon Gerald
Keen, Alan
Khabra, Piara S
Kilfoyle, Peter
Livingstone, Ken
Lloyd, Tony *(Stretford)*
McCartney, Ian
McKelvey, William
McWilliam, John
Martlew, Eric
Michael, Alun
Miller, Andrew
Morgan, Rhodri
Morris, Rt Hon John *(Aberavon)*
Mullin, Chris
Pike, Peter L
Powell, Ray *(Ogmore)*
Prentice, Gordon *(Pendle)*
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Ruddock, Joan
Sedgemore, Brian
Short, Clare
Skinner, Dennis
Smith, Chris *(Isl'ton S & F'sbury)*
Soley, Clive
Spearing, Nigel
Spellar, John
Stevenson, George
Taylor, Mrs Ann *(Dewsbury)*
Timms, Stephen
Wicks, Malcolm
Wise, Audrey
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mrs. Bridget Prentice and Mr. Robert Ainsworth.

NOES

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Banks, Robert *(Harrogate)*
Bates, Michael
Bellingham, Henry
Beresford, Sir Paul
Bonsor, Sir Nicholas
Booth, Hartley
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & Cl'thorpes)*
Bruce, Ian *(South Dorset)*
Burt, Alistair
Butterfill, John
Carlisle, John *(Luton North)*
Carrington, Matthew
Carttiss, Michael
Cash, William
Chapman, Sir Sydney
Churchill, Mr
Clappison, James
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Coe, Sebastian
Colvin, Michael
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Cormack, Sir Patrick
Currie, Mrs Edwina *(S D'by'ire)*
Deva, Nirj Joseph
Dicks, Terry
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Duncan Smith, Iain
Dunn, Bob
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fabricant, Michael
Forman, Nigel
Forth, Eric

Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gale, Roger
Gardiner, Sir George
Garnier, Edward
Gill, Christopher
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Rt Hon Jeremy
Hannam, Sir John
Hargreaves, Andrew
Harris, David
Hawkins, Nick
Hawksley, Warren
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hendry, Charles
Higgins, Rt Hon Sir Terence
Hill, James *(Southampton Test)*
Horam, John
Hordern, Rt Hon Sir Peter
Hughes, Robert G *(Harrow W)*
Hunter, Andrew
Jenkin, Bernard
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Gwilym *(Cardiff N)*
King, Rt Hon Tom
Knapman, Roger
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lawrence, Sir Ivan
Legg, Barry
Leigh, Edward
Lester, Sir James *(Broxtowe)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Luff, Peter
MacKay, Andrew
Maclean, Rt Hon David
Madel, Sir David
Maitland, Lady Olga
Malone, Gerald
Mans, Keith
Marshall, John *(Hendon S)*
Marshall, Sir Michael *(Arundel)*
Mates, Michael
Mayhew, Rt Hon Sir Patrick
Merchant, Piers
Mitchell, Andrew *(Gedling)*
Mitchell, Sir David *(NW Hants)*
Moate, Sir Roger
Monro, Rt Hon Sir Hector
Needham, Rt Hon Richard
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Norris, Steve
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Peacock, Mrs Elizabeth
Porter, Barry *(Wirral S)*
Porter, David *(Waveney)*
Portillo, Rt Hon Michael
Robathan, Andrew
Rowe, Andrew *(Mid Kent)*
Sackville, Tom
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, Sir Giles *(Pudsey)*
Smith, Tim *(Beaconsfield)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stern, Michael
Streeter, Gary
Sumberg, David
Sweeney, Walter
Sykes, John
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Temple-Morris, Peter
Thompson, Patrick *(Norwich N)*
Townsend, Cyril D *(Bexl'yh'th)*
Twinn, Dr Ian
Vaughan, Sir Gerard
Viggers, Peter
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Waterson, Nigel
Watts, John
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wood, Timothy
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Patrick McLoughlin and
Mr. Simon Burns.

Question accordingly negatived.

New clause 1

PURCHASE OF BLIGHTED PROPERTY

'.—(1) The Secretary of State shall, if so requested by an owner or occupier, either—

(a) acquire the interest of such owner or occupier in any property which as a consequence of the provisions of this Act cannot be sold except at a discount to unblighted market value, or

(b) pay to such owner or occupier the difference between the unblighted market value of such interest and the amount actually realised in the open market when it is sold.

(2) The Secretary of State may by order appoint one or more persons to perform on his behalf the duty imposed on him by subsection (1) above.

(3) Compensation shall be payable to an owner or occupier whose interest is acquired under this section on the same basis as compensation in respect of blighted property under Part VI of the Town and Country Planning Act 1990.

(4) The Secretary of State may—

(a) by regulations, amend or extend the provisions of Chapter II of Part VI of the Town and Country Planning Act 1990 to implement the provisions of this section, or

(b) by order, repeal this section.

(5) An order repealing this section shall not be made before the implementation of improvements to existing arrangements for property purchase and compensation resulting from recommendations by the Inter–Departmental Review established following the Special Report of the Select Committee on the Channel Tunnel Rail Link Bill.

(6) The power to make orders or regulations under this section shall be exercisable by statutory instrument which shall be laid before Parliament in draft and shall be subject to approval by resolution of each House of Parliament.'.—*[Mr. Rowe.]*

Brought up, and read the First time.

Mr. Rowe: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Dame Janet Fookes): With this, it will be convenient to discuss the following: New clause 2—*Compensation*—

'.—(1) On application being made to him the Secretary of State shall pay compensation to any residential occupier of property the value of whose interest in such property has been diminished by reason of the provisions of this Act.

(2) The amount of such compensation shall be the difference between the value that interest would have had if this Act had not been passed and the value it has following the passing of this Act; and both such values shall be calculated at the date of application to the Secretary of State.

(3) In default of any agreement between the Secretary of State and the applicant as to whether the provisions of this Act have caused such a diminution in value or as to the values referred to in subsection (2) above these matters shall be decided by a single arbitrator to be agreed between the parties or (in default of such agreement) to be appointed on the application of either party after notice in writing to the other by the President of the Royal Institution of Chartered Surveyors.'.

New clause 3—*Hardship*—

'Neither the Secretary of State in exercising any discretionary powers to purchase property affected by the provisions of this Act, nor the nominated undertaker in operating any similar or other discretionary or voluntary purchase scheme, shall require any applicant to show any degree of personal hardship in order to qualify for any purchase or other benefit.'.

Mr. Rowe: The debate so far has emphasised again that the line, when it is built, will belong to the whole nation and that the links that extend to the east and west coast main lines and other areas are indispensable to making the project a success. I agree, but it is worth recalling that the line will be built through Kent and south-east London. Whatever benefits the rest of the country will derive from its construction, the costs will fall most heavily on us.

The story has gone on for a very long time and part of the cost that has been carried by my constituents and many other people along the route has been the sheer anxiety and uncertainty that that long delay has occasioned. The purpose of new clause 1 is twofold. First, it would add to the Bill a recognition of the gain that we have made in the course of the long-drawn-out proceedings.

When the proceedings on the project began, the Department of Transport was adamant that there were only two forms of blight—statutory blight and discretionary blight. I am glad to say that after the long series of arduous debates, hearings, Select Committee meetings on the ombudsman's hearings, and the ombudsman's inquiry itself, we have now arrived at the recognition—I believe with the sympathy of my right hon. Friend the Secretary of State for Transport—that there is a third kind of blight which, in some ways, is the most damaging of all. That is the blight which destroys the price of somebody's home or business, not because it will be acquired compulsorily for the project and not because it is in the corridor sufficiently for the owner to claim compensation, but because nobody will buy or even come to look at the property if he realises that it is in a village in an area affected by the route.

6.45 pm

On this project, the matter has been made worse by the tergiversations about the actual route. For example, two of my constituents, Mr. and Mrs. Atkins, live in Harrietsham. They are 76 years old and have been trying to sell their house for a long time. Their family now live some distance away, and Mr. Atkins has had open-heart surgery. They live only 10 m outside the original rail corridor, and that totally destroyed any interest that any potential purchaser might have had in buying their property. After the route was changed, it is true that the line moved somewhat away from their property, but the effect on potential purchasers remained the same. That old couple have been effectively imprisoned in their home by that generalised blight.

Similarly, Mr. Gardiner, another of my constituents, had his family business plunged into bankruptcy when the bank revalued his property. The properties of both his immediate neighbours had been bought by British Rail, which was the lead promoter at the time, but his property was not bought. He had secured a loan for his business against the value of his property, and when the bank revalued his property, it valued it at nil. The result was that the security on his loan was withdrawn, and he had to take his family business, which had been going for 30 years, into bankruptcy.

Those are the costs that fall on citizens up and down the land when there are such massive projects, inspired by the Government and bringing ruin in their wake. The first purpose of new clause 1 is to add to the Bill, as I said, the recognition of that type of blight. Secondly, the new clause contains a feature to which my right hon. Friend the Secretary of State is sympathetic. I know that, because we have talked about it informally on several occasions. Under the new clause, a property would be valued by an independent assessor, because sometimes there is a genuine doubt about the market value of a property. If the property were then sold on the open market, the compensation paid would make up the difference. It would be based not on a notional price, but on the price fixed by the market.

Those two provisions are just and overdue. I hope that when the interdepartmental working party, which is one of the gains from the whole tortuous business of the link, publishes its results, it will accept the second provision.

The new clause would deal with a third problem. It would be monstrous if the householders and other owners, whose plight has caused the working party to be set up, were unable to benefit from any of its findings because those findings came too late or could not be implemented until after the project was under way. Therefore, the new clause contains the proposition that until an improvement in the compensation rules is achieved as a result of the interdepartmental working party, the purchasing of properties that can be shown to be blighted, in the way that I have described, should go ahead.

It is unacceptable for major Government schemes to stride through the country, wrecking people's lives in a wholly unpredictable way. In our case, four routes were put on the table at the beginning. Two of those routes were manifestly different and although they seem to have been a blind to conceal British Rail's original intentions, that does not alter the fact that the blight was spread over many families. I commend the new clause to the House.

Ms Margaret Hodge (Barking): I am delighted to be able to speak in support of new clause 1, tabled by the hon. Member for Mid–Kent (Mr. Rowe), whom I am glad to see able to speak in defence of his constituents. He was not a member of the Committee and so at that stage had to depend on Opposition Members to defend his constituents' interests.

Mr. Rowe: The hon. Lady is being extremely kind, but I must be fair to my hon. Friend the Member for Gillingham (Mr. Couchman), who also spoke with considerable eloquence on behalf of my constituents.

Ms Hodge: The hon. Member for Gillingham (Mr. Couchman) did try his best, but his constituents are not as directly affected as are those of the hon. Gentleman. Our proceedings might have been enhanced by having his contributions and those of other Conservative Members with a specific constituency interest.

This is the final opportunity for those for whose constituents this is a major issue to argue the case across the political spectrum, for a fair and just system for responding to all residents who, through no fault of their own, have been affected by the route.

None of the new clauses that are concerned with compensation has been motivated by NIMBY—not in my backyard—interests. All who have a constituency interest have supported the building of the high-speed rail link. We have all argued that, in the interests of the British economy, it is imperative that it should be constructed. Only a week ago, I made my first trip on Eurostar from Paris to London. I was deeply impressed at the speed with which we travelled across France, but deeply depressed by the slowness with which we travelled through the English countryside. Of course, we want to promote the rail link in the national interest, but at whose expense? It is in answer to that question that we raise the issue of compensation.

[Ms Hodge]

I remain of the view that the route need never have gone through the centre of Barking, either above ground or through a tunnel. There was a perfectly sensible alternative solution, which would not have resulted in thousands of my constituents being unable to move or to sell their property. A disservice has been done to my constituents by all those involved before I became a Member of the House, in their determination to stick to that route and not to seek the sensible alternative of taking the route across a large tract of derelict land in Barking reach. People in the constituency, in the town hall and in Union Railways must share much of the blame for what has happened.

At the same time, I must tell my hon. Friend the Member for Pendle (Mr. Prentice), who was a member of the Select Committee, that I am grateful to the Committee for its work in ameliorating the absurd plans that were originally put forward by Union Railways. It is heartening that the concerns raised by individuals who attended on their own account to put their case before the Select Committee were listened to. The original proposals were led by engineers who had no regard to the impact that they would have on the lives of ordinary people all along the route but, in particular, in Barking.

The issue of compensation is important, not only because of the impact of the route on many people, but because of the time that it takes to build a railway. Ten years have elapsed between the original decision to build the tunnel and today, when the Bill will be sent to the other place. During that time, there have been rumours, counter-rumours, proposals, further proposals and changes of mind that have blighted the property of many householders along the route.

That is not the end of it. Under the current compensation scheme, were anybody to qualify for compensation and to get back some of the money that they have lost through no fault of their own, they would have to wait until well after the channel tunnel rail link was built, certainly in my constituency. I would love to think that we were talking about 2002, but in all probability we are talking about 2005 and perhaps even closer to 2010.

To qualify under the current discretionary purchase scheme, not only do people have to prove a diminution in value of their property, but they have to show that they are suffering from ill health or noise. My constituents, who are now to have a tunnel directly under their houses, will not know whether they will be eligible under the current scheme until after the tunnel has been built and tested—in 2007 or 2008. Since 1990, they have been unable to sell their properties. There is no market for any property, certainly in Barking, on the channel tunnel rail link route.

The residents believe that there will be a noise impact, although the promoter says that there will not. That dispute will not be resolved until 2005 or even 2009, whenever the route is completed. That is simply not good enough for ordinary people.

The other criterion of the current discretionary purchase scheme which has to be met is one of ill health. I have constituents who are suffering from real ill health brought about by the stress of not having the freedom to sell their property and move house. They are nervous wrecks, taking endless drugs, and some have had to be hospitalised as a direct result of the nervous tension that they have suffered. But that is not sufficient for them to qualify under the current scheme. The current scheme is simply not good enough.

What does all that mean for people in Barking? More than 300 properties abut the railway. As I have said in the Chamber and in Committee, those are not properties with long gardens. The distance between the railway line and the kitchen window is the distance between the two Front Benches. Those properties were bought on the understanding that they were close to an existing line, the London-Tilbury-Southend line, on which traffic is limited.

Mr. Tony Banks: If one is lucky.

Ms Hodge: As my hon. Friend says, one is lucky to get anything. There is probably a train every 20 minutes in the rush hour. At the weekends, there is hardly any traffic, because it is primarily a commuter line and there is very little traffic after the rush hour in the evening and during the night.

That is what life was like. That is what those residents committed themselves to when they purchased those properties. As I have consistently said, they are ordinary people. They do not live in high-price, high-value properties. When the market was at its peak, the properties probably went for £75,000 or £80,000. Today, they are worthless, although the odd property has been sold for about £20,000.

A further 2,000 to 3,000 properties have been blighted by the proposals. We can look at maps and say that only properties on one side of a road should be blighted because only they abut the railway, but purchasers who understand what is about to happen, certainly now that a tunnel is to be constructed, will not touch properties that are a far greater distance from the railway line than those involved in the scheme would expect. Those properties simply cannot be sold.

Some people argue that the blight should have lifted, now that we have determined that a tunnel should go through Barking. In particular, Union Railways—or the new promoter—has told me on a number of occasions that there is blight because I and the residents have drawn attention to it. That is absolute nonsense. The blight has been created, first, by Union Railways' original, chaotic proposals—which were then amended by the Select Committee—and, secondly, by the Government's plans. The route for the tunnel was not planned by people in Barking; it was planned by the Government.

There is not one estate agent who will put on his list a property in Barking that is along the channel tunnel rail link. There is not a building society that will lend to a potential purchaser who wants to buy property in Barking. The council, working with a local housing association, has been unable to persuade the housing association to buy properties along the route so that they can at least be used for social housing. No one seems to care.

7 pm

At every surgery that I hold in my constituency, at least one family come to see me with yet another heart-rending story about how their inability to move is impacting on their lives. I realise that hon. Members would like to finish this debate, but this is our final opportunity to go through some of the cases.

There is one family with a young son who has bacterial meningitis, which was contracted when he was eight months old. Because of his condition, he suffers from respiratory and hearing problems. Two summers ago, he had an operation to remove tonsils and adenoids and to put grommets in his ear. The family doctor has recommended that the family move to a rural area, and they want to move as soon as possible for the sake of their child's health. The channel tunnel rail link proposals have made it impossible for them to sell their house, so they cannot move.

Down the road lives an elderly lady with angina. She can no longer climb the stairs in her little home. She is desperate to sell her house so that she can buy a bungalow in Norfolk and retire there to be nearer her daughter, but she cannot move.

There is a gentleman who was on the verge of selling his house in 1992, until prospective purchasers became aware of the rail link. His son has chronic asthma. His family's GP has recommended that the family move to a coastal area. He works for the Post Office and was recently offered a transfer to Colchester, but he had to turn it down because he cannot sell his house. He is now redundant. His wife is unable to work because she suffers from a chronic breast disease and has arthritis of the spine. They are stuck there.

There is a family who have lived at an address for, probably, 17 years. Mrs. Downs is confined to a wheelchair and requires periods of quiet during the day in a stress-free environment. The family already suffer some noise nuisance from passing trains. Their lives would be made intolerable by the construction and operation of the channel tunnel rail link, which would go through their back garden. They have made no progress in selling their house.

There is a family who inherited a house when their mother died. They live in another house down the road, because it is a very close community. They want to sell both homes so that they can move, and to use some of the resources that they would realise to put their children through higher education. They have tried to sell the houses by significantly reducing the asking price, but both properties are still unsaleable. They sought to rent out one of the properties, but a local accommodation agency advised them that a property that would normally rent at £120 a week cannot be rented out even at £90.

One couple bought a house in 1983. They have had a family since then. The house has two bedrooms, but they have three children. They want to move to a larger property as the children are of different sexes and have grown older. They cannot sell their property. The list goes on and on.

There is a family in which the father has an arthritic spine. He has had an operation, but it was unsuccessful. He has now had a second operation. Doctors and consultants have sent letters to, at that time, Union Railways, but the family have had no luck under the discretionary purchase scheme. They are stuck there.

There is a family who want to buy a business in Devon. They cannot buy it because they cannot sell their house.

In another family, the husband died. The wife is an epileptic and has been advised by doctors not to live alone. She wants to sell the house and go to live with her son.

The parents died in one family and left the house to their three daughters. They cannot sell the house. The list goes on and on.

In one family, the woman is on a breathing apparatus and really needs to move out of the area into a different environment. They cannot sell their house.

There is a family in which an elderly widow suffers from angina. She wanted to buy a bungalow when she retired. She cannot sell her house. It goes on and on.

I think that probably the worst case—it made me very cross—was one in which I was finally able to get Union Railways to agree to purchase the property. The couple in that house were desperate to move. Before the purchase went through, however, the husband died.

Those examples show the proposals' impact on ordinary people in a very ordinary part of London.

The Select Committee's and the ombudsman's reports recognised the importance of blight. On page xxix, referring to environmental improvements, the Select Committee stated:

"Blight cannot be dealt with in this way, and can only be responded to by compensation."

Later, it added:

"Furthermore, we require that the promoter improves the operation of the discretionary purchase scheme to reduce the apparent delays in making payments under the scheme."

The Select Committee stated on page xxxi:

"We have observed that the present law appears totally inadequate in situations in which a reduction in the price of a property is attributable to a project such as the rail link even though the property will not actually be physically affected."

The ombudsman's report stated:

"In my view, it is unquestionable maladministration not to have considered the effects of the policy upon those to be affected by it.

Such maladministration is more evident when the problems caused to individuals by the implementation of a policy become apparent, but still no action is taken to consider a remedy. I have found that that is what happened in respect of the CTRL."

I welcome the Government's response in setting up the interdepartmental working party, although, as I said in Committee, we need a time frame for it. I suspect that the Government will not bring the results of the working party's efforts to the House—I would welcome an assurance to the contrary—before the end of this Parliament.

The French can build railway lines properly—why on earth cannot we do the same? When the French want to construct a railway line, they provide generous compensation to people who, through no fault of their own, experience a diminution in the value of their property and who lose the freedom to move—that primary control over their lives.

Mr. Tony Banks: I endorse what my hon. Friend said, and merely underline her point that the French can construct lines so swiftly because people genuinely welcome them and there is not a long-drawn-out battle, as there is when people realise that they are going to suffer physical and economic hazards. Perhaps that is why the French are able to build lines so much more quickly than we can.

Ms Hodge: I concur with my hon. Friend entirely.

[Ms Hodge]

Additional costs would be involved in a more generous compensation scheme, but in relation to the project as a whole, they would be marginal. Compared with the additional costs that have already been incurred by the delay in this case, the costs of additional compensation would be peanuts. The Government appear to have accepted the additional costs arising from the changes in the scheme, so why cannot they accept the additional costs arising out of an appropriate compensation scheme?

I hope that hon. Members will today take this issue seriously. The question is who pays. In this context, is it fair that ordinary residents—householders who have found that, through no fault of their own, the value of their property has been massively diminished and that their ability to sell it has been annihilated—should pay? In other matters, the Government say that the polluter pays. In this instance, the Government are the polluter and they should pick up the bill and support the three new clauses.

Mr. Jacques Arnold: I have considerable sympathy with the new clauses. The key point is the one that has been made on several occasions—that the House and the country want the rail link, in which case the developer and/or the Government should pay for it. The people who should not pay for it are those whose properties are in the line of the rail link and who face the diminution of the value of their homes and businesses.

Like the hon. Member for Barking (Ms Hodge), I have had dozens of people come to my surgery over the years, some with cases just as heart-rending as those that she mentioned. I should point out that this blight hit my constituency all the way back in 1988 when the original route was proposed. So we are no novices in this dreadful business of blight and the compensation that is required.

My hon. Friend the Member for Mid–Kent (Mr. Rowe) referred to three forms of blight. I strongly support his comments about peripheral blight. Where the rail link goes through the urban area of my constituency, it passes literally thousands of homes. In that broad swathe, those residents have found that they cannot sell their houses or achieve properly secured mortgages. They are well and truly stuck, whether or not the circumstances of their family or employment require them to move. We must examine the matter of peripheral blight.

Another form of blight was brought before the Select Committee, although it did not grapple with it—the blight that brings about bankruptcy. I brought two cases before the House in an Adjournment debate, which were also heard in the Select Committee, of residents in the direct line of the high-speed rail link. They were small business men who used their properties to secure loans for their businesses. In both cases, the security of their loans proved inadequate, the finance ceased to become available and their private companies withered and died. The blight compensation provisions include no provision to compensate people in such dreadful cases.

I welcome my hon. Friend the Minister's announcement that he will appoint a working party to consider matters of blight. I hope that the working party and the Minister will give careful and rapid consideration to peripheral blight and the extraordinary cases of failure of family businesses resulting from the impact of the rail link.

Mr. Simon Hughes (Southwark and Bermondsey): May I add to the litany of overwhelmingly strong cases? I notice that the right hon. Member for Tonbridge and Malling (Sir J. Stanley) also wishes to catch your eye in this debate, Mr. Deputy Speaker. He has been an assiduous chaser after the same solutions. I have no direct vested interest on behalf of my constituency in this particular Bill, although the borough of Southwark was directly affected by the previous proposals and route and the issue of blight was very pertinent. When my constituents and those of two other constituencies in my borough were spared, it would not have been fair if we walked away and left the case to be fought by those who are in the same position. People in the boroughs of Barking and Dagenham and of Newham and in Kent and Essex—

Mr. Chris Smith (Islington, South and Finsbury): And Islington.

7.15 pm

Mr. Hughes:—and in Islington, are still directly affected. It is a very important issue.

I wish to rehearse again the fact that we have had an unsatisfactory law on compensation for a ridiculously long period. Of course the interdepartmental working party is a good idea, but unless they result in proposals, good ideas are not much use. The Minister will be aware that, on a regular basis, I persist in arguing the same case in relation to those who suffer blight from works connected with the underground. My constituents have an interest in that.

Some businesses in my constituency have gone under—not physically, but commercially—as a result of the Jubilee line extension. Some of them fall within the rules. If a building is physically taken out of the local geography because the line or the works go through it, people are compensated. If it happens to be two yards away—as a building is in Borough high street by London Bridge station—such that all a person's business is taken away, they are not. If a great hole is dug before the front door, if people can hardly see that the business is still there and if to get to it they have to be athletes or trapeze artists—in short if the business is clearly no longer viable, people do not qualify for compensation. If the traffic is redirected because the works are outside the door of a business and passing trade disappears, no help is available.

It could be said that people just have to take the commercial risk. That is true as long as it is not a matter of public provision for public benefit made through an Act of Parliament. However, when we are talking about a rail link between the channel tunnel and the capital city, about public railways—even under a privatised Railtrack—or about public tube services—even under a privatised tube network, although I hope that that never happens—it is not good enough to say that people must take the commercial risk and accept that they may be sitting pretty one day and the next be blighted by a proposal that affects their business or home life.

People can suffer blight even with the benefit of the advice of the most vigilant lawyers in the world. One of my constituents inquired whether his business would be

affected by the route. He was expressly told that it would not. On the day on which he bought the business, there was no blight. Literally a month later, the proposals changed. It was too late. He had made the commercial transaction, acquired the business, laid out the investment and borrowed the money. He got into difficulties, but when the plans changed, it was too late. That was a risk that he was meant to take.

I should be grateful to hear in the Minister's response how soon we shall hear the results of the review and how soon legislation will be introduced. I join my colleagues in requesting that any response does not benefit generations to come, to the exclusion of those who have precipitated this call for a fairer compensation system. Other countries have such a system. Compensation can be provided through insurance. It need not cost the nation a fortune. We really must stop blighting the lives of hundreds and thousands of families and business people without compensating them, when simple legislation such as has been introduced by many colleagues over many years could reasonably do so. It is not beyond the wit of men and women to devise a system. We ought to get on with it.

I hope that this is the last time that we have to put in a plea in the Report stage of a Bill. I am sure that if the Government wanted to introduce a compensation Bill in the one remaining Session of this Parliament, all of us would be willing to postpone the general election by a few months to put it on the statute book.

Sir John Stanley (Tonbridge and Malling): I, too, support new clause 1, tabled by my hon. Friend the Member for Mid–Kent (Mr. Rowe), and the comments made by those who have spoken in the debate so far. I also support the new clause tabled by the hon. Member for Barking (Ms Hodge). I hope that my right hon. and hon. Friends on the Front Bench will note that hon. Members from the three major parties are all saying the same thing on the issue of blight and compensation. The position is profoundly unsatisfactory.

The issue of blight was raised at the very outset of proceedings on the Bill in the Second Reading debate on 16 January 1995. Fifteen months later, we still have had no practical response other than the formation of an interdepartmental working party. Those of us who have been privileged to serve in government know well the immense length of time that it takes for any legislation to emerge from interdepartmental working parties, if it ever does.

Also, as far as I am aware, my right hon. Friend the Secretary of State has not responded to the specific recommendations of the Select Committee on the Parliamentary Commissioner for Administration. Perhaps he has now proposed a scheme to the Committee, but, if so, it has not been reported to the House. I hope that my hon. Friend the Minister will tell us whether a scheme has now been devised in accordance with the undertaking to produce one in response to the Committee's recommendation, whether it has been submitted to the Committee and when we shall know the details.

The Select Committee examined the Bill over a long period, and did heroic and sterling work. The issue of blight and compensation was raised continually. Now the Bill is on Report, but as far as I know—unless my hon. Friend the Minister can tell us something positive—we have been given neither a Government amendment nor a Government policy to deal with the problem.

As the hon. Member for Barking pointed out, this is not really a public expenditure issue but an equity issue affecting individuals. It cannot ever be right for a responsible public body to look to individuals, through the value—or devaluation—of their assets, to subsidise the public sector infrastructure work that is required in the public interest. It is fundamental that people must be treated fairly, and not be faced with a massive, long-term and perhaps permanent reduction in the value of their main asset so that a public sector project can proceed. The burden should be spread across all taxpayers.

I consider it morally incumbent on the House, on Union Railways and on the Government to provide an equitable answer to a problem that has been described eloquently by members of all the major parties in the House. If that cannot be done here, perhaps it can be done in the other place. I hope that my right hon. Friend the Secretary of State will respond positively.

Mr. Chris Smith: I am grateful for the opportunity to make a brief constituency contribution from the Back Benches, and to support what has been said by the hon. Member for Mid-Kent (Mr. Rowe) and my hon. Friend the Member for Barking (Ms Hodge). As I always do on these occasions, I declare an interest, not only on behalf of the hundreds of constituents who are affected by the rail link but on my own behalf: my home abuts directly on to the line.

I want to make two specific constituency points about blight. First, however, let me pay a warm tribute to the Select Committee's work. It deliberated carefully for many hours, and listened attentively to the numerous representations of my constituents.

Last July, when the Committee made its initial findings public, my constituents were overjoyed by its recommendation that the line running under the borough of Islington should be in tunnel all the way into the railway land behind St. Pancras. For a few weeks, it appeared that the blight that had threatened many of the streets immediately surrounding the western end of the line through Islington would be lifted. Then rumours began in the press that the Government were reconsidering the Committee's recommendation, and Union Railways subsequently submitted a revised version of the scheme. That revised version is now included in the Bill.

It must be said that the revised scheme is still massively better than the original reference case first advanced by Union Railways, but it gives the petitioners less than the arrangement that everyone thought had been decided last July, and a number of concerns remain—two in particular. The first relates to the timing of any decisions arising from the deliberations of the interdepartmental working party. The timing of any compensation scheme is vital to the affected areas.

I am particularly concerned about the impact on homes in Bunning way—flats and houses in my constituency that were sold a few years ago, specifically as starter homes. Many were sold to young couples who were buying their first home, intending to move in due course. A number of those couples now want to start families, but their homes are not large enough for them to bring up children there, and they wish to move. At present, however, their homes are severely blighted, and they could sell only at sharply reduced prices.

[Mr. Chris Smith]

Under the present scheme, even if those people qualify for compensation, they will not receive it until the railway has been running for a year—and it may not start running until seven to 10 years from now. By then, they will have had to give up the idea of having children at all, or they will have had to subsidise a railway by selling their homes at a loss. I do not consider that a just way of dealing with the impact that the line will have.

My other concern relates to the Gifford street embankment. It is currently proposed that the line should be tunnelled through the embankment until it reaches a point just before the east coast main line, when it will emerge into the open to cross that line. It is extremely important to those living in Gifford street—one of those homes happens to be mine—that the tunnel be bored through the bank rather than dug in a "cut and cover" operation. A ministerial assurance has been given, in a letter to the local representative group that raised the issue with the Minister, that the tunnel will indeed be bored, but I fear that that assurance will mean little if a problem suddenly arises on the site. When the time comes for the work to be carried out, we may be told that it is far too difficult to bore the tunnel, and that half the embankment will have to be removed instead.

We asked for the requirement for the tunnel to be bored to be inserted in the Bill, but, sadly, the Select Committee did not agree to that. I hope that the Government will none the less give enforceable undertakings to the Committee in the other place, because that particular question will substantially affect the issue of blight in Gifford street.

Those are two specific issues, but they reflect the general concern that I know is shared by all of us with constituents who are directly affected by the proposed line. We all want to see the channel tunnel rail link in place and we want trains travelling fast from St. Pancras through the tunnel to the continent. However, we must make sure that that is done in the right way and with due consideration for the lives and livelihoods of the people who live immediately beside the line and who will be directly affected by the work when it starts and when the trains are running.

7.30 pm

Mr. Brooke: I follow my parliamentary neighbour, the hon Member for Islington, South and Finsbury (Mr. Smith). If, in speaking to the new clauses, I referred to a railway line or route other than the one that eponymously gives its name to the Bill, I would almost certainly be ruled out of order. Therefore, I say elliptically that if my hon. Friend the Member for Mid-Kent (Mr. Rowe) had tabled his new clause mutatis mutandis in relation to another Bill that related to another railway line, I would have supported it in the same way as I support this new clause.

I cannot claim a constituency interest, for the reasons set out by the hon. Member for Southwark and Bermondsey (Mr. Hughes), because the original line changed for both of us. There is also the historic fact that the profession of British consulting engineers grew up along Victoria street in the last century so that its members could be within walking distance of the House to advise Committees on railway legislation during that era.

I support the principle of the new clause and I should like to make a supportive reference to what I would call the long-standing anticipatory blight about which other hon. Members have spoken—caused because no compensation is affordable until the relevant works are triggered. I shall also refer to those unfortunate people who, when the works are going on, will have to sustain the aggravation, potentially without receiving in benefit from the completed works even a tithe of the disruption that they have suffered. In that respect, I found a sympathetic resonance in the speech by the hon. Member for Barking (Ms Hodge), whose new clause we are also discussing.

I have been delighted to hear about the interdepartmental working party. In view of all the rail workings that stretch in front of us, I hope that its terms of reference are wide and that they relate to the widest possible range of contingencies so that we may make the maximum use of fallow time as this line and others unroll. The hon. Member for Barking spoke about the French arrangements and in that context I have taken the liberty of suggesting to London First, which rightly presses London Members on a series of issues on London's behalf, that it might sensibly mount an examination of those arrangements to see whether their application would economically accelerate the building of railways that they otherwise support.

As I have not so far been ruled out of order, I shall conclude by reminding the House of Miss Katherine Whitehorn's account of the effect of the London motorway box in the street in which she once lived. She recounted that the only house adversely affected by the plans had been bought three months earlier by a professional clairvoyant.

Mr. Watts: I can tell my right hon. Friend the Member for City of London and Westminster, South (Mr. Brooke) that the terms of reference of the interdepartmental working party are broad.

Mr. Simon Hughes: Do they include clairvoyants?

Mr. Watts: I do not think so.

The working party will look at changes in the compensation codes that could be applied not just to this project but more broadly and, undoubtedly, to another project that my right hon. Friend might have had in mind.

My right hon. Friend the Member for Tonbridge and Malling (Sir J. Stanley) asked about the working party devising a scheme to meet the requirements of the Select Committee on the Parliamentary Commissioner for Administration. That work is still in progress but, as we said when the setting up of the working party was announced in November, it will be brought to a conclusion as soon as possible. I am afraid that I cannot be more precise on that.

Mr. Hughes: When is "as soon as possible"?

Mr. Watts: Perhaps I should consult a clairvoyant on that.

I sympathise with the view of many hon. Members that property owners or occupiers should not suffer loss on the sale of property as a result of perceived blight. However, I do not think that the new clause is the right way to

address the problem. It goes much further than the concerns that were expressed by the Select Committee and that led to the setting up of the working party. It is premature, as it is in advance of the outcome of that review, which we announced on 18 March.

We should briefly consider the principles that underlie all existing compensation provisions. They include that the basis for any claim should be assessable against objective criteria; that the cause and effect must be demonstrable; and that the claimant should not finish up in a better position than would otherwise have been the case. My hon. Friend the Under-Secretary of State for the Environment explained in Standing Committee the three main circumstances under which owners may be compensated under current law. They are, first, where property is acquired compulsorily for the purposes of a public project; secondly, where property is subject to statutory blight, that is, blighted because of a future intention to acquire it; and, thirdly, where property is subject to injurious affection. It may not need to be acquired, but the conditions apply if there is a clearly demonstrable adverse affect on its value as a result of, for example, noise or vibration.

Mr. Rowe: I hoped that I had made it clear that, by putting properties on the market and seeing just how much less they fetched than would have been their valuation otherwise, we had met the standard of objectivity that the Minister has just stated.

Mr. Watts: My hon. Friend's suggestion and those made in the debate by other hon. Members will be looked at by the working party. I have said that the terms of reference are wide, and we shall wish to consider all relevant experience and suggestions, including, of course, overseas experience.

The new clause ignores the principles under which existing arrangements have operated. Some hon. Members may say, "That is well and good, but we think that the existing arrangements are inadequate." However, such fundamental changes should not be made just in respect of a specific project, but made only after careful review and as the basis for making changes that would apply to all similar projects.

We recognise the legitimate concern about the wider effects of blight—so-called perceived or generalised blight—which may affect property values even where there is no direct effect on the property, so existing compensation provisions may therefore not apply. That concern was raised by the Select Committee, which heard a great deal of evidence on a wide variety of concerns related to the Bill. Many of the matters that were raised essentially had to do with the provisions in general law rather than those in the Bill. The Committee concluded that in all such cases the existing national rules should apply. Even in the case of property compensation, the Committee concluded that existing arrangements were inadequate and called for a national review rather than special treatment for the project. In response, we set up the interdepartmental review of blight which the Under-Secretary of State for the Environment announced in his answer to my hon. Friend the Member for Dartford (Mr. Dunn) on 18 March, *Official Report*, column 9.

New clause 1 recognises that any scheme now instigated may be premature, in that subsection (5) provides for the arrangements to be repealed in the light of the recommendations following the review.

The new clause raises practical issues and difficulties. If we were to agree to such a radical extension of the statutory blight concept, it would raise difficult issues about the definition of "unblighted value" and on the means of disaggregating the various factors that may have reduced the property's value, given that "perceived blight" can be widespread and is a thoroughly subjective, although pernicious, concept. By definition, there would be no identifiable or measurable physical effects.

Furthermore, the scheme that my hon. Friend the Member for Mid-Kent (Mr. Rowe) proposes might increase blight if it encouraged people to sell at a loss because they knew that my right hon. Friend the Secretary of State would be obliged to pay the difference between unblighted market value and any amount realised.

I am not rejecting out of hand the notion of a compensation rather than a purchase basis. As my hon. Friend alluded, in my discussions with him, I have acknowledged that that might be a sensible approach, but, today, I am not prepared to say that I have reached that conclusion. These important matters must be considered carefully in the review.

Mr. Allen: Will the Minister consider asking the interdepartmental working group to consider also non-monetary compensation so that, for example, the homes for the frail elderly on the Euston side of St. Pancras might have to be rebuilt rather than an exchange of money taking place?

Mr. Watts: The working party can consider all suggestions made during this important debate.

There is a danger that the effects of a scheme such as the one that my hon. Friend suggests could lead to snowballing blight. There could be a perverse effect. If the new clause were added to the Bill, his scheme would be part of the Act and if the new clause caused a blighting effect on other property, the operation of the scheme under the Act would be compensatable under the new clause's powers.

I understand that my hon. Friend is concerned about blight caused by earlier routes and proposals. I understand that his new clause would not cover that and that it cannot be made to do so within the scope of the Bill, so I am not sure that the new clause would achieve all that I know that he wants it to achieve on behalf of his constituents.

I hope that right hon. and hon. Members will accept what I have said about the inadvisability of making piecemeal changes to the compensation code on blight before the outcome of the review, specifically set up, at the Select Committee's request, to consider that subject, but the important issue that remains is how any changes that are made as a result of the review would be applied to people affected by the project.

The House will know that, for obvious reasons, it is not the usual practice of Governments to give any prior commitment in respect of policy reviews that have yet to be completed and in, Standing Committee, my hon. Friend the Under-Secretary of State for the Environment said that he would consider sympathetically how the review's outcome could be applied.

[Mr. Watts]

I have given further thought to that. I take the point made in the debate that it would be perverse if a review that led to changes in the compensation code—a review prompted by the blight problems caused by the project—and the outcome of its recommendations were such that people affected by the project could not benefit from the review. Therefore, I am prepared to go further and to give a clear undertaking that any changes introduced to the compensation code as a result of the review will be given effect in respect of blight arising from the channel tunnel rail link. I hope that, with that assurance, my hon. Friend will not feel it necessary to press the new clause.

Mr. Rowe: Is it in order for hon. Members and members of public to submit evidence to the working group and, if so, how do we do it?

Mr. Watts: Certainly. A total of 130 organisations, professional and otherwise, have been invited specifically to submit their views, but the views of hon. Members and of members of the public, submitted in writing to the Department of the Environment, would be most welcome.

Mr. Simon Hughes: I am sure that the House will be encouraged to hear what the Minister said to the hon. Member for Mid-Kent (Mr. Rowe). We are grateful for that and for the additional information. This may not have been put to the Minister in these terms and therefore I will not expect an immediate reply. The right hon. Member for City of London and Westminster, South (Mr. Brooke) raised a similar matter. Will the Minister consider whether people affected simultaneously, not by channel tunnel works, but by the same issue and who have raised those effects in parallel—although they do not come under this specific legislation primarily—could also be considered? We are looking at a date start for a new scheme. I hope that the Minister will consider whether, equitably, all people affected in similar ways by similar legislated-for proposals might be considered and reply in due course, as soon as he has had a chance to examine the matter.

Mr. Watts: I shall reflect on what the hon. Gentleman says and reply to him in due course. That is one of the factors that can be taken into account in the review.

I hope that, with the clear assurance that I have given hon. Friend the Member for Mid-Kent and the House, he will not feel it necessary to press his new clause to a vote.

7.45 pm

Mr. Rowe: I have been in this place long enough to know that it is frequently wise to accept half a loaf rather than no bread at all and, given that we are shortly to send the Bill to another bakery, I am inclined to accept my hon. Friend the Minister's concession with considerable gratitude and pleasure. I wish that he had been able to go much further, but I understand the constraints under which he is operating and, therefore, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 15

LICENSING

Amendments made: No. 1, in page 8, line 8, leave out 'and'.

No. 2, in page 8, line 10, at end insert

',and

(c) any station constructed for the purposes of the rail link at Stratford, in the London borough of Newham.'.—*[Mr. Watts.]*

Clause 30

CONSTRUCTION OF AUTHORISED WORKS: FINANCIAL ASSISTANCE

Amendment made: No. 9, in page 16, leave out lines 29 to 33.—*[Mr. Watts.]*

Clause 31

RESERVED CAPACITY ON THE RAIL LINK: EXPENDITURE

Amendment proposed: No. 3, in page 16, line 34, leave out

'enter into an agreement with'

and insert 'make payments to'.—*[Mr. Watts.]*

Madam Deputy Speaker: With this, it will be convenient to discuss Government amendments Nos. 4 to 7.

Mr. Timms: May I briefly ask the Minister a question that arises from the amendment and that has been raised with me and my hon. Friend the Member for Newham, North-West (Mr. Banks), dealing with the terms on which payments will be made to London and Continental Railways?

Suggestions have been made in the press—I have with me a copy of the *New Civil Engineer* from 28 March—that London and Continental Railways will not have to start work on building the channel tunnel rail link until European Passenger Services is profitable, which will clearly give London and Continental Railways, as the owner of EPS, the ability to borrow against the Eurostar revenue stream. Is that part of the agreement between the Government and London and Continental Railways?

Profitability for Eurostar will entail about 6 million or 7 million passenger journeys per year, compared with about 3 million journeys at present. It is projected that that will take 18 months or so. If it does take that period, that may just about be consistent with the current timetable of construction commencing in autumn 1997, but it is tight.

Is there uncertainty about the timetable for the scheme related to the speed of achieving profitability at Eurostar? Will that be a factor in whether the 2002 target date for the first trains from Stratford to Paris is achieved? As far as I know, the Government have said nothing on the point, but there has been speculation about it and I would be grateful if the Minister could clarify the position.

Mr. Watts: In the development agreement, there is no relationship between the start of construction and the profitability of European Passenger Services, although it will be desirable for EPS to be transferred to London and

Continental Railways as soon as possible so that it can start to improve the service's profitability. There is nothing in the agreement that ties the profitability of the Eurostar services to the start of construction.

Amendment agreed to.

Amendments made: No. 4, in page 16, line 35, after 'undertaker' insert

', or its nominee, in pursuance of an agreement'.

No. 5, in page 16, line 35, leave out 'to it'.—*[Mr. Watts.]*

Clause 32

HOLDERS OF FUNCTIONS OF NOMINATED UNDERTAKER

Amendments made: No. 6, in page 17, line 11, leave out from beginning to second 'the' and insert—

'(3) An agreement by the Secretary of State with respect to'.

No. 7, in page 17, line 12, at end insert

'shall be effective notwithstanding that it fetters his discretion.'.—*[Mr. Watts.]*

Schedule 13

PROTECTIVE PROVISIONS

Mr. Tony Banks: I beg to move amendment No. 8, in page 216, line 15, at end add—

'PART V

PROTECTION OF OWNERS OF LAND OR BUILDINGS AT RISK OF SETTLEMENT

1. The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the nominated undertaker and the owner, have effect.

2. In this Part of this Schedule "the zone of influence" means the area within which land is liable to subside as a result of the construction of an authorised work.

3. The nominated undertaker shall in the construction, maintenance, use and operation of the scheduled works employ best practice to prevent or minimise settlement or damage to buildings.

4. The nominated undertaker shall notify in writing the owners of any land within the zone of influence at least 28 days in advance of the commencement of tunnelling and on completion of tunnelling in such zone.

5. If a building within the zone of influence of an underground authorised work is suffering or has suffered serious structural damage during the construction of the authorised work, an engineer or surveyor appointed by the owner shall, on giving reasonable notice, be entitled to inspect the authorised work in the vicinity of such building accompanied by a representative of the nominated undertaker.

6. The nominated undertaker shall ensure that any tunnel forming part of the authorised works has sufficient strength on completion of the construction of the tunnel safely to withstand a uniform or partial load of 50 kilonewtons per square metre.'.

I must begin by declaring an interest because my house in Forest Gate in the east end of London lies directly over the proposed channel tunnel link; not just to the left or just to the right, but immediately over it. Obviously, my property is very much affected. On the other side of Sprowston road is the site of the vent shaft. No one can say that I will not be materially affected by what is going on. I hasten to add that I am more than happy to undergo all the privations that will no doubt accompany the construction of the tunnel in order to achieve what we have all been trying to achieve—the international station at Stratford. I make no complaint about that. Of course, I raise this matter on behalf of many others as well as myself. A large number of people in the London boroughs of Newham, Hackney and Islington will be affected.

There are many Victorian properties in the area. There was a great deal of war damage and many of those buildings suffered badly. Movement of the ground underneath them potentially puts them at risk. I do not want to be sitting in my front room on a quiet day with my good lady wife, Sally, listening to our favourite Status Quo records, as we often do, only to find that with a horrible crash my entire house has fallen in on to the 4.15 pm out of Stratford and we find ourselves being conveyed at 186 miles per hour towards the Gare du Nord in France. If we were going to do that, perhaps I could have my own small station called Sprowston halt, or something like that. In that way I could descend into the tunnel in a more dignified fashion.

There is a problem and there will be subsidence. Although we are given all these assurances, the point of my amendment is to try to obtain certain assurances that, if the older properties are affected, compensation can be paid.

Mr. Allen: Is this one of those occasions when, unusually, my hon. Friend is seeking to defend the status quo?

Mr. Banks: I would always defend the group Status Quo, but it extends only as far as that. I certainly would not defend a joke like that.

I should give the reason behind the amendment. In the same way as statutory undertakers are offered protection in the Bill for their services and equipment, home owners and other owners of land and buildings should be offered protection. The promoters informed the Select Committee in June 1995 that a deed concerning settlement would be offered to owners within 30 m of a tunnel and the proposed deed was put before the Committee. However, it was on a take-it-or-leave-it basis and the promoters were not willing to enter into negotiations on its terms as they require it to be in standard form.

After considerable pressure, the promoters have responded to amendments suggested by the London borough of Hackney, in concert with Islington and Newham. A meeting to discuss points arising but not to negotiate took place at the beginning of March.

For the sake of amity, co-operation and some of the other things that we have seen associated with the Bill, I have given the Minister a copy of my briefing note so that he is in a better position to answer. The points included in the amendment are matters of general principle upon which it has not been possible to date to reach agreement with the promoters. I specifically draw attention to paragraphs 3, 4, 5 and 6.

I will not bother to go through all the points since I have already conveyed them to the Minister. If the Minister can give me some assurance that he is looking at those points sympathetically, I will be overjoyed.

Mr. Watts: As the hon. Member for Newham, North–West (Mr. Banks) has acknowledged, most of these matters in our view are already covered by the code of construction practice, which is a legally enforceable agreement.

[Mr. Watts]

With regard to the inspection of the works, paragraph 5 of the proposed amendment would give an engineer or surveyor appointed by the owner of the building which was suffering or had suffered "serious structural damage" the ability to inspect the CTRL works in the vicinity of the building. That is an issue that the local authorities have raised in terms of an addition to the deed and we have considered it carefully.

In view of the fact that the main issue of relevance in the unlikely event of such damage is the determination of remedial works to the building, we have concluded that the advantage to building owners of such a right, when measured against the difficulties of providing for building owners' engineers to have access to, for example, major underground tunnelling operations, would not be warranted.

With regard to the load-bearing standards of tunnels, paragraph 6 of the proposed amendment would place a requirement on London and Continental to construct tunnels so that they could withstand a load of 50 kilonewtons per square metre. I am not an engineer, but I am told by those who are that, while we would not expect there to be a problem in meeting and indeed, in some cases, exceeding that sort of load strength where the existing ground conditions provided that level of load-bearing capacity, there are concerns about the burden that such an absolute general requirement would place on those building the CTRL, in cases, for example, of made ground where that load bearing might not exist and also in terms of the monitoring requirements and the need to demonstrate that we had met the requirement in each and every case.

I can assure the hon. Gentleman that if individual owners have residual concerns about protection for existing buildings, we would be willing to consider including this sort of provision in additional individual settlement deeds.

The code of construction practice is contractually binding on London and Continental through the development agreement. In addition, the settlement deed which is available to householders provides a direct and legally enforceable remedy for individuals. So there is double protection.

We believe that the deed, coupled with the provisions in the code of construction practice, deal with the subject of settlement in a much more detailed and comprehensive way than the hon. Gentleman's amendment. I hope that the hon. Gentleman will be adequately reassured. If he requires further reassurance, perhaps we could correspond on the matter.

Mr. Tony Banks: All I can say is that I would not like to be around and facing my wife if our house did fall into the tunnel, but, of course, I probably would not be. With the assurances that the Minister has given, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Title

Amendment made: No. 10, in title, line 5, after 'therewith;' insert

'to make provision about related works;'—*[Mr. Watts.]*

Order for Third Reading read.—[Queen's consent, on behalf of the Crown, signified.]

7.57 pm

Mr. Watts: I beg to move, That the Bill be now read the Third time.

This debate completes 16 months of scrutiny of the Channel Tunnel Rail Link Bill by the House. Between February last year and February this year the Bill was considered by the Select Committee chaired by my hon. Friend the Member for Reading, West (Sir A. Durant). More than 1,000 petitions were received and the Committee's task was on a scale without precedent. It was carried out with great patience, care and balance, and tributes have been paid from both sides of the House to the work of the members of the Select Committee. The Committee has sought some substantial changes to the route and has rejected others. The Government accepted in full all the recommendations of the Select Committee.

We have given the Bill further careful scrutiny in Standing Committee and in the House today. Everyone is united in the desire to see the project proceed with the greatest speed and I can assist that process by drawing my remarks to a close and wishing the Bill a successful and speedy passage through another place.

7.59 pm

Mr. Jamie Cann (Ipswich): As a member of the Select Committee, I should like to say an odd word or two about the way in which the Bill's proceedings were conducted. I know that I speak for everybody who served on that Committee when I say that we are very grateful to the Government—I say this because I can see that there are no press around—for the way in which they listened to the Committee after its year and one month's worth of deliberations, took on board the proposals and suggestions made, and in a bipartisan manner produced plans which I think are a very good result. Let us hope that works on the ground come off just as well and that they are completed as quickly as possible.

I should also like to say how much I as an Opposition Member valued, as we all did, the way in which the hon. Member for Reading, West (Sir A. Durant) handled matters in the Select Committee. He dealt with every one of the more than 900 petitioners with patience, care and attention, even though many were apprehensive. What is more, one or two barristers the Committee left feeling more apprehensive than they had been when they arrived, which was also a good thing. The hon. Gentleman was ably assisted by the hon. Member for Sheffield, Hallam (Sir I. Patnick).

By and large, it was a delightful Committee on which to serve. It did practical, good work, producing a rail link that, at the end of the day, was accepted by the Government. I think that the link is accepted by the people of the counties and boroughs through which it passes as well as it could possibly have been. Serving on the Select Committee was one of the better parts of my time so far in the House.

8 pm

Mr. Jacques Arnold: The House has been working on the Channel Tunnel Rail Link Bill since Second Reading on 16 January last year. My constituents and I have been

working on what was originally a threat and is now an opportunity since the autumn of 1988. Between those dates, a difference has been made by the appearance on the scene of London and Continental Railways. Since the announcement in late February, hon. Members who represent Kent and other Members who are affected have yet to meet the leaders of London and Continental Railways. I should not like to miss this opportunity to draw very much to their attention the fact that Members of Parliament who represent constituencies along the route are not to be ridden over roughshod; our concerns and those of our constituents should be listened to very carefully. I hope that meetings will shortly be held so that we may highlight matters.

Although I appreciate very much the attention that the Select Committee paid to the concerns of my constituents, I should like to highlight to the promoters and to the House a number of issues affecting Gravesham that have not been addressed. Perhaps the greatest environmental threat along the channel tunnel rail link remains that to Ashenbank wood and Cobham park in my constituency—issues that I raised on Second Reading which have not been addressed.

I remind the House that Ashenbank is ancient woodland, of significance for its wildlife habitat, and a site of special scientific interest. Cobham park and its ponds along the route are a fine example of a Repton landscape, which would be damaged by the link. Proposals provide for a wedge to be driven through the woodlands and a railway to be driven along the edge of Cobham park. The devastation would be considerable. Scientific analysis conducted subsequent to the proposal showed that the subsoil at Ashenbank wood is such that the cutting would need an even wider land take, which would be devastating to that ancient woodland. Scientists and engineers have developed proposals for tunnelling under the site and they should be addressed.

I should also like to draw to the attention of the promoters the proposal for crossing the A227 Wrotham road in my constituency on an elevated viaduct. It is highly inappropriate to the environment and we have not yet seen a design that gives us any confidence that blight from noise will not affect the considerable number of houses nearby.

It is proposed that the channel tunnel rail link will also pass underneath the A2 motor road in Northfleet in my constituency. That road carries extremely heavy traffic from north Kent to London, and very careful attention must be paid to mitigation work so as not to disrupt the traffic passing through during construction.

My constituents are delighted by the Ebbsfleet station proposal, which brings regeneration benefits to our area and the prospect of commuting to London in 19 minutes instead of the current 40 minutes. The Blue Circle properties company owns a large amount of land in that immediate area and has come up with magnificent development proposals. I hope that London and Continental Railways will negotiate effectively and constructively with Blue Circle so that the development of the station and the Blue Circle property areas are co-ordinated to the benefit of my constituents.

I should like also to refer to the Northfleet bypass. That town has on one side the Thames tunnel of the channel tunnel rail link, which is a major construction project in itself, and on the other the Ebbsfleet international station. The only connection between the two is the road that trundles right through the middle of that old town. We need a bypass, and the Select Committee said that the matter should be addressed. It is known as the south Thameside development route phase 4. Kent county council is being far too slow in acting on the matter, and there is talk of the planning application for the road being called in. I call on my hon. Friend the Minister to ensure that if that scheme takes place, work will be extremely fast, since it would be very unfair to my constituents to have construction traffic for the channel tunnel rail link passing through the town.

On balance, I welcome the Bill, because it means improved transport and thousands more jobs for my constituency. However, I ask the House and particularly the other place not to lose sight of the environmental impact on Kent, which badly affects my constituency. There are still problems that need to be addressed.

8.6 pm

Mr. Brooke: The length of time that the Bill has been in gestation has been testified to by others. The hon. Member for Ipswich (Mr. Cann) was very generous in his comments on how the Select Committee was conducted. I should like to take advantage of the presence in the Chamber of the right hon. Member for Manchester, Gorton (Mr. Kaufman) to record one of my favourite pieces of British film comedy dialogue.

In the early stages of the "Titfield Thunderbolt", when the vicar of Titfield is confronted with the news that the line is already closed between Whitstable and Canterbury, he says:

"Perhaps there were not men of sufficient faith in Canterbury."

That faith has been deployed in the passage of the Bill, to the pleasure of all of us.

As the tail light of the departing Bill moves into the penumbra towards the other House, I should like to recount briefly my involvement in the very early stages of the tunnel that gave rise to the Bill. I was a Treasury Minister and we were negotiating a treaty with France. A problem arose about what we should do, since French customs officers carry guns; if they were on the train when it entered the tunnel, they would still have the guns on them when they came out of the tunnel at this end, and British customs officers do not carry guns.

The preferred solution of myself and the officials working with me was that French customs officers should be allowed to carry guns, but if in the event of their arrival on British soil they wished to use them, they would have to apply in writing to the chief constable of Kent. I am delighted to say that the preferred solution was acceptable to both Governments who were negotiating the treaty, and I think that it is established in writ.

I hope that solutions of similar ingenuity are deployed in the face of any other difficulties that the Bill meets before it completes its journey and when it is subsequently implemented.

8.8 pm

Sir John Stanley: I cannot resist a brief rejoinder to the comments on Report of the hon. Member for Nottingham, North (Mr. Allen) and other Opposition Members on the subject of delay. Their sense of history was curtailed at about 1988. I remind them that the biggest single cause

[Sir John Stanley]

of delay was the 15 to 20-year delay occasioned by the cancellation of the previous channel tunnel project in 1975. It was fitting that the last amendment on which the Labour party chose to divide the House was a wrecking amendment that would have set the project back another three or four years.

The delay has been of huge benefit to Kent and south-east London, though possibly not to Essex. It greatly benefited my constituents because the result of the delays is a route that, environmentally and in engineering terms, is a vast improvement on the original scheme. All the key improvements were made by Ministers, often against the opposition of British Rail.

The project began back in 1989 when British Rail produced its so-called three alternative routes. That was a desperately ill-conceived scheme in engineering terms and catastrophic environmentally. It resulted in tens of thousands of people suffering blight needlessly. Successive ministerial interventions brought about this much better scheme.

My right hon. and noble Friend Lord Parkinson was responsible for scrubbing the awful route 3 through the heart of Kent—some of the most beautiful countryside in the county and, I believe, the whole country. It was a devastating proposal. We in that part of Kent will always be indebted to him for taking steps to dispose of that route.

My right hon. and learned Friend the Member for Edinburgh, Pentlands (Mr. Rifkind) also decided to say no to the route that British Rail then preferred and chose instead the private sector alternative brought forward by Ove Arup. It is poetic justice that it is a small shareholder in London and Continental because its scheme, devised off its own bat, provides the basis of the present one.

My constituency owes an enormous debt to my right hon. Friend the Member for South Norfolk (Mr. MacGregor). When he was Secretary of State for Transport, he listened closely to the representations that I and others in the Medway gap area of my constituency made and decided to put the line past the north downs and across the Medway gap in tunnel instead of, as previously intended, overland. As a result, we have what some of my constituents are kind enough to refer to as the Stanley tunnel. On 1994 prices, I fear that it added another £70 million to the cost of the scheme, but my constituents in Aylesford, Eccles, Burham and Wouldham are eternally grateful for the Government's good decision to put that section of the route in tunnel.

Having said that, it may sound carping to end with a limited but important note of criticism about one matter. I make no apology for that because I have a small handful of constituents, six home owners, who are now above the line of the so-called Stanley tunnel on the top of Bluebell hill, whose treatment has been totally indefensible. At the beginning of 1994 a letter from Union Railways dropped through their letter boxes. It was a formal, Dear Sir/Madam letter headed, "Announcement by Government on Channel Tunnel Rail Link". I will read out its first three sentences. I hope that hon. Members will consider the implications for the saleability of their homes, had they received it. It states:

"I am writing to let you know that the Secretary of State for Transport has announced the Government's decision on the route to be safeguarded for the Channel Tunnel Rail Link. This has been developed by Union Railways for the Department of Transport. The route selected is proposed to be in tunnel at this point and may affect the subsoil to the property described above."

In each of the six cases, the property described above was the address of my constituent's home. All hon. Members will reach the conclusion that if such a letter had descended on their doormats, it would have had a devastating affect on their ability to sell their houses. That group is wholly blighted. I must tell my right hon. Friend the Secretary of State for Transport that it is morally unacceptable that they should be left in that position. The basis for buying them out is entirely compatible with the three compensation criteria that my hon. Friend the Minister for Railways and Roads read out in response to the amendment moved on Report by my hon. Friend the Member for Mid-Kent (Mr. Rowe).

The letter is specific, directly relates the event to the channel tunnel rail link and refers precisely to the fact that the subsoil of those properties may be affected. Critically, it cannot be chucked away. It cannot be stuck in the bottom of a drawer, torn up—that would be inadvisable—or given to the dog to chew. It is a legally significant letter. A vendor of a property who received such a letter and failed to disclose it to a prospective purchaser could face a substantial damages suit. The letter has to be disclosed. It is a killer letter for valuations and it has wholly blighted the homes of that small group of my constituents.

On Report we discussed amendments on compensation. That will take a considerable length of time. I am glad to have the Minister's assurance that any changes will be made retrospective in respect of this project. New legislation is not necessary to deal with this problem. It can be dealt with immediately under existing legislation. The ambit of the existing discretionary purchase powers available to Union Railways enables it to be dealt with.

As my last offering, at the final stage of the Bill, I once again urge my right hon. Friend the Secretary of State that people who received the letter saying that the project may affect the subsoil of their properties deserve—indeed, rightfully demand—that the discretionary purchase scheme should be extended to enable them to sell their houses to Union Railways. That request is wholly justifiable and equitable. If necessary, I urge my right hon. Friend to use his powers of direction to direct Union Railways to ensure that the discretionary purchase scheme is extended to cover the purchase of the houses blighted by the letter.

8.18 pm

Mr. Rowe: I owe the channel tunnel rail link a great debt of gratitude. Without it, probably nobody in my constituency would know who I was. I am sure that every hon. Member has had the experience of being told, "I saw you on television, but I have no idea what you were talking about." But when people see me on television they always know what I am talking about, because it is always the channel tunnel rail link. I do not quite know what I shall do when the Bill has gone to the House of Lords.

I pay a big tribute to the people along the line who have given up hours and hours of their time, spent large sums of their own private money and worked enormously hard, not only for their own benefit but for that of their friends and neighbours along the route. At least two of the people in my constituency who took a tremendous interest in the subject have died—John Castle, who became a real expert

on freight, and contributed substantially to the development of some of the thinking both in the Department and outside, and Professor Bob Bottle, whose contributions on the subject of noise were much respected.

Lamentably, at the beginning of the project British Rail treated local people with the most profound contempt. But since Union Railways took over, that attitude has changed. I believe that John Armit, Bernard Gambrill and others, who have treated my constituents with courtesy, have discovered little by little that those people had a considerable contribution to make to the development of the project. Sometimes we tend to take far too lightly the wealth of knowledge, experience and sheer hard work that volunteers put into such operations.

I must add three short comments about my anxieties. I am still deeply anxious lest, despite the Select Committee, the private consortium should seek to cut corners in the provision of protection and the like. There is still a worrying lack of detail in many of the drawings. Fully detailed design drawings have not yet been produced, and in such things all sorts of devilment may lurk. So I want to be assured again that Union Railways really will be held to the protections that we have gained so far.

My hon. Friend the Member for Ashford (Sir K. Speed) cannot be with us tonight—I believe that he is representing the United Kingdom at the Council of Europe—but he asked me to associate his name with my statement that we need proper protections, bunds and noise barriers.

Some of the effects of noise are hard to predict. For example, the Department covered the newly extended M20 with a concrete surface, and the noise has now been admitted to be horrendous, despite the fact that when measured technically it does not reach a critical level. When one hears it, that noise makes a huge difference. In villages such as Harrietsham, in my constituency, which will be sandwiched between the channel tunnel rail link, the new M20 and the old A20, all in one tiny gap, there is a great need for proper protection. I much regret the fact that the Boxley long tunnel was not accepted by the Select Committee, and I hope that the Select Committee in the House of Lords will investigate the idea effectively.

I should also like to be assured that the speed for which the line is designed will not change once it has been determined. I have heard that the speed at which the trains should run has already been agreed, but if a decision were taken later to run trains at 20 or 30 mph faster, we should see the absurdity of an enormous bund of earth on which trees had been planted having to be uprooted to create further protection, if that were possible. So we need an assurance at the beginning that the speed for which the line is designed will not change sharply after the initial protection has been put in place.

The National Farmers Union and the Country Landowners Association say clearly, and I agree with them, that the power to take and occupy land for the construction of the CTRL should be restricted to the absolute minimum. We want to keep the land out of its proper use for as short a time as possible. There should be no nonsense about the constructors hanging on to land "just in case" for years after it is needed.

Finally, I entirely agree with what my hon. Friend the Member for Gravesham (Mr. Arnold) said. I have spoken to the chairman of the consortium, and we had hoped for an early meeting, so let us send a message from the Third Reading debate that the sooner the new consortium can meet us and talk about our problems, the better we shall all be pleased.

8.24 pm

Mr. Allen: The Opposition unreservedly welcome the concept behind the Bill, and are pleased that the channel tunnel rail link now appears to be on the way. However, the Government have snatched defeat from the jaws of victory by overrunning their 1988-89 costings from the £1 billion estimated then, when we could have had the line, to what is now projected to be about £5.4 billion. That is quite a feat, even by the Government's standards. The eight-year delay has also cost an incredible amount.

As I said, I welcome the concept. However, the light at the end of this tunnel for the Conservatives is the on-rushing train of a general election. It will thus be left to the Labour party to carry out the pledges and promises in the Bill, and we shall do that.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

GEC Closure (Gorton)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Ottaway.]*

8.26 pm

Mr. Gerald Kaufman (Manchester, Gorton): I am grateful, on behalf of my constituents, that Madam Speaker has selected this subject for discussion. I should like to associate my hon. Friend the Member for Manchester, Central (Mr. Litherland) with what I am about to say. He wished to be present for the discussion, but compelling circumstances have prevented him from being here.

East Manchester, and my constituency in particular, used to be a national centre of heavy engineering. We had many famous names in Gorton, and one can still go to the railway museum in York and see the great engines that were manufactured there. But now my constituency is an industrial graveyard, and out of 634 constituencies in Great Britain, Gorton is 30th in terms of unemployment.

We have almost double the national level of unemployment, and male unemployment, at 21.3 per cent., is more than twice the national average. In the Manchester area, we have lost 30,000 jobs in recent years, and now local unemployment is about to be increased as a result of a wanton action by GEC, which has decided to close down the Long and Crawford factory in Gorton road.

Long and Crawford manufactures switchgear. It has a high reputation. GEC bought it in 1988, and the productive efforts of the work force resulted in a profitability that meant that, by 1993, GEC had recouped the money it had paid for the company. Now, having used that company and its dedicated and skilled work force for its own convenience, and having turned my constituents and those of my hon. Friends into industrial pawns, GEC intends to close the company. The death sentence will be carried out on 16 August.

There is a work force of 234, and 127 are to be thrown on the scrap heap. The 107 remaining staff will be transferred to another site—which 107, it is not yet known. When they are transferred to the other site in Higher Openshaw, it will be at standards much inferior to those they now have, and on a much more precarious basis.

The men who will lose their jobs—the 127—are, in theory, eligible for redundancy compensation of up to £20,000. However, the maximum redundancy compensation available will be £17,000, and the median compensation will be only £8,000—and that is for men who have 25 years' service. Even the largest sum would not be of much help to men with mortgages to pay and with children to feed and clothe—particularly as there is an extremely unpromising prospect of new employment.

The closure notice that was distributed to the work force promised:

"Assistance will be given to those affected in seeking alternative employment."

What good will that be in an area with such high male unemployment? One hundred and seven men will be transferred—in the inelegant language of GEC, they will be relocated. While keeping their jobs will be better than nothing, they will not keep their present pay and conditions.

A notice issued by N. F. Collins, director and general manager, said:

"All 'relocated' employees will relocate on GEC ALSTHOM T and D Long and Crawford Limited contracts of employment. Terms and Conditions of Employment will remain unchanged with the exception of those employees who are covered by the payment by results (PBR) scheme."

The notice continued:

"The Company proposes to remove the existing outdated PBR scheme and replace it with an improved basic rate, paid monthly, which will be more comparable with those elsewhere in the industry, thereby helping to ensure the long term viability of Long and Crawford."

The "long term viability" of Long and Crawford means that the company is shutting down the Long and Crawford factory and transferring the name and some of the work to GEC at Higher Openshaw. The scheme is outdated simply because GEC has decided to scrap it—and for no other reason. What does this mumbo-jumbo mean? It is GEC doublespeak for an ultimatum to the transferred workers.

Mr. Collins said in his notice that workers will be "invited" to agree to these changes. It means compel and force—they will have no choice. It is GEC doublespeak which means that the workers will be forced to agree to the changes.

Ending the payment by results scheme will cut the wages of the men who will be lucky enough to be transferred by some £60 a week—that is a severe pay cut. Management will buy out the scheme for a lump sum, but will not compensate workers for the loss of their bonus scheme over much more than a 12-month period—particularly as, even if transferred, they will have no guarantee of job security. They are subject to blackmail.

Another note was distributed to the work force. Under the heading "Co-operation", it stated:

"The scheme is conditional on full co-operation which includes the working of such overtime as is both required and approved.

Any instance of industrial action will result in the immediate withdrawal of the scheme."

Co-operation is not a matter for agreement between the company and the work force—it is an ultimatum imposed on the work force by the management, including compulsory overtime if management so decides. The workers will have no power to defend themselves, because if they try to do so, the scheme will be scrapped.

Apprentices will not be transferred as the sub-contract work at the new site will carry no apprenticeships with it. The skilled workers of the future will not be trained at the new site. What hope does that bring for Britain's industrial future if an area of high skill is not to train young people who can succeed and continue to do the work?

I am informed that the same applies to inspection. Inspection standards are high at the present Long and Crawford site. At the new site—where the work will be sub-contract work—inspection may be little, inadequate or even non-existent. We are talking about extremely important matters, because both supply and safety are involved. Several hundred thousand switchgear units may have to be refurbished at any time.

The work force have told me that a new product is coming, and that it will presumably be manufactured at the new site. I am informed that it will be developed only for the home market, and that potential export markets in Jordan, Saudi Arabia, the other Gulf oil states and South America are to be thrown away.

As for the Gorton road site, the closure notice states:

"The Gorton Road site will be decommissioned and sold for industrial development which should lead to the creation of some alternative jobs for the area."

Again, that is GEC doublespeak. GEC has every intention of selling off the site and realising what money it can from getting rid of it—that is part of a classic asset-stripping operation.

Talk of creating alternative jobs is meaningless at best and hypocritical at worst. Just what are these alternative jobs going to be in an area with such high unemployment? I have asked GEC this, and it has been unable to give me any information that is meaningful in any way. If a powerful combine such as GEC is destroying jobs, who will be able to come along and create the new jobs that it says are possible?

I raised this matter at Question Time last week, and the President of the Board of Trade responded to my question. With respect, the President of the Board of Trade knew nothing of the matter—I do not criticise him for that, because I raised this matter as a supplementary question. However, in response to my question, the President of the Board of Trade immediately launched into a panegyric of praise for GEC. In Manchester, we know GEC all too well—we know it as a ruthless employer and as a company that has made a practice of shutting factories, sacking men and making money out of methodical asset-stripping.

Long and Crawford is not the first closure that GEC has inflicted on people in the area, but I hope that it will be the last—but with GEC's record, one cannot be sure. From my encounters with the people at the very top of GEC, I know them as arrogant and uncaring. GEC is run on the basis of a quick turnover and fast profits at the expense of its workers and products. Unlike other companies that I can think of, the record of GEC is a telling explanation of the industrial decline of this country and the transformation of much of Manchester from a centre of excellence and innovation into its present state, with all too many closed factories, and all too many derelict sites.

Manchester is a city of innovation and energy. Our people create things; we are the home of the computer; we have done things in Manchester that the rest of the country should envy. Nevertheless, because of the actions of GEC and companies like it, we have high unemployment, and the skills that my constituents would be only too happy to deploy are not used.

What hope is there for these men when the Confederation of British Industry and the Association of British Chambers of Commerce have said that there are signs that firms expect to shed labour in the coming months? Despite the response by the President of the Board of Trade last week—which I realise was an off-the-cuff response—I hope that the Minister of State who will reply to the debate will offer some hope to my constituents.

We need not sympathy—we will provide our own sympathy in Manchester—but practical action, which we in Manchester would be happy to provide for ourselves if we had the opportunity to do so. My constituents, the people of Manchester, are proud, skilled and dedicated men, whose wish is to work for their country. They ask the Government to work for them so that they can work for their country. As their voice in the House of Commons, I ask the Government to take action for them, for the city of Manchester and for Britain.

8.40 pm

The Minister of State, Department for Education and Employment (Mr. Eric Forth): I congratulate the right hon. Member for Manchester, Gorton (Mr. Kaufman) on obtaining this Adjournment debate, with its obvious importance for his constituency and the surrounding area.

Of course it is unfortunate for Gorton and the surrounding area that GEC Alsthom has decided to transfer its work from its Long and Crawford site in Gorton to Openshaw, but that does not mean that that was the wrong decision, or avoidable. From time to time, companies must make tough decisions of that type to ensure that they have a sound long-term future. Even in a healthy economy, jobs will inevitably be lost. The important thing is that more jobs are created to replace them.

As the right hon. Gentleman pointed out, GEC Alsthom has been hit by a drop in demand for its switchgear. Changes from oil to gas-based products and changes in technology that are vital to the company's international trading position have meant that only half as many people as previously are needed to produce its gas-insulated switchgear. As the right hon. Gentleman observed, the company has therefore decided that, in its judgment, relocating to another of its sites in Openshaw can help it to remain, in the overall sense, competitive.

It would be commercial suicide to keep on high numbers of staff in industries where automation had reduced the demand for labour, and it would put businesses at the mercy of overseas competitors. Where efficiency savings from merging two parts of a company might be made, it would make no sense not to adjust staffing levels.

My contention is that it is not for Government to seek to interfere with or second-guess commercial decisions of the type that have been described. If we tried in any way to force companies to keep unprofitable sites open, we would add intolerable burdens to their businesses and risk destroying jobs in the long term, as firms went out of business or chose to relocate overseas.

However, having said that, and in reply to one of the questions that the right hon. Gentleman reasonably asked, agencies and services exist to help those who become redundant as a result of actions such as have been taken on this occasion, to try to ensure that everyone involved has the best chance of a speedy return to work. For example, the Employment Service and Manchester training and enterprise council have contacted GEC Alsthom to offer help.

I am told that the company has appointed a firm of employment consultants to advise its workers on employment issues, and has pledged to do everything possible to support those who will lose their jobs in the reorganisation. Following discussions with the training and enterprise council, the affected workers will be given immediate access to the training for work programme and other adult training programmes.

As part of that package, Manchester TEC also offers training grants to employers who are prepared to recruit and train those who have suffered from redundancies. The

[Mr. Eric Forth]

TEC has been working with the Trafford Park development corporation to help local firms there recruit and upskill engineering workers to meet their current and anticipated labour needs.

For those affected by a decision of the type that we are discussing, the prospects are not necessarily as gloomy as the right hon. Gentleman appeared to suggest. We know that most spells of unemployment tend to be short. Of people who become unemployed, about half leave unemployment within three months, two thirds within six months and 80 per cent. within a year. If we add to that help of the type that I have described—from the Employment Service and its programmes, or the training and enterprise council, or the actions that I am told that the company is taking—there is good reason to believe that the people affected by such a decision can expect, directly or after retraining or other support, to find other work in the foreseeable future.

I do not want in any sense to underestimate, or not to have regard to, the pain and problems that are caused to those affected and their families. That, I fear, is a common experience for those who lose their jobs, but I believe that it is much better to look on the more positive side of these matters and have regard to the measures that can be taken to help them.

The overall picture in the Greater Manchester area is certainly more positive than that. To paraphrase, the right hon. Gentleman asked, "What hope is there for people who are thus affected in Gorton?" I wish to mention some examples, which are by no means a complete list.

Nynex is creating 4,500 jobs with a £1.1 billion investment in the north-west as a whole. Four hundred and twenty-five jobs are being created in Stockport with the Co-operative bank's new telephone banking centre. Three hundred jobs are being created in Irlam with Omega Engineering. Six thousand short and long-term jobs are coming in the new £127 million Lowry centre in Salford.

There will be two thousand jobs from a new concert hall next to the G-Mex centre, 1,000 new jobs in Cheadle with John Lewis and Sainsbury's, and 6,000 jobs in the new Trafford shopping centre. I could add to those the many thousands of jobs and inward investment that will result from Manchester hosting the 2002 Commonwealth games.

The right hon. Gentleman is probably thinking, "But what relevance do these have to the people who have been affected at GEC Alsthom?" In the world we face today, as I said earlier, jobs may be lost and others may be created, and sometimes that will require people to be prepared to retrain or reskill or alter their career direction to take up opportunities like those that I have mentioned, which may at first glance not be immediately relevant to the people who have lost their jobs and to the skills that they have acquired.

There is a wider and general recognition that this is likely to be the pattern of the future; that people, perhaps regrettably, can no longer expect to do the same or a similar job throughout their working lives; that we must find ways to help people, by education, training, and support of different kinds, to make the career changes that may be necessary to give them better prospects for the future. Increasingly, that must be understood and accepted.

We and our agencies want to do everything possible to help. Training programmes such as the training for work programme, work trials, jobfinders grants—at least for the long-term unemployed—and various job-finding measures that we have on offer, are the sort of things that may come to the rescue of those who find themselves out of work for a longer period.

The new jobs that are coming along may not be the same as the old ones, and may not be in exactly the same location—they may not even require the same skills—but, with some flexibility and a preparedness to contemplate career changes and new directions, there is real hope for the people who have been affected by the changes that the right hon. Gentleman has described, and for others of his constituents. They should be prepared to consider changes in employment or perhaps be willing to travel some distance to work elsewhere.

The lessons of other large-scale engineering redundancies in the Greater Manchester area suggest that those wishing to remain in engineering are often successful in finding work within a few weeks or months of being made redundant. As the right hon. Gentleman said, more than 100 of the 236 employees of Long and Crawford will be transferred to Openshaw. There is also a distinct possibility that some of the staff who have been served with redundancy notices may be redeployed elsewhere within the group.

I cannot agree with many of the right hon. Gentleman's comments about GEC. I believe that we must exercise some good will on such occasions. Government agencies and the company must be willing to work together to try to maximise opportunities for the people involved and affected. By adopting a positive outlook and by working together co-operatively, we can help those who are affected by difficult decisions such as this.

I hope that the right hon. Gentleman will accept that there is real hope for his constituents. The Government are always prepared to work with the company and with local authorities to try to maximise the opportunities available to those affected by redundancy. I am sure that Government agencies also will be prepared to listen and to offer positive assistance. Therefore, I hope that he will take from this brief debate a more hopeful and positive outlook. He may be assured that the Government, their agencies and all those involved will continue to work positively to assist his constituents.

Question put and agreed to.

Adjourned accordingly at nine minutes to Nine o'clock.

House of Commons

Friday 26 April 1996

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Offensive Weapons Bill

As amended (in the Standing Committee), considered.

9.34 am

Mr. David Nicholson (Taunton): On a point of order, Madam Speaker. I believe that you have been briefed about the reason for the withdrawal of my new clause 1, which was tabled some time ago, and the tabling last night of new clause 2, which is starred. The Public Bill Office found an error in line 9 of the new clause—it was my fault or that of those who drafted it for me—where the word "Act" was used instead of "section".

I understand that the Public Bill Office discovered the error only yesterday morning, although it has had the new clause since before the Committee stage. I learnt about the error last night at 7 o'clock through a conversation with my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland), and we attempted to put right the mistake by withdrawing new clause 1 and tabling new clause 2. I believe that the late discovery of the error was due to the bereavement of a staff member in the Public Bill Office. In those circumstances, Madam Speaker, I hope that you will select new clause 2 for consideration this morning.

Madam Speaker: I sympathise with the hon. Gentleman. I have considered carefully whether I should make an exception and allow starred new clause 2 to be called in the circumstances that he has explained. However, I am not prepared to allow the Bill's proceedings to begin with consideration of a new text that hon. Members have not seen before this morning. I suggest that the hon. Gentleman might consider discussing the matter with a colleague in the other place.

Clause 1

ARREST WITHOUT WARRANT FOR OFFENCES OF CARRYING OFFENSIVE WEAPONS ETC.

Mr. David Nicholson: I beg to move amendment No. 1, in page 1, line 10, at end insert—

'( ) an offence under section 1 of the Restriction of Offensive Weapons Act 1959;'.

I shall be brief, as I had intended to speak mainly about my new clause. The amendment seeks to ensure that the legislation relating to flick knives—the Restriction of Offensive Weapons Act 1959—should carry powers of arrest similar to those proposed for offensive weapons in the Bill. I hope that I have the support of my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland) in extending the Offensive Weapons Bill to include flick knives. They are clearly a major threat to personal safety, so it is desirable that they be included within the scope of the Bill.

Mr. Tim Smith (Beaconsfield): I do not have section 1 of the Restriction of Offensive Weapons Act 1959 before me, so I ask my hon. Friend to explain what he has in mind. Is not the matter covered by paragraph (l), which refers to an

"offence of having article with blade or point in public place"?

Does that not include flick knives?

Mr. Nicholson: The drafting of the Bill is principally a matter for my hon. Friend the Member for Sutton and Cheam. This is a belt-and-braces effort to ensure that flick knives are included in the Bill. I made a copy of the relevant section from the 1959 Act.

Mr. Alun Michael (Cardiff, South and Penarth): On a point of order, Mr. Deputy Speaker. Is it in order for hon. Members to filibuster without having got their act together? It is clear that, as usual, an attempt is being made to avoid debating important measures that could come before the House later. Conservative Members do not seem to have got their filibuster or papers together.

Mr. Deputy Speaker (Mr. Michael Morris): It is clear that a great deal of research material on the subject is available, and presumably the hon. Member for Taunton (Mr. Nicholson) was trying to find the relevant document.

Mr. Nicholson: I had no intention of filibustering, Mr. Deputy Speaker, but I intended to sit down, having made my point. I cannot explain why a reference to flick knives is not in the Bill, but I have the text of the Restriction of Offensive Weapons Act 1959. Section 1 states:

"Any person who manufactures, sells of hires or offers for sale on hire or exposes or has in his possession for the purpose of sale or hire, or lends or gives to any other person—

(a) any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife, sometimes known as a 'flick knife' or 'flick gun'; or

(b) any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring lever, or other device, sometimes known as a 'gravity knife',

shall be guilty of an offence and shall be liable on summary conviction . . . to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both such imprisonment and fine."

Therefore, I want the Bill to refer to such weapons.

Mr. John Greenway (Ryedale): My understanding is that the Bill's purpose is to ensure that police officers are given the power of search and arrest in a public place. The 1959 Act proscribes flick knives and gravity knives. Most of us are of an age that we can recall that in the 1950s, such weapons were a scourge on our streets. The Criminal Justice Act 1988 included a long list of other items that I can only think are used to cause injury, such as knuckledusters, hand claws, belt buckle knives and push daggers. The 1988 Act extended the 1959 legislation to include all those items.

[Mr. John Greenway]

Section 142 of the 1988 Act allowed magistrates to issue warrants authorising police constables to enter and search premises for flick knives or gravity knives, or for weapons set out in the order made under section 141. If the House accepts the amendment of my hon. Friend the Member for Taunton (Mr. Nicholson), as it should, will that put beyond any dispute the ability of a police officer to arrest in the street someone whom he finds in possession of one of the weapons in question? It may be, as my hon. Friend the Member for Beaconsfield (Mr. Smith) said, that the weapons would be caught in the generality of the measure.

Mr. Tim Smith: My hon. Friend said that the Criminal Justice Act 1988 extended the 1959 legislation. If so, and if a flick knife is an

"article with blade or point",

as I believe it is, I cannot see the need for the amendment.

Mr. Greenway: The 1988 Act, in extending the 1959 legislation, included a long list of other items that do not necessarily have a blade or point, such as

"the weapon sometimes known as a 'telescopic truncheon', being a truncheon which extends automatically by hand pressure applied to a button, spring or other device"

and

"the weapon sometimes known as a 'blowpipe' or 'blow gun'."

On the face of it, such weapons would not be caught by the general description of an

"article with blade or point".

If the Bill's purpose is to put on a proper footing the power of the police to stop, search and arrest in a public place, and given that the 1988 Act allowed magistrates to issue warrants rather than give the power of stop, search and arrest, we ought to a do a belt-and-braces job and make sure that the power of arrest is included. I doubt that the House will have the opportunity to consider the matter again for some considerable time, so I am glad to see so many of my hon. Friends in their places. It is important to get the Bill right, and I hope that my explanation of my understanding of the law will assist the House.

9.45 am

Sir Michael Shersby (Uxbridge): My hon. Friend the Member for Taunton (Mr. Nicholson) has initiated and advocated an important point, ably supported by my hon. Friend the Member for Ryedale (Mr. Greenway). Clause 1 refers to arrest without warrant for carrying offensive weapons, and in speaking to it I must declare that I am the parliamentary adviser to the Police Federation of England and Wales.

Amendment No. 1 would make it clear without doubt that the legislation relating to flick knives will carry a similar power of arrest as proposed in respect of other offensive weapons in the Bill. That sensible provision would be widely welcomed by police forces throughout the country. The amendment does not require lengthy consideration, but it is evident that flick or gravity knives present a problem, and the Bill addresses the dangerous knife culture that has developed in this country. I hope that the House will be disposed to support my hon. Friend's amendment.

Lady Olga Maitland (Sutton and Cheam): I reject amendment No. 1, but not with any great enthusiasm. The amendment would give the police the power of summary arrest in relation to the offence of manufacturing or selling a flick knife or gravity knife. I sympathise with the spirit behind the amendment, and it is understandable that my hon. Friend the Member for Taunton (Mr. Nicholson) wants to be tough on the manufacturing or selling of flick knives or gravity knives. They are vicious and create appalling harm, so why not arrest on the spot persons who peddle, sell or manufacture those weapons? Why not close the loophole? Why not make a belt-and-braces amendment? That all sounds so logical.

Such weapons are invariably smuggled into this country, largely from France—where they are legally obtained over the counter. Even if a seller of such weapons is caught in this country, which I regret is rare, the offence does not qualify for the emergency action of immediate arrest and interview at the police station. Selling is a static activity. It causes no immediate harm, so the offence of selling such weapons is dealt with by a summons. The vendor is easily traceable by virtue of his premises.

The danger comes when a weapon is in the hands of the purchaser and from what he might do when he goes out of the shop into the street. If he is then found carrying a flick knife or gravity knife, which are banned under the Restriction of Offensive Weapons Act 1959, he can be arrested on the spot. In any case, there is a flaw in the drafting, in that my hon. Friend the Member for Taunton has limited the scope to gravity knives and flick knives. Why did he not include butterfly knives and the rest of the 14 weapons already banned under section 141 of the Criminal Justice Act 1988?

The amendment would extend the power of summary arrest to the offence under section 1 of the Restriction of Offensive Weapons Act 1959, which makes it an offence to import, manufacture or sell a flick knife or gravity knife. Most of us have a rough understanding of what a flick knife is—a knife or blade that opens automatically when a button is pushed. A gravity knife is similar, except that the blade is released by the force of gravity and what the 1959 Act describes as the "application of centrifugal force". The offence under section 1 of the 1959 Act is not in the same category as that of carrying an offensive weapon or knife.

First, selling is an absolute offence and it is therefore less difficult to establish whether an offence has been committed. Next, the offence will not normally have been committed in the street, but at a fixed address—the seller's shop. That means that the offender is easily traced, and interviewing can be carried out on his premises. There is no difficulty in keeping tabs on the offender—he is there.

The force of the amendment should be put in the context of the number of recorded convictions. It is very rarely that vendors are found to be selling such weapons. Indeed, there was a total of only five prosecutions in 1994 and one in 1993. In the circumstances, I do not think that it would be appropriate to make the offence arrestable. I therefore reject the amendment.

Mr. Tim Smith: I congratulate my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland) on promoting the Bill, which I believe is much needed in the light of recent tragic events of which we are all aware. The heart of her Bill is, of course, clause 1. The important point is that the clause is about the carrying of offensive weapons.

When my hon. Friend the Member for Taunton (Mr. Nicholson) first introduced amendment No. 1, I had thought that section 1 of the Restriction of Offensive Weapons Act 1959 also referred to the carrying of offensive weapons, and that is why I thought that the amendment might be unnecessary. If all that we were talking about was the carrying of offensive weapons, that would be covered by clause 1 as it stands. My hon. Friend was, as I understand the position, referring only to flick knives and one other kind of dangerous knife.

I now appreciate, in the light of what was said by my hon. Friend the Member for Sutton and Cheam, that the 1959 Act is about the manufacture and sale of offensive weapons. The amendment would therefore have the effect of widening considerably the remit and the scope of clause 1. I tend to agree with my hon. Friend that that was not really the original object of her Bill, because she seeks to give to the police the power to arrest without warrant, in the street or on school premises, in circumstances in which they have good reason to believe that a weapon might be about to be used immediately. That is a very different proposition from somebody either manufacturing or selling one of those weapons. Serious though that offence is, it does not involve the immediate intention of using the weapon to cause harm. The amendment would extend the scope of clause, and on balance I believe that we should not accept it.

The Parliamentary Under-Secretary of State for the Home Department (Mr. Timothy Kirkhope): I shall not detain the House for long, but I wish to deal with a point raised by my hon. Friend the Member for Ryedale (Mr. Greenway). I can assure him—and the point has already been made by my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland)—that the carrying of any offensive weapon, including flick knives and gravity knives, which is prohibited by the Restriction of Offensive Weapons Act 1959, will be arrestable under clause 1. The amendment would make the sale or manufacture of such weapons arrestable.

I hope that my hon. Friend the Member for Taunton (Mr. Nicholson), now that he has heard what has been said, will feel able to withdraw the amendment. We all wish to take strong action against knife-related crime, and if there were an operational justification for the amendment, we would need to consider it seriously, but the amendment would widen the provision considerably and we would end up with a measure that was too strong for the circumstances that are envisaged.

Mr. David Nicholson: My hon. Friend the Minister has pointed out that the existing legislation makes the carrying of flick knives an arrestable offence, so the sanctions and provisions of the Bill will apply as much to flick knives as to other offensive weapons. I am grateful to have had the opportunity to air such an important matter and for the assurances from my hon. Friend the Minister. I therefore beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 4

OFFENCE OF HAVING ARTICLE WITH BLADE OR POINT ON SCHOOL PREMISES ETC.

Mr. Piers Merchant (Beckenham): I beg to move amendment No. 12, in page 2, line 38, leave out from 'reasons' to the end of line 39.

The amendment would affect clause 4, which was added in Committee for very good reason, because it deals with the carrying of bladed articles in schools. I wish, in passing, to make it clear that I fully support the clause and I was delighted that it was added. It deals specifically with the sort of violent incidents in schools that have caused so much concern to the nation of late. It also has some bearing on one of the motivations behind the Bill, which was the unfortunate murder of headmaster Philip Lawrence, although that took place just outside school premises.

Because clause 4 was added in Committee, the House did not have the opportunity to consider it on Second Reading or to table amendments to it in Committee. For that reason, I tabled the amendment today. It would strike out subsection (4)(d), which is a reference to national costume. To explain the relevance of that, I need briefly to refer to the earlier part of the clause.

The main purpose of the clause is to make a specific offence of the carrying of bladed articles—which are banned under section 139 of the Criminal Justice Act 1988 or under section 1 of the Prevention of Crime Act 1953—on school premises. The clause also specifies exemptions or clear defences on those two offences, and subsection (3) provides the general defence of being able

"to prove . . . good reason or lawful authority for having the article or weapon . . . on the premises".

Subsection (4) extends the defence to provide specific defences. In my view, most genuine defences would be covered legitimately by subsection (3), so I slightly question the need for subsection (4) at all. I assume that it is included to clarify the situation for people who, quite legitimately, carry pointed instruments or weapons, which action would otherwise constitute an offence. The four specific additional defences are defined as follows:

"(a) for use at work,

(b) for educational purposes,

(c) for religious reasons, or

(d) as part of any national costume."

I seek to remove paragraph (d).

It would seem that the wearing of the Sikh kirpan would be fully covered by subsection (4)(c), if it were not covered, as I believe it probably would be, by subsection (3). There will be examples of individuals wearing the full Sikh regalia in schools, and the kirpan is part of that regalia. The Sikh community inherits rich cultural and national traditions that are linked to religion, and the wearing of various garments is a requirement for strict adherence to the Sikh religion.

10 am

I wish to do nothing to detract from the ability of a Sikh to carry out his religious observances. They are a fine body of people and I would hate to see either their religion or their tradition inhibited in any way. I believe, however, that Sikhs would be fully protected by subsection (4)(c) as a result of a religious imperative. I do not believe that the removal of subsection (4)(d) would have any impact on them.

That leaves us with a simple question: to what would subsection (4)(d) apply? I need to be thoroughly convinced that there is a good and overwhelming reason for the specific reference to "national costume" to be included. I have nothing against the wearing of national costume.

[Mr. Piers Merchant]

As something of a romantic, I rather approve of people dancing or walking around in various national costumes. I would hate in any sense to be destructive of tradition.

Mr. Michael: The hon. Gentleman seems almost to be ridiculing his amendment. Is he aware that the amendment has been seen in some quarters as an attempt to inhibit the wearing of the Scottish national costume and the purely ceremonial element that is involved in the wearing of that dress? Is he not diminishing respect for that costume and that activity in the rather flippant way in which he is introducing the amendment?

Mr. Merchant: I fail to follow what the hon. Gentleman is saying. I am not being flippant. I made it clear that I took national tradition seriously, otherwise I would have not made the remarks that I did. As for Scotland, I am sure that the hon. Gentleman will have observed that the amendment does not apply to the relevant area of Scottish law. The amendment is directed to English law.

Mr. Michael: Does the hon. Gentleman recognise that many Scots wish to wear their national costume in England and Wales? Therefore, the amendment applies to citizens of the United Kingdom when they are seeking to wear Scottish national costume in England and Wales. Is the hon. Gentleman serious, or is he intent on arguing in support of the amendment to take up time, only to withdraw it?

Mr. Merchant: I am concerned about these matters. I am aware that there are Scotsmen in England who wear national costume. I am not aware, however, that that happens very often in English schools. To the extent that it does, I believe that there would be protection in any event.

Mr. Nicholas Baker (North Dorset): Will my hon. Friend ignore the filibustering attempt of the hon. Member for Cardiff, South and Penarth (Mr. Michael), who is clearly trying to disrupt the argument? There is a distinction between United Kingdom national costumes, such as the Scottish costume and the equipment that is worn with it, and the national costumes of other countries. Is subsection (4)(d) an attempt to protect Greek evzones who wear their costume? I hope that my hon. Friend will deal with the distinction between United Kingdom national costumes and national costumes of other countries.

Mr. Merchant: That is an extremely relevant point, as is that of weapons that are linked with national costume.

I shall pose three questions that I think are relevant to the amendment. First, are there clear and specific examples that show it to be necessary for someone to attend school premises wearing a national dress that has, as an essential part of it, a sharp or bladed object?

Mr. Bill Walker (North Tayside): I draw my hon. Friend's attention to pipe bands, which regularly appear on school premises throughout the United Kingdom. An essential part of a pipe band's proper costume or outfit—highland dress—is the skean-dhu. I wear it on school premises and in Parliament.

Mr. Merchant: No doubt my hon. Friend also wears it in the street from time to time. I feel sure, however, that he would not fall foul of the main part of the Bill, even though there is no specific exemption for national costume in the rest of the Bill.

I believe that Scottish pipe bands would be absolutely and fully covered by parts of the Bill other than subsection (4)(d). For example, they would be covered by subsection (3), because they would be able to prove that they had "good reason" for wearing a national costume, including the skean-dhu. If not, they would be able to illustrate that the full costume was being worn for "educational purposes". Pipe bands would not walk on to school premises out of a whim. No doubt they would have been invited. There would be a good educational reason for their being on the premises. They would probably not be able to defend themselves for "religious reasons", even though I know that many Scotsmen—especially highlanders—feel extremely strongly about their national costume.

I return to the three questions that I have been attempting to pose for the past five minutes. First, are there relevant examples that show the absolute necessity of subsection (4)(d)? I question that. Secondly, if people are wearing national costumes at school, why is that? If there is a good educational reason, that is fine. But are we really saying that we want to encourage those attending school to wear an array of national costumes from different parts of the world? That would be inadvisable in itself. Thirdly, is it always necessary to carry a weapon as part of a national costume? Given the various degrees to which I have been pressed over the past few minutes, I exclude the Scots.

There have been many precedents created for the display of national costumes. There have been some exemptions for usual practice in occupations that require a uniform to be worn. In those instances, there has nearly always been a specific reason. For example, railway conductors have long been allowed, if they are genuine Sikhs, to wear the required items to which I have referred. That exemption has not been extended to people who happen, on a whim, to wish to wear a national costume. We do not see bus conductors wearing Dutch clogs, for example, or Lederhosen. It would be rather absurd if they were allowed to do so. A schoolteacher would not be especially well thought of if he suddenly took to arriving at school and conducting lessons dressed in Lederhosen and wearing Dutch clogs, not necessarily together. There is a clear distinction between national costume and clothes that are part of religious observance.

There will of course be exceptions, and no doubt a school might wish, as part of its curriculum, to show national costume. A school might have a day on which people would be encouraged to dress in national costume as part of a history lesson or for cultural studies, and that would be covered under "legitimate educational purposes". In the vast majority of cases, however, the legislation would not even begin to apply because there would be no likelihood of sharp instruments being carried.

I should like, finally, to refer to Scotland and to the Scots, although my remarks have been anticipated to some extent. I stress that I deliberately did not table an amendment to the latter part of the Bill, which refers to Scottish law, because I take seriously the matter of Scottish national costume. I accept that national costume is regarded differently in Scotland, and I can think of no reason why it should not be so regarded under the law.

Scottish costume requires the carrying of the skean-dhu, which might be ruled, in other circumstances, as contrary to the Bill—under clause 4 or elsewhere—because it is of course a sharp and pointed instrument. I do not have a great deal of experience of how sharp and pointed it is—perhaps luckily. My hon. Friend the Member for North Tayside (Mr. Walker) will no doubt be able to enlighten us on that point.

My hon. Friend might also be able to explain why it is necessary to carry the skean-dhu as part of national costume. Sometimes I wonder whether it is entirely necessary, or whether it might be more sensitive for a Scotsman visiting a school not to include it as part of his national dress. I am willing to be corrected on that point if I can be assured that wearing a skean-dhu is absolutely essential, and that a Scotsman would feel naked without that part of his dress.

I think that a Scotsman would still find that there was little doubt that he would be able to defend himself fully against any absurd charge that might be attempted under the Bill, either under subsection (4)(d) or under any of the other clauses to which I have referred. Therefore, Scotsmen, however sensitive they may be about it, need not feel threatened in any sense by my amendment.

For all those reasons, I argue that subsection (4)(d) is unnecessary. This is a probing amendment, to the extent that I am asking to be convinced that it is necessary. I cannot think of any convincing argument that it is, but I have a sufficiently open mind to allow myself to be persuaded, if other hon. Members are able to do so.

10.15 am

Mr. Bill Walker: I shall speak against this amendment, which will not surprise the House, and take up the challenge thrown at me by my hon. Friend the Member for Beckenham (Mr. Merchant). Perhaps he will now be able to understand why we Scots regularly have to remind everyone that it was our king who came down to sit on the Union throne and why, from time to time, we have to remind everyone that the Union between Scotland and England was voluntary. There may have been an element of bribery involved in it, but the Union was made by voluntary agreement.

In forging that Union, the Scots brought to the United Kingdom a certain colour and a certain heroism—which was found on battlefields, to the great advantage of the Union. Part of that Scottish tradition is the wearing of highland dress. I underline the fact that we are talking about highland dress, which is not worn by all Scots.

Lady Olga Maitland: Pity.

Mr. Walker: Yes, it is a pity.

One can, therefore, recognise that there is a great danger of alienating a part of a minority in the United Kingdom. We live in a world in which minority interests have to be considered with great care; we constantly see people introducing legislation to protect minorities. I am a minority of a minority in many ways, because not only am I a highland Scot but I am a highland Scottish Conservative Scot, and we really are a minority.

I am one of the few Scots who come to the House fairly regularly wearing my national dress. Mr. Deputy Speaker, you will know that I always wear it in matters in which the scouts have an interest because scouts throughout Scotland regularly wear highland dress.

Mr. Peter Atkinson (Hexham): Will my hon. Friend clarify something for me? I understood from books of Scottish etiquette that the kilt should never be worn below the highland line.

Mr. Walker: That was probably written by a Campbell. The hon. Gentleman must understand that the Scots were on both sides at Culloden. As is often the way with the Scots, they hedged their bets—which was reason for sending our king down to sit on the throne. The truth is that the Scots always wear the appropriate dress when facing the enemy.

Mr. David Nicholson: I hate to spoil my hon. Friend's paean in support of the highlanders, but is not it true that at Culloden there were more Scots in the Duke of Cumberland's army than in the prince's army?

Mr. Walker: That was why the king's army won. I do not know why anyone should be surprised about that. That was the most astonishing intervention. The king's army would not have won if there had not been more Scots on Cumberland's side. So that there is no doubt on this matter, I should tell my hon. Friend that my mother's side was on the king's side and my father's side was on the losing side. Such situations were not uncommon in the highlands and among those who married lowlanders.

I should tell my hon. Friend the Member for Hexham (Mr. Atkinson)—it is a very important point—that the highland regiments, until well into the second world war, went into battle wearing the kilt, as they did in the first world war and in all earlier campaigns. I ask him: how can anyone possibly suggest that it was not proper to be wearing the kilt south of wherever? As I recall, most campaigns were fought far south of wherever. Scots all over the world, and particularly in England, demonstrate at every opportunity the fact that we reached an agreement on the Union, of which we are proud to be part.

My hon. Friend the Member for Beckenham properly asked whether it would be right to remove the skean-dhu—the weapon with which he is concerned. The skean-dhu should be worn in the stocking and should not be unsheathed in public. I have occasionally shown my grandfather's skean-dhu, which is the one that I wear. He wore it during the Boer war campaign, the first world war in Mesopotamia and in two tours in India, when he was in the Black Watch.

We wear the skean-dhus because they are much more than symbols. They reflect family inheritance and tradition, and they cannot easily be replaced. My hon. Friend the Member for Beckenham suggests that it should not be worn and asks whether one would feel naked without it. If one were not to wear it, one would feel that one was not continuing the traditions that make us what we are—beautifully different, yet part of this collective whole called the United Kingdom.

Given the opportunity, I shall in a later debate deal with the question of this beautiful United Kingdom of which I am proud to be part. I am proud to be part of it because

[Mr. Walker]

I am in a minority of a minority. I am a highland Conservative Scot, which is why I have to demonstrate clearly to the vast majority who are not of my background that we Scots have contributed massively to the Union.

It rarely, if ever, happens that the skean-dhu is unsheathed in public. I have the police's assurance on that, because the matter arose some years ago when we were debating legislation proposed by my former right hon. Friend who came from Grantham. I tabled an amendment to ensure that the skean-dhu was not covered by the type of provision that we are debating again today.

My advice to my hon. Friend the Member for Beckenham is that there are no problems with the skean-dhu. There is no history of Scottish boys or members of school pipe bands behaving badly, and, "If it's not broke, you don't mend it."

Mr. John Greenway: My hon. Friend the Member for Beckenham (Mr. Merchant) failed to advise us what possible mischief there would be in someone being on school premises with what might be regarded as an offensive weapon were it not part of a national costume. As my hon. Friend the Member for North Tayside (Mr. Walker) said, we have to consider whether there is the slightest chance of someone removing a skean-dhu from his highland dress and using it as a weapon of assault.

Mr. Merchant *rose—*

Mr. Greenway: I shall give way to my hon. Friend in a moment, but I wish to develop this point a little further.

I wish to relate an incident that occurred during my police career in the 1960s and which, on the face of it, might support the amendment. In reality, however, it serves to prove that my hon. Friend's proposition is ridiculous.

I had just walked into the front office of the Savile Row police station just after midnight, when there was an emergency call to go to the Westbury hotel around the corner in Conduit street where a brawl was taking place in the foyer. [HON. MEMBERS: "Surely not."] Yes, indeed, at the Westbury hotel.

Hon. Members will perhaps be surprised to learn that, when I arrived at the hotel, a mother and father of a punch-up was going on. It involved mainly gentlemen in dinner jackets, but one in highland dress. I, a bold 19-year-old policeman, tried to stop this fracas in one of our leading west end hotels. I was roundly assaulted with kicks to various parts of my anatomy, one of which I would not wish to mention in front of my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland).

At that point, something strange happened. The gentleman in highland removed the skean-dhu from his stocking and attacked the throat of the gentleman who had kicked me in a particular part of my anatomy. I subsequently managed to arrest both gentlemen and, at the police station, they were charged with various offences relating to drunk and disorderly behaviour. On the advice of the station sergeant, the gentleman in highland dress was charged with an offence relating to the skean-dhu. The word "skean-dhu" appeared on the charge sheet.

In those days, it was usual for people who had been charged to appear at Bow Street or Marlborough Street magistrates courts the following day. The CID officer on duty that morning would consider any charges. When he saw the reference to the skean-dhu on the charge sheet, his first impressions was that I had been over-zealous and that the charge had been made simply because the poor fellow had the skean-dhu in his stocking. I assured him that that was not the case and that it was fortunate that the skean-dhu had not entered the other gentleman's throat.

Suffice it to say that when the gentlemen appeared in court that morning, it transpired that they both had impeccable professional qualifications. They had been at an annual dinner when an argument had broken out. Everyone there had been the worse for drink. They pleaded guilty to the offence and were roundly condemned and thoroughly ashamed of their behaviour.

I do not think that I have ever told that story in public before, and certainly not in the House. The point of my telling it is to emphasise that we are being asked to consider the likelihood of such an event happening on school premises if someone were wearing his national costume and had a skean-dhu in his stocking.

Mr. Merchant: A person intent on mischief would not be allowed to take a weapon into a school if he were dressed like me. If he tried to do so, he would immediately fall foul of the Bill's provisions. However, does my hon. Friend accept that such a person could put on any national costume—there is nothing in the Bill to say that he is not entitled to do so—and thus enter the school brandishing a knife without falling foul of the Bill?

Mr. Greenway: That is an absurd proposition. We have to have a sense of proportion.

In the story which I related, the Scottish gentleman who went to dinner at the Westbury hotel in highland costume was not committing an offence by having a skean-dhu in his stocking, but the moment he removed it from his stocking and attacked the other gentleman's throat, any defence that allowed him to carry that implement went out the window.

I can tell from the way that the House listened with care and interest to my story—I hope that I shall not be accused of filibustering or of being out of order for having told it, because it goes to the heart of the matter that we are debating—that the very idea that such an event could occur on school premises is patently absurd. In the extremely unlikely event of someone drawing that knife in anger from his stocking on school premises or elsewhere, he would lose the protection of any possible exemptions and would be guilty of a serious offence.

My hon. Friend the Member for Beckenham was right to raise the matter, because we must be sure to get the legislation right, but I hope that, on reflection, the House will not support the amendment.

10.30 am

Mr. Tim Smith: My hon. Friend the Member for North Tayside (Mr. Walker) made a powerful and emotive case against the amendment. It is incumbent on those of us who represent English constituencies to listen to him carefully. There are many Scotsmen in England and, no doubt, many teaching in English schools. From time to time, they may choose to wear their national costume. If my hon. Friend the Member for Beckenham (Mr. Merchant) examines the subsection that he seeks to

amend, he will see that national costume provides a defence only if the person wearing it has no ulterior motive.

I listened carefully to the account by my hon. Friend the Member for Ryedale (Mr. Greenway) of his experience when, some time in the 1960s, as a 19-year-old policeman, he was called to the Westbury hotel after midnight. That fascinating episode from his past was also extremely relevant.

In fact, the defence that my hon. Friend the Member for Sutton and Cheam inserted in Committee, when clause 4 was first introduced, is not novel. It also appears in the Criminal Justice Act 1988, which refers to a "public place". As the 1988 Act is a consolidating measure, even in the 1960s—when my hon. Friend the Member for Ryedale was serving at Savile Row police station—the gentleman wearing Scottish national costume would have had a defence had he not removed the offensive weapon from his sock. The point of my hon. Friend's story was that he did remove it. Until that point—or, perhaps, until the point at which he had consumed too much—he had not intended to do any damage with the weapon that he had decided to carry with him. It was part of his national costume, and posed a threat only when he removed it with intent to injure another person.

I strongly believe that we should keep legislation as simple as possible. Section 139 of the Criminal Justice Act 1988, on which I believe clause 4 is modelled, provides the same defences. It refers to "use at work", "religious reasons" and "national costume". I note that my hon. Friend the Member for Sutton and Cheam has added "educational purposes", which is understandable in the context of schools.

I feel that the clause should be left as it is. I am glad that the Committee decided to extend the Bill by referring to schools; it is not entirely clear to me that a school is a public place, although a public place is defined in section 139 of the 1988 Act as a

"place to which . . . the public have . . . access".

There could be some debate about whether the public do have access to schools. Clause 4 is a welcome addition to the legislation, and I feel that in this respect, at least, we should leave it unamended.

Lady Olga Maitland: I understand the spirit in which my hon. Friend the Member for Beckenham (Mr. Merchant) tabled his amendment, but by the time he finished his speech I think we felt that he had not been all that enthusiastic in the first place, because he made so many exceptions. The arguments against the amendment are borne out by the experiences described by my very dear hon. Friend the Member for North Tayside (Mr. Walker)—another Scot; we have two on the Front Bench today—and the telling incident in the Westbury hotel described by the erstwhile detective constable, currently my hon. Friend the Member for Ryedale (Mr. Greenway). Those experiences tell their own story; sometimes the law can seem absurd, or, indeed, an ass. If the amendment were accepted—I hope that it will not be—we would find ourselves in an invidious position.

The intention behind clause 4 is simple: it extends to school premises the provisions that already apply to the carrying of offensive weapons, such as knives, in public. I believe that, unless there are good reasons not to, we should strive for consistency between what happens in public and what happens on school premises.

The existing offence of carrying a knife in public is accompanied by a number of defences for anyone charged with such an offence. There is the general defence that the person concerned had a good reason, or lawful authority, to carry the knife. That makes good sense in regard to, for instance, someone carrying home a kitchen knife that he or she has just bought, or carrying a knife with which to cut cabbages on the allotment. A keen fisherman might carry a knife along with his rod and tackle.

There are also three specific defences. The person charged may be able to prove that he was carrying the article for use at work; he may be a carpet layer, for example, although that defence is somewhat over-used and, indeed, abused. He may be able to prove that he was carrying it for religious reasons, or as part of a national costume.

In extending the offence to carrying an offensive weapon to schools, we have added a specific defence where the person concerned can prove that he was carrying the article for educational purposes. He may be a teacher, or, indeed, a pupil, equipped with a tool with which to work in arts and crafts or cookery classes. The justification is obvious.

The amendment proposes to remove the specific defence in relation to national costume. I note that a similar amendment has not been tabled in relation to Scotland. I think I understand why—my hon. Friend the Member for North Tayside gave us a very good description—but the traditional Scottish dagger, or skean-dhu, is part of that country's national costume, and there will be occasions on which it is worn on school premises: open days, speech days and, in boarding schools, on Sundays. I have seen them worn in church. Although a person wearing highland dress, complete with skean-dhu, would not often enter school premises in England and Wales, he could do so.

What is more likely is the extraordinary development that Scottish country dancing classes involving full highland dress, including the skean-dhu, would suddenly become unlawful. Pupils from a Scottish school visiting a school south of the border might well wish to go formally dressed as a courtesy, but under the amendment that could be construed as an offence. Similarly, pupils might take part in a school play in national dress, including a dagger.

Mr. Merchant: Would there not be a perfect defence in such circumstances under "educational purposes", if not under

"good reason or lawful authority"?

Lady Olga Maitland: My hon. Friend is introducing yet more exceptions. There are so many exceptions that I wonder how often we would find that there was a rule.

The amendment is not logical, and could cause serious difficulties. If we are to keep the legislation as harmonious as possible, we should retain that specific defence in England and Wales. With great regret, I must tell my hon. Friend that I reject his amendment.

Mr. Kirkhope: I agree with everything that my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland) has just said. We should not forget that there

[Mr. Kirkhope]

are many people of Scottish ancestry in this country. I include myself in that. My only problem is that, having heard the remarks of my hon. Friend the Member for North Tayside (Mr. Walker), I am not sure into what grade or category I fall. I am descended from a lowland rather than a highland family. I hope that my hon. Friend the Member for North Tayside will not be too prejudiced against me. There is some argument about whether I am entitled to wear a hunting Stewart tartan or whether, must be confined to the Galloway tartan of my own family.

Mr. Bill Walker: Perhaps I can help my hon. Friend. Before the industrial revolution, the vast majority of Scots—like everyone else in the United Kingdom—lived on the land, and the highlands were very densely populated. After the 1745 rebellion, the highland clearances and the industrial revolution, that changed. My hon. Friend is probably descended from highlanders.

Mr. Kirkhope: My family has been progressively moving further south all the time. My hon. Friend forces me into an embarrassing admission. Having survived in the Scottish lowlands, I understand that in some murky episode my family removed itself to the north-east of England, to Newcastle, apparently with some cattle and other items, which I suspect we have never returned. The point of relating that is simply to enable me to say that I was privileged to go to a good school in Newcastle, the Royal grammar school, at which some of the pupils were of Scottish extraction.

I was involved in Scottish country dancing, a fine social activity, and we were visited many times by boys from other excellent schools in Scotland. As we know, the Leader of the Opposition went to Fettes college, but I am not sure whether he ever visited the Royal grammar school or came to England in full Scottish dress, which I think he may be entitled to wear. I have related all that because it underlines the fact that the amendment would not be helpful. Although we are discussing pupils, we should not forget that many people are on school premises out of school hours for various purposes in which such national dress could play a part.

There should be consistency between knife carrying in public and on school premises. In that context, it is wrong for someone to have a defence for carrying a knife in public but not for carrying it on school premises. We have had some merriment and some tuition from my hon. Friend the Member for North Tayside about Scottish history and folklore, but I invite my hon. Friend the Member for Beckenham (Mr. Merchant) to withdraw his amendment.

Mr. Merchant: The debate has been skilfully and quickly turned into one about the Scots, which was not my intention when I moved the amendment. I am aware of the sensitivities and should like to make it clear that I have nothing against the Scots or Scottish national dress, which is an important, colourful and historical part of our overall United Kingdom culture. I was trying to make some serious points about what I thought could be a loophole in the Bill, and I am glad that at least I have been able to precipitate a reasonably full debate on the subject.

There have been many references to minorities. I distinctly appear to have become a minority of one on this issue and do not seem to have much hope of pressing my amendment. I suspect that I am surrounded by a majority of Scots, albeit wearing suits, but at least I am not like the hon. Member for Cardiff, South and Penarth (Mr. Michael), who maintains his solitary vigil in the knowledge that he has a majority of one, on his side at least.

If the clause has to remain, I would prefer it to read "as part of that person's national costume" rather than "any national costume", but it is clearly too late to introduce an amendment on that. I hope that people will not use the clause as a loophole to avoid the Bill's provisions. Above all, I do not wish to be unhelpful—the magical word that was used by my hon. Friend the Under-Secretary—or to upset or frustrate the intention of my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland). As she knows, I supported the Bill at every stage and spoke strongly in support of it on Second Reading and in Committee. As she says that the amendment would frustrate the Bill's purpose, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Merchant: I beg to move amendment No. 13, in page 2, line 43, leave out from 'months' to the end of line 44.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 14, in page 3, line 3, leave out

'or a fine, or both'.

No. 15, in page 3, line 6, leave out from 'months' to the end of line 7.

No. 16, in page 3, line 10, leave out

'or a fine, or both'.

No. 17, in page 4, line 10, leave out from 'months' to the end of line 11.

No. 18, in page 4, line 14, leave out

'or a fine, or both'.

No. 19, in page 4, line 17, leave out from 'months' to the end of line 18.

No. 20, in page 4, line 21, leave out

'or a fine, or both'.

Mr. Merchant: The amendment is straightforward and simple and I shall not detain the House. The linked amendments have exactly the same purpose, which is to remove the fine option from the offences related to the issue that we have been discussing, namely, the carrying of various types of weapons in schools. The amendments apply to England and Scotland, which are listed in the measure.

Removing the option of a fine leaves the penalty as a mandatory prison sentence. However, this is not so harsh as it may sound because the term of imprisonment that would be applicable for the offences will not exceed six months, two years or four years, depending on the clause to which reference is made.

10.45 am

I shall not detain the House by going into the detail of which offence attracts which punishment. My sole purpose is to say that maximum prison sentences are specified and that it is clearly up to the court to show flexibility according to the circumstances, detail and

nature of the offence. Courts would be able to impose a light sentence if that appeared to be relevant, which means that there is room for discretion.

I move the amendment because at present the proposed sentence is identical to that which applies for offences that are committed outside a school. In my view it would be appropriate to have a tougher sentence when an offence is committed in a school. The reason is simple and relates to the environment in a school. A large number of children are present at one time without their parents, and for that reason they need extra protection. I cast no aspersions on our highly professional teaching staff and others who look after children in school. In the vast majority of cases it works perfectly satisfactorily and safely. Nevertheless, the ratio of adults to children is normally considerably lower than when children are with their parents. There is also the specific sensitivity and the potential target that a school may present to those who wish to cause mischief. I recently quoted two recent examples of that and there are many more.

The Bill needs an extra mark of protection for children who are potentially under threat. We need tougher deterrents and greater punishment and deterrence is the issue that I wish to stress. By making it clear to anyone who contemplates breaking the law that there is an automatic prison sentence, the deterrent value is that much increased. The amendments would strengthen the Bill and are based on good reason.

Mr. John Greenway: The amendment is not a good idea. Again I am sorry to differ from my hon. Friend the Member for Beckenham (Mr. Merchant). He tried to explain that the courts would have discretion and spoke about a maximum rather than a mandatory sentence. None the less, removal of the fine option would be extremely serious and would leave a court with no option but to impose a custodial sentence. We should be clear on two points. First, with the exception of the exemptions that we debated earlier, this is an absolute offence. There is no requirement to prove that someone entering school premises with a knife had any intention of using it for any purpose. We all know why we are doing it and it is right that we should, but it is an absolute offence.

I do not want to give in any detail an example of the innocent carrying of a knife or weapon on school premises where someone would be caught under the clause, but it could happen, not least because, as the previous debate made clear, school premises are not used exclusively as schools. They are used for social events, especially secondary schools, and at weekends and during school breaks, so we must be careful. If we think about it clearly, the amendment would impose an absolute offence with an absolute certainty of imprisonment, however brief. That is not a good idea.

Secondly, is it always correct to say that imprisonment is a greater deterrent than a financial penalty? I am not sure that it always is. A youth in his late teens or early 20s, who is earning an extremely good income, may go to an event or dance held for his local football team on school premises. He could have his knife in his pocket and be found guilty of this offence. It would be ridiculous to say that the possibility not just of imprisonment, but of hitting his pocket would have no deterrent effect. It is not one or the other: it is the possibility of both that would be deleted by the amendment.

For those reasons, the amendment is not a good idea, however well intentioned it might have been. I return to the point that I made in the discussion on the previous amendment. Were anyone to be so foolish as publicly to draw a knife or pointed instrument from their person on any premises, the powers in the clause to impose extremely tough penalties can be used. The amendment imposes a penalty simply for an absolute offence of someone having such weapons on their person. It is possible that a relatively innocent offence could be committed.

It is right that we should accept the Bill, but equally it is right that we should allow the courts sufficient discretion to deal with the circumstances with which they will be confronted whenever this charge is brought, which we cannot necessarily foresee today.

Mr. Tim Smith: At about the same time as my hon. Friend the Member for Ryedale (Mr. Greenway) was Detective Constable Greenway operating out of Savile Row police station, I was a young law student studying what Oxford university pompously calls jurisprudence, and I have a vestigial memory of some of the basics of criminal law. One of the things that we learned was that normally the criminal offence consists of two parts: a guilty act and a guilty mind. My hon. Friend has made the point that this is an absolute offence: there is no mens rea. It means, in effect, that the burden of proof shifts from the prosecution to the defence. That is why the defences in the clause and in section 139 of the Criminal Justice Act 1988 are so important.

If all that one has to prove is that someone was carrying an offensive weapon, it is not reasonable that the only penalty that could be imposed on such a person is a prison sentence. At present if someone is convicted of an offence under section 139 of the 1988 Act, the court cannot impose a prison sentence; only a fine can be imposed. Clause 3 of the Bill increases the penalties.

I support what my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland) is doing. She is saying that Parliament believes that the position is now sufficiently serious that in certain circumstances the courts should have available to them the possible imposition of a prison sentence, but the Bill makes it clear that, until it becomes an Act of Parliament and is brought into effect, the only penalty that can be imposed is a fine.

My hon. Friend the Member for Beckenham (Mr. Merchant) wants us somehow to distinguish school premises from public places generally. I understand why he says that. We all know of the recent horrific cases on school premises and of criminal offences close to school premises involving school teachers. We all share his deep concern about that, but we cannot therefore conclude that in the case of school premises the possibility of a fine should be ruled out altogether.

In those circumstances, taking into account the fact that only a prison sentence is available, not only juries, but perhaps magistrates might be reluctant to convict in certain circumstances. I agree with my hon. Friend the Member for Ryedale that it would be wrong to remove from the courts the discretion to decide what should be the appropriate penalty in any case.

Mr. Bill Walker: I welcome the opportunity to speak on this subject. Earlier, I mentioned the wearing of the skean-dhu. I was reminded by the hon. Member for

[Mr. Bill Walker]

Glasgow, Garscadden (Mr. Dewar) of an interesting event that occurred in my life, where discretion was important and where certain leeway was required.

I was to be joined at the United States Democratic convention in San Francisco by my wife and daughters. Before they boarded the aircraft at Heathrow airport, they were advised by the chap who was looking after them that Bill had been arrested in San Francisco because he was wearing a knife. The Democrats got themselves in an awful mess. Eventually, I met the head of the secret service, who was in charge of security. Being a sensible fellow, he said to me, "You and I had better come to an agreement and an understanding. You can come in the morning wearing your knife. They'll tannoy for me and I'll come. You will hand over your skean-dhu to me publicly so that everyone can see and then we'll go off for a cup of coffee and I will give you it back."

My arrest hit the headlines in the United Kingdom. I followed that with a visit to the Republican convention—this is important because this is where discretion comes in. The Republicans were determined that I was not going to be arrested at their convention, so they advised everyone at the convention that this chap wearing the kilt and the knife in his stocking was to be treated with kid gloves—British Member of Parliament and all that. Unfortunately, they forgot to tell the Dallas police. In Dallas, people can wear as many guns as they like, but they are not allowed to wear knives in public and I was arrested by the Dallas police on my way into the convention centre. They called up on their radio telephone and said, "We've got this guy," and all the rest of it. Eventually, it got through to the head of the police. He came on the radio to the car and said, "Look. We had better handle this with great care. This guy is a British Member of Parliament." So they photographed me dressed in my finery with my knife in my stocking and dropped the arrest charges. This is the discretion part. They realised that, although it contravened the law in that part of Texas, they had someone wearing his national dress. They took a photograph of me and distributed it to every policeman in Dallas to make sure that I was not arrested again. It is that sort of discretion that the courts need as innocent individuals could otherwise be caught by the Bill.

Mr. Michael: Is the hon. Gentleman sure that his photograph was distributed for the purpose he suggested? It is more usual for photographs of individuals to be distributed widely within a police force for a rather different purpose.

Mr. Walker: It might have been because I am such a good looking fellow and the police thought that all the ladies of Dallas should know that I was visiting—like pop stars and other people of substance. It probably had nothing to do with the fact that I was wearing my kilt, with a skean-dhu in my stocking. The hon. Gentleman's intervention was interesting. So far as I am aware, no one has ever found any reason, other than the wearing of my skean-dhu, to distribute my photograph. If he has evidence to the contrary, I would be delighted to hear of it. We could then discuss what a suitable penalty would be.

11 am

Lady Olga Maitland: The remarks of my hon. Friends in response to the amendment moved by my hon. Friend the Member for Beckenham (Mr. Merchant) have been of one mind. We need flexibility and it would be a great mistake to remove the degree of decision making and options that should be available to the courts. Indeed, it would be unusual for the option of a fine not to be available as one of the penalties.

I understand that in 1994 fines were imposed on almost three quarters of offenders sentenced in magistrates courts, covering a very wide range of offences and involving about 1 million people. Six months' imprisonment and/or a £5,000 fine are the normal maximum penalties for trial in a magistrates court. The courts must have the power to deal with the whole range of serious incidents that may occur under the proposed offence of carrying an offensive weapon or knife on school premises. Some examples of that offence will be so serious that gaol must be the penalty—there is no doubt about that. That will be especially true where it is clear that the defendant went out intending to stab a victim viciously, not caring whether it caused injury or death.

Nevertheless, there will be offences where there are strong mitigating factors, such as those described by my hon. Friends, which must be regarded as being at the lowest level of seriousness. Indeed, there could be considerable misunderstandings. In those circumstances, it would be wrong to imprison the offender as such a penalty would be quite disproportionate. Without the power to impose a fine, magistrates would often feel obliged to impose very short terms of imprisonment, which could be far less effective than a fine for some offenders, as a fine would hit their pockets very hard. Many of them could not give a hoot about spending a few days in gaol. However, if they do not have very much money and what they do have is regularly docked so that they no longer have beer money, they might think twice.

Mr. Tim Smith: Does my hon. Friend know whether there are any precedents for what is being proposed in the amendment? Are there any criminal offences for which magistrates can only send people to prison and cannot fine them?

Lady Olga Maitland: I am not aware of any. I understand that it is not the practice of this country to shackle magistrates or justices in that way.

The amendments are somewhat spurious. It should be remembered that there is a power to override gaol sentences under section 31(1) of the Criminal Law Act 1977. That gives Crown courts the power to impose fines, of any amount, regardless of any restrictions imposed in specific pieces of legislation. It is also important to remember that providing for a fine in legislation can actually increase the severity of the penalties available. A long gaol sentence together with a fine is obviously more severe than just a prison sentence. Furthermore, it is arguably the case that a large fine may be taken more seriously by the offender than a short prison sentence, depending on the circumstances of the case. I therefore support my hon. Friends' call for the amendment to be withdrawn.

Mr. Kirkhope: I agree with the arguments deployed by my hon. Friend the Member for Sutton and Cheam and others of my hon. Friends, in particular my hon. Friends the Members for Ryedale and for Beaconsfield. We all want strong measures to be taken against knife carriers, but to remove the option to impose a fine or to impose a

fine as well as a prison sentence would not only reduce the flexibility that the courts can exercise, but in some cases, as has been stated by my hon. Friends, it would actually weaken the severity of sentencing.

Mr. Merchant: I hope that I have at least given the House an opportunity to examine, in a little more detail, the nature of the punishment that should fit the crime. My hon. Friend the Member for Ryedale felt that it would be inappropriate to have only a prison sentence. Perhaps I take a tougher line on crime than he does. I strongly believe that prison is a tough deterrent—in most cases, the ultimate deterrent—and I am not entirely convinced by the argument that a fine, however unwelcome, can be a tougher way of dealing with offenders.

My hon. Friend the Member for Beaconsfield (Mr. Smith) referred to mens rea. Given the clarity of the offence and the wide knowledge of the existence of this legislation when enacted, as I hope it will be shortly, people—especially youngsters—will know full well that they are committing an offence if they carry a weapon as described. Therefore, it could quite easily be said that if someone is carrying such a weapon, he has a guilty mind as well as carrying out a guilty act. I doubt whether there will be many instances of someone saying, "I had no idea and no intention of breaking the law by carrying this weapon." Hon. Members should remember that we are talking about the carrying of the weapon; we are not referring to any intention that it may be used, which in itself would constitute a separate offence.

I feel strongly that the carrying of knives on school premises is a very serious matter. It happens a great deal more in some areas than hon. Members may be aware. It is therefore incumbent upon us to take a tough line so that we can avoid some of the disasters that have occurred and might occur again.

I make no apology for moving my amendment or for wanting a debate to draw attention to the risks posed by people carrying knives. The House needs to ensure that tough action is taken against such offences. Having said that, I accept that I am once again cast in the role of a minority. Having drawn attention to my point, and its having had a good debate, I hope that at least some of my motives for introducing it will be taken on board.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Lady Olga Maitland: I beg to move amendment No. 2, in page 3, line 15, at end insert—

'(7) In the application of this section to Northern Ireland—

(a) the reference in subsection (2) above to section 1 of the Prevention of Crime Act 1953 is to be construed as a reference to Article 22 of the Public Order (Northern Ireland) Order 1987; and

(b) the reference in subsection (6) above to section 14(5) of the Further and Higher Education Act 1992 is to be construed as a reference to Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986.'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 5, in page 3, line 32, at end insert—

'(4) In the application of this section to Northern Ireland the reference in subsection (1)(b) above to section 1 of the Prevention of Crime Act 1953 is to be construed as a reference to Article 22 of the Public Order (Northern Ireland) Order 1987.'.

No. 6, in page 3, line 32, at end insert—

'(1A) In section 172 of that Act (extent), in subsection (3), for "section 139" there is substituted "sections 139 to bE".'.

No. 9, in page 4, line 44, leave out 'and' and insert 'to'.

No. 10, in clause 7, page 5, line 39, leave out 'and 3' and insert

', 3 and 4(1), (1A) and (3)'.

Lady Olga Maitland: These amendments fulfil a commitment given by the Minister during the Committee stage on 6 March. He informed the Committee of the intention, which I fully share, to extend to Northern Ireland the new offence of having an article with a blade or point on school premises. That is the effect of the amendment.

The amendment would add subsection (7) to new section 139A—the offence of having a article with blade or point on school premises—of the Criminal Justice Act 1988, to provide the relevant adaptions in application of the new section to Northern Ireland. Thus, any reference to section 1 of the Prevention of Crime Act 1953—which refers to the prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse—will be construed as a reference to the equivalent offence in the law of Northern Ireland. That is found in article 22 of the Public Order (Northern Ireland) Order 1987, which refers to the carrying of offensive weapons in a public place. A similar amendment is made in new section bI of the 1988 Act.

Provision is made for references to section 14(5) of the Further and Higher Education Act 1992 to be construed as references to article 2(2) of the Education and Libraries (Northern Ireland) Order 1986, which contains the definition of a "school" in Northern Ireland. A new clause 4(1A) is inserted to amend the extent section of the 1988 Act to apply to the new sections 139A and 139B to Northern Ireland, and a consequential amendment is made to clause 4(3) as a result.

The amendment fulfils a commitment that my hon. Friend the Minister made in Committee, and I am therefore only too glad to table it on Report. I hope that it will be supported by my hon. Friends.

Mr. Michael: I am happy to confirm the Opposition's support for the amendments. As the hon. Member for Sutton and Cheam said, it introduces an element of consistency by extending the application of the Bill to Northern Ireland, which is to be welcomed. I am glad that she and the Minister have been able to fulfil the undertaking that was given in Committee.

Mr. Kirkhope: As my hon. Friend the Member for Sutton and Cheam has said, the amendment fulfils a commitment that I made in Committee. I therefore naturally support it, and welcome the support of the hon. Member for Cardiff, South and Penarth (Mr. Michael).

Amendment agreed to.

Lady Olga Maitland: I beg to move amendment No. 3, in page 3, line 27, after 'article', insert 'or weapon'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also the following amendments: No. 4, in page 3, line 28, after 'article', insert 'or weapon'.

[Mr. Deputy Speaker]

No. 7, in page 4, line 38, after 'article', insert 'or weapon'.

No. 8, in page 4, line 39, after 'article', insert 'or weapon'.

Lady Olga Maitland: This is another somewhat technical amendment, but important to the overall purpose of the Bill. Its intention is to clear up a small and entirely unintended ambiguity in relation to police powers of seizure of knives and offensive weapons on school premises. It is proposed in clause 4 to extend the offences of carrying a knife or offensive weapon in public to school premises. Those two separate offences are referred to in the proposed new section 139A, subsections (1) and (2), of the Criminal Justice Act 1988 in relation to England and Wales. The equivalent Scottish offences are referred to in the proposed new section 49A, subsections (1) and (2), of the Criminal Law (Consolidation) (Scotland) Act 1995.

The problem arises in relation to the associated police power of seizure of a knife or an offensive weapon if an officer discovers such a thing in the course of a search on school premises. The proposed powers of seizure are referred to in subsection (2) of the proposed new section 139B for England and Wales, and subsection (2) of the proposed new section 49B for Scotland. Both provide that a constable may seize an article—I emphasise the word "article"—of a kind described in subsection (1). That may conceivably be taken as omitting the power to seize offensive weapons. The amendment merely rectifies that.

Mr. Michael: The hon. Member for Sutton and Cheam has given a technical explanation of the need for the amendment, but not one that is easily understood by a lay person. Surely the word "article" includes weapons, especially when one considers the context of the Bill and other legislation under consideration. As the Minister is to comment, perhaps he will deal with that point.

I clearly understand that the hon. Member for Sutton and Cheam wants to ensure that items are not accidentally omitted so that powers given to police officers in the Bill would therefore be faulty. I share that aspiration, but I do not understand why the amendments are necessary. The Minister may not be all that distant from the drafting of the amendments, so I ask him to explain in lay terms why the wording as it stands is not satisfactory and why the word "article", as one would commonly understand it, does not include weapons as a matter of legal definition.

11.15 am

Mr. Kirkhope: One of the problems is that the amendment is essentially technical. I fully understand that the hon. Member for Cardiff, South and Penarth is saying that without the amendment problems may not be caused—but problems could be caused. As the matter is currently framed, it is possible to construe the clause as proposing a police power of seizure for knives, but not for offensive weapons. I am advised that the amendment must be technical.

Mr. Michael: I am not trying to delay the Minister; I am simply trying to understand what is being said. If offensive weapons other than knives are not included, would the Minister illustrate the sort of articles of which he is thinking? That might make the matter wholly transparent.

Mr. Kirkhope: I cannot really do that because the term "offensive weapons" covers a large range of items. The word "article" does not help us. We believe that the word "article" does include weapons, but we still think that there is a possibility of doubt in legal argument; that is why we are trying to remove the ambiguity. In talking of offensive weapons, a sharpened screwdriver comes to mind, for instance. Nevertheless, the amendment has to be technical. It is important that in such an important measure we should remove any possibility of misunderstanding or ambiguity, and any opportunity for the extension of legal argument and of justice not being done. The amendment is very sensible and, uncontentious and would clarify matters.

Mr. Michael: The Minister's illustration is very helpful. Am I correct in thinking that he is saying that the wording is basically to act as belt and braces, and that it does not change what was intended by the hon. Member for Sutton and Cheam or those who were originally involved in drafting the Bill or what we understood that we were doing in Committee, and that it is merely to ensure that there is no doubt?

Mr. Kirkhope: I can confirm that. While the hon. Gentleman and I may think that it is perfectly reasonable to interpret the matter in a certain way, lawyers might use the opportunity in certain circumstances to misunderstand the wording unless it is absolutely crystal clear. That is the reason for the amendment, which we support.

Amendment agreed to.

Amendments made: No. 4, in page 3, line 28, after 'article', insert 'or weapon'.

No. 5, in page 3, line 32, at end insert—

'(4) In the application of this section to Northern Ireland the reference in subsection (1)(b) above to section 1 of the Prevention of Crime Act 1953 is to be construed as a reference to Article 22 of the Public Order (Northern Ireland) Order 1987.'.

No. 6, in page 3, line 32, at end insert—

'(1A) In section 172 of that Act (extent), in subsection (3), for "section 139" there is substituted "sections 139 to 139B".'

No. 7, in page 4, line 38, after 'article', insert 'or weapon'.

No. 8, in page 4, line 39, after 'article', insert 'or weapon'.

No. 9, in page 4, line 44, leave out 'and' and insert 'to'.—*[Lady Olga Maitland.]*

Clause 6

SALE OF KNIVES AND CERTAIN ARTICLES WITH BLADE OR POINT TO PERSONS UNDER SIXTEEN

Mr. Michael: I beg to move amendment No. 22, in page 5, line 7, after 'applies', insert

'or who encourages or incites the purchase of an article to which this section applies by or on behalf of a person under the age of sixteen, or who advertises such an article for sale in a way which appears to incite or condone the possession of such an article for violent purposes,'.

The Bill deserves two cheers and it will earn a full three cheers if the amendment is accepted. The amendment is intended to take a grip on the incitement and advertising that have helped to encourage the knife culture, which we all abhor. This point was discussed on Second Reading, and I believe that the hon. Member for Sutton and Cheam was sympathetic to my argument then.

To explain my reference to three cheers, from the beginning, Labour has supported the Bill, which will take a grip on the carrying of knives. A second cheer went up when the hon. Member for Sutton and Cheam and the Minister accepted the proposal made by my hon. Friend the Member for Blackburn (Mr. Straw), the shadow Home Secretary, that we should ban the sale of knives to young people under the age of 16. However, we need to go beyond those measures, to take a grip on the knife culture in general, and in particular on those who profit from encouraging impressionable young people to take an unhealthy interest in offensive weapons. That is why we need a ban on the advertising of such weapons. I shall spell out the problem briefly.

On Second Reading, there was agreement on both sides that we needed to control the advertising of guns and weapons generally. Today, the amendment is designed to deal specifically with advertisements that encourage the knife culture. I raised the question of advertising and the mail order of weapons as long ago as the debates on the Criminal Justice and Public Order Act 1994, to which I proposed amendments, so it is not an issue that has suddenly come out of the blue.

Last year, the shadow Home Secretary brought to the attention of the Advertising Standards Authority some advertisements that included other weapons such as guns, but which also specifically included quite horrific weapons with titles such as "Rambo shortsword" and "SAS shoulder holster knife".

In response to the approach by my hon. Friend the Member for Blackburn, Lord Rodgers, the chairman of the Advertising Standards Authority, stated specifically that the authority had no powers to ban such advertising. Therefore, since as long ago as the period before Second Reading, Ministers have known that legislation is the only way in which to ban such advertisements and it is disappointing that we have not yet got that point covered in law.

We cannot deal with the whole issue of the advertising of weapons and guns in the Bill, but we can agree to an amendment that would ban advertisements that are specific to the knife culture. I am sure that all hon. Members agree that such weapons can have no legitimate use; there can be no legitimate reason for wandering the streets with something called an "SAS shoulder holster knife" or a "Rambo shortsword".

Mr. Merchant: The hon. Gentleman will remember that we exchanged words on this subject in Committee; we may not have been talking on quite the same subject then. Will he confirm—I have great sympathy for his objective—that it is possible under existing ASA arrangements and the Committee of Advertising Practice codes to prevent advertisements that

"appeal to the immature or unstable mind"

or are "emotive or aggressive"? That would catch many of the advertisements to which he refers.

Mr Michael: No, it would not. The code would have an effect on those who observe the code of conduct. It might have an effect on the responsible end of the press. I am sure that *The Times*, *The Guardian* and other major newspapers take note of requirements set down in guidance from the Advertising Standards Authority, but the code does not actually stop anyone putting in such advertisements. Nothing illegal is involved; people do not have to take note of the code. I shall develop that point in a moment, with specific reference to what has been said by the ASA.

The ASA confirmed, after my hon. Friend the Member for Blackburn referred to it the advertisements I mentioned, that it was not considered appropriate to take action on them. It referred them to a working party, and that working party may come up with new words or may strengthen the code of conduct, but that will not control the type of advertisements and virtual incitement that I am talking about.

As I said, we raised the issue on Second Reading, when it was made clear that the ASA was not able to ban advertisements that encouraged people to purchase weapons for the purpose of violence. I make it clear that we are not talking about advertisements in relation to country sports and things of that sort. We are talking about the wording to which I have referred, which is clearly not about sporting or legitimate activities.

On Second Reading and in Committee, I quoted a letter from the ASA in reply to our initial approach to it. The letter states:

"It is important to be clear that the Advertising Standards Authority is not in a position to ban such advertisements."

That sentence from the ASA goes to the heart of the question raised by the hon. Member for Beckenham (Mr. Merchant). It is clear from the authority itself that it does not have the power to do what the House wants, and that is why an amendment is needed to achieve the desired result. I should perhaps make it clear that that statement was authoritative, because it came from Lord Rodgers of Quarry Bank, who is chairman of the ASA.

Mr. Merchant: I do not want to labour the point, but I do not think that the hon. Gentleman entirely appreciates how the ASA works in practice. I was very involved in the advertising industry and had experience of the ASA. The ASA's latest publication, which deals with its research on this subject, says that companies whose advertising is found to be unacceptable or questionable will be asked to make any necessary amendments. I appreciate that that does not have the force of law, but does the hon. Gentleman not accept that in practice, the ASA's authority is extremely strong in the advertising industry? In 99 per cent. of cases, what it decides to do will be followed by the industry.

Mr. Michael: The hon. Gentleman destroys his own case by the words that he quotes. The ASA says that companies "will be asked" to change their advertising. In view of the wording used in advertisements to which I have referred and the motivation of people who would be willing to put such advertisements in public periodicals, I do not believe that such people will respond to being asked rather nicely to amend the wording that they use. That is simply not good enough.

If the hon. Gentleman's own words are not sufficient to destroy his case, I quote again the very specific and authoritative statement by the chairman of the ASA. He says:

[Mr. Michael]

"It is important to be clear that the Advertising Standards Authority is not in a position to ban such advertisements."

That is absolutely clear and specific.

Sir Michael Shersby: I am very sympathetic to the hon. Gentleman's line of argument. Does he agree that many of the advertisements for these horrible knives appear in fringe magazines of one kind and another, which probably never even cross the doorstep of the Advertising Standards Authority, but which are circulated to groups of people whom the advertisers believe will buy the product?

Mr. Michael: The hon. Gentleman is absolutely right. In a conversation that I had with members of the Advertising Standards Authority, they commented on the vast amount of advertising there is and said that it was totally impossible to monitor all of it. It is impossible for them to monitor all mainstream advertising, never mind the fringe periodicals to which the hon. Gentleman refers. He is precisely right.

There are vulnerable people who can easily be encouraged in the culture of violence and the knife culture, which give rise to such concern. We are talking about a fringe activity, not about an activity involving masses of people. However, it is those who are vulnerable in some ways and who can become dangerous in other ways if their predilections are encouraged who are the target of fringe advertising. That advertising is my target in the amendment. The hon. Members for Uxbridge (Sir M. Shersby) and for Sutton and Cheam are, I believe, sympathetic to that point.

If we were talking about advertisements that appear in major, large-circulation periodicals, there would be no great difficulty, because the pressure of the ASA would discourage them from continuing to accept such advertisements. However, the hon. Member for Uxbridge is absolutely right to say that that is not the target of the amendment. But without the amendment, as Lord Rodgers made clear, the target that we have in mind cannot be tackled by the ASA.

In Committee on the Criminal Justice Bill in 1994, in response to a question of mine, the Minister of State, Home Office, the right hon. Member for Penrith and The Border (Mr. Maclean), said:

"The British code of advertising practice includes special provisions on the advertising of weapons so that advertisements for weapons, such as knives, neither condone nor incite violent behaviour".

That is what the hon. Member for Beckenham was referring to, but we now know that the Minister was wrong, because the code cannot extend to the sort of fringe periodicals that are likely to do the damage, because they are circulated in the type of environment that encourages the knife culture.

11.30 am

The Minister of State continued:

"Where advertisements are found to contravene the codes, the Advertising Standards Authority can take steps to rectify the situation as appropriate."—[*Official Report, Standing Committee B*, 15 March 1994; c. 1357.]

We now know that the powers of the ASA are not appropriate, but clearly at that time the Minister thought that something should be done about the matter, and erroneously believed that the ASA had the power to intervene. As I said, the ASA has made it clear that it does not have that capacity.

In March, I asked the authority what action it had taken on various advertisements referred to it by my hon. Friend the Member for Blackburn. The answer was simply that the matter had been referred to a working party. I do not see the point of referring a matter to a working party if the authority does not have the power to deal with those specific issues and the periodicals that advertise such items.

We would end up with a tougher code enjoining *The Guardian* and *The Times* in even stricter terms to observe the standards that they observe already. That is patently useless in tackling the development of the knife culture.

There are advertisements generally available in this country that find their way all too easily to impressionable young people, displaying illustrations of weapons that no one could reasonably want for legitimate purposes. They incite people to purchase such weapons for all the wrong reasons. Such advertising should be brought under control, and my amendment at least addresses that specific problem.

Mr. Nicholas Baker: I understand what the hon. Gentleman is after, but how can he establish whether a generally available advertisement is directed at people under 16? Would it not be more straightforward to say that he really wants to ban advertisements of all kinds?

Mr. Michael: No, but I do want to ban advertisements that encourage the carrying of articles for an offensive or violent purpose, and that is what the amendment would do. The point is that those who use such advertising are seeking impressionable people, especially impressionable young people. That is where the tap ought to be turned off, and that is what my amendment would do.

The clause as it stands puts the onus on those in the retail trade, especially people who specialise in country sports, to ensure that they do not sell weapons to young people under 16. It is right that they should have that responsibility, but the stable door is still left wide open on mail order. There is no control over the type of articles advertised that can be purchased by youngsters through mail order. That is why the amendment is needed.

That may be irresponsible advertising, and it is not controlled. The mail order advertisers are not controlled as the Bill will control the retail trade in general, so there is a wide gap in the provisions that we are passing. We have put the onus on the retail trade, which will put an additional pressure on many responsible shops, and we think it right to do so, but it is surely also right to put the onus on advertisers not to advertise weapons of the type that I have described.

The clause as it stands says:

"Any person who sells to a person under the age of sixteen years an article to which this section applies"—

that would now be an article or a weapon—

"shall be guilty of an offence liable . . . to imprisonment for a term not exceeding six months, or a fine not exceeding level 5".

The amendment seeks three things. First, it would place a similar penalty on a person who encouraged or incited the purchase of such a weapon. That is straightforward. People should not incite youngsters to obtain and carry weapons.

Secondly, the amendment would make it a punishable offence to buy a weapon on behalf of a youngster under 16. Surely that is a sensible extension of the requirement. Thirdly, it would make it a punishable offence to advertise

"such an article for sale in a way which appears to incite or condone the possession of such an article for violent purposes".

That would not stop the advertising or sale to adults of items needed for legitimate activities such as work or fishing or whatever; it would concentrate the weight of the legislation on the nature of advertisements that include words that appear to make violence attractive or to incite those who are interested in violence.

I congratulate the hon. Member for Sutton and Cheam on bringing the Bill before the House, and hon. Members on both sides of the House who have supported it. We are tackling a serious problem, and we need to go behind that problem to the culture that appears to encourage people, especially young people, to become involved in carrying weapons, and potentially in actual violence. I hope that my amendment will attract support throughout the House and that the Minister will accept it.

Sir Michael Shersby: I am pleased to follow the hon. Member for Cardiff, South and Penarth (Mr. Michael), and I have considerable sympathy for what he said. He touched on an important subject, of which many hon. Members will have had no experience, because they do not come into contact with the type of publication that he was talking about.

Mr. Michael: May I make it clear that I—and, I am sure, the hon. Gentleman himself and my hon. Friends—have come across such periodicals only in the course of research?

Sir Michael Shersby: I am sure that that is the case.

I shall tell the House about an experience that I had two or three years ago, when the chairman of the Metropolitan Police Federation drew my attention to an advertisement that, if I remember rightly, appeared in one or two of the east London local papers. It was for a commando knife made of carbon fibre, complete with blood channels, which was described as an ideal Christmas present. It was said that it could be used as a letter opener.

The advertiser did not give his address, simply a telephone number, but it was made clear that one could purchase the knife by using a Visa card. The chairman of the federation and I set out to track down the address of the advertiser, and used all the legitimate channels open to us, but we could not find it. The telephone number was ex-directory.

We therefore decided to purchase the article to see what was being offered. I still have mine locked up in a safe as an example of such terrible weapons. We referred the matter to the Home Secretary, who was extremely concerned about it. An individual was clearly advertising a weapon that had only one purpose—to kill. It could certainly not by any stretch of the imagination be described as a letter opener. If I tried to bring mine into the House today, I think that you would instantly have me incarcerated in the Clock Tower, Mr. Deputy Speaker. It is a serious and dangerous weapon.

Since then, I have seen a number of other examples of such items, often advertised in the fliers that are inserted in local newspapers. Newspaper proprietors may not be aware of the detailed contents of the fliers; they are interested only in the business of circulating them in the newspaper. Therefore, they can reach a wide variety of people, many of whom will be young. Other advertisements appear in what I would describe as fringe periodicals of one kind or another, which are sometimes issued free with newspapers. They advertise a horrifying variety of articles that no law-abiding citizen would want to possess. As has been pointed out, such articles are particularly attractive to young people—particularly men between the ages of 16 and 18 who are becoming interested in knives, guns and things of that nature.

We must address that problem. It is very difficult to deal with because, as I said by way of intervention earlier, the advertisements and fliers do not always come to the attention of respectable and distinguished bodies such as the Advertising Standards Authority or the Committee of Advertising Practice, which deal with such matters in a practical and a sensible manner. The advertisements and fliers in question often appear on the fringes of society. But they advertise equipment—certainly knives and other dangerous articles—that has only one purpose: to kill human beings.

I realise that it is a difficult problem to resolve. However, I express my strong support for the arguments advanced by the hon. Gentleman. He makes a good point, which needs to be addressed—although I do not underestimate the difficulties of doing so.

Mr. Peter Atkinson: I urge my hon. Friend the Minister not to accept amendment No. 22. I understand exactly what its supporters seek to do. However, I fear that if we accepted the amendment, we would not achieve the results that my hon. Friend the Member for Uxbridge (Sir M. Shersby) and the hon. Member for Cardiff, South and Penarth (Mr. Michael) seek. In accepting the amendment, we would be going down the slippery slope of restricting freedom of expression.

I take the point that the literature in question does not constitute a very pleasant form of expression—I find the advertisements as offensive as anyone else does. Nevertheless, we must not restrict people's rights to express their views and to advertise products. That goes to the heart of our freedom in this country. We restrict that freedom very reluctantly. We do so in the case of pornography and indecent material, and the hon. Gentleman is asking for a similar restriction of freedom in this area.

Mr. Michael: I find it difficult to believe what I am hearing. The hon. Gentleman is saying that allowing people to advertise weapons in a way that incites violence is protecting freedom of speech. Does he seriously mean what he is saying?

Mr. Atkinson: I am saying exactly that. In this country, people have a right to publish their views—provided that those views are not indecent or restricted by the laws of libel—however offensive they may be. All hon. Members can think of things that we find offensive and would like to restrict or ban. I might like to ban Labour party political broadcasts, but I cannot do that because the Labour party has a right to televise those broadcasts.

The hon. Gentleman must understand that he is going down a very dangerous road. If he had introduced such a measure in this place in the 19th century, virtually every

[Mr. Atkinson]

hon. Member on these Benches would have attacked him vehemently. We must be careful not to take away people's freedoms. We should do so only if we could prove that, by accepting the hon. Gentleman's amendment, we could solve the problem. Clearly, that is not the case.

As my hon. Friend the Member for Uxbridge said, weapons such as Rambo shoulder holsters are advertised in fliers. It is a sinister and subtle mail order trade, which does not reach most young men aged between 16 and 18 who are the targets of the legislation. Such material is sent to those rather curious people who like to collect military equipment and memorabilia. I do not think that such people are the cause of violence on the streets or the targets of the Bill introduced by my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland).

If we could prove conclusively that restricting those fliers would have a positive impact on violence on the streets, I might consider removing people's rights of expression. However, that is not the case. Those who use such weapons on the streets are not collectors; they acquire knives and carry them for violent and illegal purposes, and the legislation is correct to crack down on that practice.

I urge my hon. Friend the Minister not to restrict freedom of expression. If we were to restrict the advertising of a Rambo shoulder holster knife, it would be an easy and logical next step to ban films and television programmes about Rambo-type characters. We must not go down the road of censorship and restriction of expression. I urge my hon. Friend the Minister and the House not to accept the amendment.

Sir Michael Shersby: I ask my hon. Friend to clarify his remarks. I agree completely that the House should not do anything to restrict the lawful, reasonable and sensible expression of opinion by any individual. I think that everyone present accepts that. However, we are not talking about that: we are talking about those who advertise dangerous articles, the only purpose of which is to kill other human beings. We are not talking about confining people's legitimate expression of opinion: we are talking about those who offer horrible knives for sale, usually in a covert manner. As I explained earlier, they often do not provide their address and operate through ex-directory telephone numbers. They ensure that the material that they produce is directed at the people who are responsible for many of the problems with which we are dealing today.

I fully accept that it is not an easy matter to resolve. However, I do not think that the hon. Member for Cardiff, South and Penarth said anything that would constitute a restriction on the legitimate rights of individuals to express their views. He is talking about the advertising of weapons to young people who may purchase them. As a result, we may then read in the newspapers, see on television or hear on the radio that someone has lost his or her life.

11.45 am

Mr. Atkinson: My hon. Friend reinforces my point: I do not believe that the leaflets that advertise those products covertly get into the hands of young people. They do not. The products are sold to collectors of military memorabilia and to the patrons of those sorts of establishments, who could not sell those weapons to people under a certain age, according to the terms of the Bill. Such people constitute a curious minority.

The advertisements do not appear in reputable magazines that are widely available around the country, because those magazines are covered by the Advertising Standards Authority code of practice. Such advertisements do not appear in newspapers, because newspapers also adhere to that code. The advertisements appear in small backstreet fliers that are circulated discreetly among collectors of those sorts of items. I do not believe that they get into the hands of the people whom the Bill is targeting. That is my argument.

If such advertisements were encouraging young people at large to commit acts of violence, I would take a different view. However, we must not restrict people's right of freedom of expression—no matter how undesirable that expression may be—unless we are absolutely certain that, by removing that freedom, we shall achieve our aim. I urge the House not to support the amendment because it will not do that.

Mr. Merchant: I have great sympathy with the objective of the hon. Member for Cardiff, South and Penarth (Mr. Michael) in moving the amendment. It is entirely laudable that he wishes to restrict the sorts of advertisements to which he referred, which are clearly harmful and go against the principle of the Bill. However, I part company with him on the means of achieving that aim.

I believe that the hon. Gentleman misunderstands—I do not suggest that he has any intention to mislead—the way in which the Advertising Standards Authority and the self-regulatory system in advertising work. I believe also that his quotation from the letter that he received—although I am sure that the quotation is accurate—is not a fair reflection of the way in which the ASA works in practice.

Mr. Michael: The day before we debated the issues in Committee, I had a long conversation with an official of the Advertising Standards Authority. As a result of that conversation, I am absolutely certain—without any shadow of doubt—that I have quoted Lord Rodgers' statement absolutely correctly. I do not think that the hon. Gentleman understands that it is a very specific statement, which has been checked carefully.

Mr. Merchant: If I may continue to describe how the ASA works, I shall answer the hon. Gentlemen's question. The ASA was originally established by the advertising industry, but is an independent body, and its authority is probably greater than that of any other self-regulatory body. The hon. Gentleman is correct when he says that the ASA does not have the force of law, which is palpably true. He is also right to say that the ASA could not ban and prevent by law every advertisement. I do not challenge that point, but seek to illustrate that the effect of a firm line by the ASA is equivalent to that of the hon. Gentleman's amendment.

As a result of a complaint or on its own initiative, the ASA will examine an advertisement in detail. If it breaks the code of practice—and as I said in my intervention, any advertisement of a kind to which the hon. Gentleman referred would do so—the authority can take action. The hon. Gentleman attempted to suggest that the ASA just asks nicely for an advertisement to be withdrawn, but does nothing if that request is ignored. From my past experience in the industry, I know that if the ASA makes such a request, one can be pretty certain that the vast majority of the industry will instantly accede.

Mr. Michael: The hon. Gentleman entirely misses the point. Responsible organisations do not need the ASA's advice in such circumstances. If there is a slip-up and an unacceptable advertisement gets through the net, the media will respond to an ASA request. We are concerned not about responsible organisations, but about advertisers and periodicals that do not give a toss for the authority's views, which makes the amendment necessary. Does not the hon. Gentleman understand?

Mr. Merchant: I entirely understand, and if the hon. Gentleman is patient—and I do not intend to delay the House long—I shall answer his point specifically. We must deal first with the vast majority of advertising, and that comes under the scope of the ASA. One passes laws to cover an entire subject, not one small part.

Mr. Michael: Will the hon. Gentleman give way?

Mr. Merchant: No, because I know the point that is exercising the hon. Gentleman and I shall answer it.

It is important to understand the whole subject. If a firm advertises wrongly, in a way that would upset the hon. Gentleman, me or the ASA, the authority can deal with and bring sanctions to bear against the people involved at every stage of the process—the advertiser, the agency that produced the copy, the media or the direct mail company that posted the leaflet or publication. The ASA can also deal with host advertisements, in the form of leaflets within a mailing or publication. One would be hard put to find an advertisement that could not be the subject of ASA sanctions.

The hon. Gentleman exaggerated the number of cases when an offending advertisement would be outside the ASA's control. I concede that such incidents could arise, but the hon. Gentleman grossly exaggerated the number.

Mr. Michael: I have not exaggerated the number, because I have not given a number. The number does not have to be large. The hon. Gentleman implied that we legislate only for majorities, but we do not—we legislate for minorities. Murderers account for a tiny minority in this country. We legislate against murder because we do not regard it as acceptable. We are doing the equivalent in this case.

Mr. Merchant: As a matter of fact, we do not legislate for the majority or the minority: we legislate for everyone across the board. That was the point that I was trying to make. The hon. Gentleman appeared to think that the law was necessary to deal with a number of cases. He is right to say that he did not specify how many there were, but his argument gave me the impression that he was talking about a large number. All I seek to do is to suggest that the number is extremely small and—this is the crucial point—the number of cases in which the ASA would not be able to solve the problem would be roughly equivalent to the number of cases in which the law could not solve the problem, if the amendment was accepted.

I am sure that the hon. Gentleman will accept and understand that the existence of a law does not prevent an offence from being committed. Even if the amendment were successful, people would still break the law, and place advertisements with no telephone number given, but with a discreet way of obtaining the goods concerned. That happens now in other areas, including pornography, which is why there is a thriving, though illegal, pornography industry. The sole purpose of my remarks is to point out that the amendment would not have any effect and would not improve the situation. The self-regulatory system is extremely effective. For the most part, it achieves the objective, and when it does not, nor would the law.

Lady Olga Maitland: I have great sympathy for the arguments put by the hon. Member for Cardiff, South and Penarth. We have discussed the issue in the Chamber, in Committee and outside. It would be a great pity if we dismissed the hon. Gentleman's concern out of hand, and I wish to demonstrate to him much thought I have given to the subject and how hard I have gone into his arguments. I hope that he will bear with me while I try to give him a real answer. I will not delay the House for too long.

It is appalling to see advertisements that appear to encourage vulnerable young teenagers or their older friends to buy vicious knives that serve no useful purpose, save to harm others. It is equally appalling to read advertisements that appear to incite or condone the possession of those knives for violent purposes. No one could dispute that.

I have read the report by the Advertising Standards Authority on weapons advertising, and I have a copy here. I am sure that the hon. Member for Cardiff, South and Penarth has studied it; if not, I shall let him have a copy. The report contains some provocative reading. The ASA conducted a survey, and I found its attitude a trifle complacent. The authority said that it had received only four complaints in six years and that, therefore, there were not as many serious grounds for complaint and anxiety as we believe. However, in my view, the authority failed to recognise that the kind of magazines that publish those disturbing advertisements are read largely by people who enjoy or are somewhat excited by such material and they are not likely to complain. The complaints have to be brought in from outside.

Admittedly, the ASA was very concerned about a mail order advertisement for a wide variety of pocket, hunting and fishing knives. Although the advertisement contained no specific claims, its headline "KNIVES, KNIVES, KNIVES" was considered excessive. The report drew my attention to replica knives, which were given some very unhealthy descriptions. For example, a 13 in replica sword based on those used in the Napoleonic wars was described as being

"carried by riflemen for vicious hand to hand combat."

A replica skean-dhu was described as a "wickedly effective fighting knife." The ASA conceded that such advertisements were questionable, but other descriptions are even more vivid. A "Terminator Terror Sword"—the name alone is sufficient cause for concern—was described thus:

"an explosive power radiates from this monstrous double handed sword . . . fearsome death's head skull that grins menacingly . . . absolutely awesome 56" overall."

The ASA conceded that the words were sinister, menacing, monstrous, unnecessary and excessive.

It should be said that, usefully, the ASA has paid just as much attention to guns in its research. Guns do not come within the scope of the Bill, but in the light of the terrible Dunblane tragedy there is no doubt that there are

[Lady Olga Maitland]

lessons to be learnt about the way in which some guns are promoted. Bearing in mind the time element which is pressing on us, I shall not go into that subject.

Suffice it to say that we are all suitably horrified. We feel that much more could and should be done. But what is the right approach? It is necessary to explore a number of difficulties.

12 noon

In clause 6, the proposal is to make it an offence to sell certain articles, including knives and razor blades, to those under 16. The offence would be one of selling rather than buying. The onus would be on the seller rather than the buyer. I think that that is right, given that there is already an offence of carrying a knife in public. The additional offence of buying would create too great a concentration of offences. The problem is adequately catered for by having selling and carrying offences.

The proposal behind the amendment is to create an offence of encouraging and inciting the purchase of a knife or other banned article by someone under 16 years of age. We cannot have an offence of inciting someone to commit another offence that does not exist. Someone could be held to be inciting another to carry a knife or other offensive weapon in public without good reason, but that would not require legislative change. We must reject—

Mr. Michael: Will the hon. Lady give way?

Lady Olga Maitland: I shall continue. It may be helpful if I complete what I am saying.

We must reject the proposal that is set out in the first part of the amendment on the basis that it is flawed. It would create an offence of incitement to do something that is not of itself an offence.

It is proposed also to create a different offence, which would be to advertise one of the articles whose sale to people under 16 we proposed to ban in a way that appears to incite or condone the possession of that article for violent purposes. It is already a common law offence for a person to incite or encourage another to commit a crime. To advertise an article for sale, representing its virtue to be that it may be used to undertake an act that is an offence, is an incitement to commit that very offence. That is true even when the advertisement is accompanied by a warning that the act is an offence.

I am trying to say that we are already covered by existing legislation. We do not need to go that bit further, as is proposed by the hon. Member for Cardiff, South and Penarth. It is clear that the amendment would add nothing to existing law. Although incitement can arise in relation to any offence, it is not general practice to include specific provisions for incitement for each offence. The result would be cumbersome and unnecessary.

Despite the findings set out in the ASA's report, I am concerned that it appears to be lacklustre when it comes to what it would like to do next. Surely the onus is on the ASA. It should monitor the media annually. Having said that it will take its responsibility on board, the ASA cannot duck it and say that the job is too large. It seems that there are many people who would help the ASA to undertake its task. There is plenty of evidence that the relevant material can be brought to light.

The ASA should not wait for a complaint to be brought before it before taking action. It should move rapidly as soon as it sees an advertisement that is downright dangerous and inflammatory. It must put much more direct pressure on advertisers, publicising what has been done and forcing them to withdraw such advertisements.

We should also encourage the police to take action when material that clearly incites others to commit crimes is brought to their attention. The police, after all, have the powers, and they should feel free to use them.

In view of those matters, I feel that it is not realistic to support the amendment—much as I sympathise with its spirit. Because of the ASA report, I believe that we should be keeping an eye on the situation and pressing that agency to be vigilant in exercising its responsibilities. At a later stage, if the system is not working, we will have to think again.

Mr. Kirkhope: I cannot say that I am without sympathy for the views that have been expressed. We had a very interesting debate on this matter in Committee, when I expressed some sympathy for the concerns expressed not only by my hon. Friends but by the hon. Member for Cardiff, South and Penarth. I agree with my hon. Friend the Member for Sutton and Cheam that the amendment—although it is well meaning—is flawed in one part, and I believe that the other part is unnecessary. I hope that the hon. Member for Cardiff, South and Penarth will in due course withdraw it.

I believe that the amendment is aimed at, among other things, dealing with the serious issue of how such articles are advertised and how that advertising is controlled. I should like to comment on the advertising of weapons in the context of the Advertising Standards Authority's recent report, to which hon. Members have referred.

The ASA has just reported on its survey of weapons advertising in the non-broadcast media. I understand that the report, which some us have already received, will be made more widely available in due course. The report is of very great interest, although the Bill, as we know, does not contain proposals directly affecting advertising.

The survey's aim was to ascertain the prevalence and presentation of weapons advertisements in the United Kingdom. Those conducting it monitored a range of newspapers, magazines and mail order catalogues during the first two weeks of February this year, and they made the following findings. They found a total of 259 advertisements, which included duplicates. The advertisements were for guns, knives, sports goods—ranging from martial arts weapons to archery equipment—replicas and catalogues. Of the total, 226—or 87 per cent.—of the advertisements were for guns, including air rifles, pistols and so-called "soft firers", which are guns that fire balls at very low velocity. The great majority of advertisements came from titles dedicated to such subjects as martial arts, fishing and field sports. About half were classified as advertisements for guns.

The ASA reports its views on the acceptability of advertisements under the British codes of advertising and sales promotion. I shall deal in a moment with what the ASA can and cannot do in situations in which it considers that advertisements are in breach of the codes.

The codes lay down the criteria for advertising standards and state that advertisements should be prepared with a sense of responsibility to consumers and society,

and that they should not contain anything that might condone or encourage violent or anti-social behaviour. Advertisements that were presented in a manner that might appeal to the immature or unstable mind, for example, would be unacceptable. Similarly, if a weapons advertisement were emotive or aggressive, it would come into conflict with the codes.

I turned with interest to the section of the ASA report that considered whether the advertisements picked up by the survey were considered to be acceptable or unacceptable. That is of interest for two reasons. The first reason is that we all, I think, want to know whether advertisers are behaving themselves. Secondly, however, I believe that it is helpful for us to have some insight into the way in which the ASA judges whether an advertisement is acceptable.

Of the 259 advertisements picked up by the survey, the great majority—94 per cent.—were considered to be acceptable under the codes. The remaining 6 per cent. were considered to be questionable. I should say that the low level of questionable advertisements should not lead us into complacency. As I mentioned earlier, 97 per cent. of the advertisements came from titles dedicated to subjects as diverse as martial arts, fishing and field sports. I believe that most advertisers will be responsible about the manner in which their advertisements are presented.

Although the ASA's report does not make it explicit, I believe that the majority of advertisements that were found to be offensive were at what one might call the "seedy end" of the range. Much of this relates to guns and knives rather than other offensive weapons—it is the latter with which we are mainly concerned now—but it would be helpful if I referred to the report as a whole because of the light that it sheds on the ASA's general approach.

In my opinion, certain mail order publications pander to the immature with advertisements of the type that I mentioned in Committee and that my hon. Friend the Member for Sutton and Cheam mentioned again a few moments ago. The ASA stated:

"Advertisements should not glorify violence nor should they suggest that psychological excitement is to be gained from owning and handling weapons. Claims which refer to power and strength (even by using exaggerated exclamation marks) could appeal to the immature or unstable mind."

That certainly seems to be a promising starting point.

The report went on to say that six advertisements caused concern by referring to

"The lightweight rifle packing the heavy punch!!"

and

"Pistol power! shooting fun starts with",

and that phrase is followed by the brand name. The ASA states that, although these expressions could be relatively harmless if used purely in the context of the Olympic sport of shooting, in other contexts the descriptions could be inappropriately emotive.

Five of the advertisements picked up in the survey were considered questionable by the ASA because they seemed unnecessarily provocative. A mail order advertisement placed by a retailer of air guns, swords, knives and replicas was considered irresponsible because of the use of the following language:

"How cash crunching prices leave competitors heads rolling like lemons on lino. Battle burgers, had enough of pledgee wedges and stench warfare? . . . Sadistic ballistics".

I do not pretend to understand all that, but I understand enough to find it highly offensive. The ASA viewed that advertisement as aggressive and likely to appeal to the immature. My hon. Friend the Member for Sutton and Cheam cited similar examples which I do not need to repeat.

I take some heart from the ASA's criticism of advertisements that appear to take a frivolous approach to the advertising of potentially dangerous weapons. I know that the hon. Member for Cardiff, South and Penarth is especially concerned about that. The ASA's report mentions a mail order advertisement for rifles. It is in the style of a comic strip in which the characters use expressions such as "Brill!", which we all know is an abbreviation of "brilliant", and "Get this!" The ASA considers that an immature way to promote guns.

Three of the mail order catalogues were considered to contain questionable advertising material. One advertisement for a gun referred to a "fistful of fun" along with the statement:

"it's the kind of gun you just can't put down".

The ASA considered that a frivolous and irresponsible way to promote an air gun. As has been said, many immature people, or those with psychological difficulties, do not look at advertisements in the way that people with a more mature mind might. That certainly causes me great concern.

I shall deal now with the ASA's follow-up action to the survey. The purpose of the survey was, given current concerns about the sale of weapons, to ascertain the prevalence and presentation of weapons advertising in the United Kingdom. The ASA will distribute the report widely, which is good because it needs careful scrutiny. It will ask all the companies whose advertisements it considers unacceptable or questionable to amend them in future.

My hon. Friend the Member for Beckenham (Mr. Merchant) referred to the nature of the ASA's approach when it feels that sanctions might be necessary. Judging from its past performance, I believe that the ASA will be successful, but I remind the House that the ASA has no statutory powers. It was established in 1962 as an independent body to administer the British codes of advertising and sales promotion. The codes regulate the content of all non-broadcast media in the United Kingdom. The authority seeks to ensure that everyone who commissions, prepares, places and publishes advertisements observes the codes.

In this context, it is important to realise that many sanctions are available and that they are widely spread throughout the non-broadcast media. They include adverse publicity, the refusal of further advertising space when codes are broken, the removal of trade incentives, which is often very important, and legal proceedings if advertisements are in any way misleading.

The question that still arises is whether the arrangements are adequate. It is helpful in that context to distinguish between the article being advertised and the terms in which it is advertised. As we know, guns and knives can be bought and sold perfectly legally. As for knives—it is knives in which we are mainly interested—I believe that we have gone as far as we can in banning weapons that have a legitimate use, and that can be defined in law in a way that distinguishes them from knives that have other uses. Under the Restriction of Offensive Weapons Act 1959,

[Mr. Kirkhope]

for instance, flick knives and gravity knives are prohibited. Anyone who sells any of those articles, be it over the counter or through mail order, is committing an offence that carries a maximum penalty of six months' imprisonment, a £5,000 fine or both.

12.15 pm

The ASA is not in the business of banning advertisements for articles that may be sold legally; that would be a matter for Parliament. I know that the hon. Member for Cardiff, South and Penarth feels that we should take matters further. Let me make a few comments about whether it is desirable or possible for Parliament to ban advertisements for knives.

It might well be desirable to ban advertisements for certain knives. I have in mind the so-called Rambo survival knives, and articles of that sort. Regrettably, the practical difficulties that arise when we consider banning the sale of those items also arise when we consider advertising. We cannot define the items in law in a way that distinguishes them from knives that have legitimate uses. A manufacturer may give a knife a fancy or even an offensive name, but the fact remains that, unless the article in question has a mechanism or feature that enables it to be distinguished in law from knives that are used legitimately, it is not possible to ban one without banning the other. Even if it were possible to tease out advertising from simple sale, it could be strongly argued that, if it is legal to sell something, it should also be legal to advertise it. As I said earlier, I believe that we have gone as far as we can in banning the sale of undesirable articles.

It is one thing for an advertisement to describe, say, an angling knife in a straightforward and unemotive way; it is quite another for the advertiser to say or imply that it can be used to inflict injury. In reaching a decision about whether an advertisement is unacceptable, some pretty fine judgments may have to be made in a number of different contexts. It is not easy to legislate for that.

The ASA regards the use of the title "KNIVES, KNIVES, KNIVES"—mentioned by my hon. Friend the Member for Sutton and Cheam—as excessive, and is confident that it will get it modified in future advertisements. I doubt whether we could achieve that through statutory control. As I have said, there are problems. Some of us may feel that censorship might not be such a bad thing, but if we censor so-called Rambo survival knives, should we not also censor Rambo-style films? Like my hon. Friend the Member for Hexham (Mr. Atkinson), I believe that there could be a slippery slope. I also feel that we would have great difficulty in dealing with much of the advertising that we would want withdrawn or changed—some of which, as my hon. Friend pointed out, emanates from shady operations with limited circulation, and which is very difficult to control, particularly if the distributors do not care for the law.

I am concerned, however, that the ASA normally only responds to complaints, rather than looking for objectionable material. Much of that material will appear in magazines and catalogues whose readers may actually enjoy it rather than wishing to complain. In the context of the debate, those people worry me.

I have taken careful note of the contribution by my hon. Friend the Member for Uxbridge (Sir M. Shersby), who represented the views and concerns of many people. I make it clear that, as a result of the ASA report and our debate, I intend to approach the ASA to have further discussions about its approach, its sanctions and the discipline that it brings to the advertising industry. I hope, as my hon. Friend the Member for Sutton and Cheam has said, that it will continue its regular surveys to keep an eye on what it going on. In the meantime, more may have to be done and, as I say, I intend to approach the ASA for further discussions.

Mr. John Greenway: In those discussions will my hon. Friend seek to address the potentially growing problem of the advertising of such material through the Internet?

Mr. Kirkhope: That is an important point. Within the Home Office I am involved with a team that is looking at the effect of the Internet, particularly some of the unpleasant material that is passing through it. I shall do my best to include that in my discussions with the ASA. I apologise to the House for having spoken for so long. I ask the hon. Member for Cardiff, South and Penarth to withdraw his amendment.

Mr. Michael: The Under-Secretary quoted example after example of advertisements that make my case absolutely and unquestionably. The hon. Members for Sutton and Cheam and for Uxbridge also gave examples which show why the amendment should be accepted. The Under-Secretary and the Advertising Standards Authority agree that these advertisements are intended to appeal to immature people, especially to young people, and that has been accepted.

The Under-Secretary agrees that the ASA does not do enough. He was right to suggest that it is too much of a limitation that it considers a case only when it receives a complaint. I hope that he is successful in his discussions with the ASA on that. The hon. Member for Beckenham (Mr. Merchant) shakes his head with a violence that seems likely to do him some damage. However, his enthusiastic support for the Advertising Standards Authority is misplaced on the basis of what it has said to me and to others on precisely this point.

Mr. Kirkhope: Perhaps I could set the record straight. I used the word "normally" and I did not say that it was exclusively the case. In my discussions with the ASA, I shall speak about the emphasis on proactive or reactive attitudes.

Mr. Michael: I welcome the fact that the Minister intends to do that. It will be interesting to discover the outcome of that discussion, but having it does not abrogate the Minister's responsibility. The Minister has expressed concern, but what do the Government intend to do? Nothing! He has acknowledged that the ASA has no statutory powers and cannot do anything about those who ignore its rules, its codes and its advice. Is there some sort of ban on Ministers agreeing to regulate anything, even matters that are universally accepted as being in the public interest? Only yesterday, the private security industry was raised. Regulation is wanted by the police, by the industry itself and by the public, but Home Office Ministers appear to be stymied by the Department of Trade and Industry from agreeing to regulate even in the public interest.

I would not have moved the amendment if the hon. Member for Sutton and Cheam or the Government had drafted amendments to try to tackle the problem. The hon. Member for Sutton and Cheam has acknowledged that there is a need to take some action and has attempted to deal seriously with the issues that I have raised, although I think that she has been led astray by the Home Office from her virtuous efforts to tackle the knife culture. She suggested that everything is covered by existing legislation. She is wrong. If we want the police to act on such weapons, we need to give them the tools that they need to do the job, and the amendment would help in that regard.

The hon. Lady said that the onus is on the Advertising Standards Authority. No, it is not. I agree with her criticisms and also hope that it will take the matter more seriously, but it is the responsibility of Government and of Parliament to take the necessary steps to ensure that legislation is in place for people who do not observe the ASA's voluntary requirements.

Lady Olga Maitland: Does the hon. Gentleman agree that the ASA has already responded to our concerns and that, as a result of our earlier debates, it has published this report?

Mr. Michael: Yes. It has been a bit slow to do so, but the ASA has, I acknowledge, responded to some extent. I am not, however, trying to place the onus on the ASA. My basic point is that responsible advertisers seeking to sell articles to people involved in fishing or other sports will observe the ASA's rules, but people who seek to sell weapons that are intended for violent purposes to impressionable people, including impressionable young people—who can then become a danger to society—will not take a blind bit of notice of what the ASA says.

I was taken aback by the speech of the hon. Member for Beckenham. I am not sure whether he has retained an interest in the advertising industry, but I believe that he was speaking against the interests of that industry and of the ASA.

Mr. Merchant: Will the hon. Gentleman give way?

Mr. Michael: Wait one moment. The vast majority of people who publish and who advertise have no interest in promoting such weapons in the sort of advertisements that have been quoted by hon. Members on both sides of the Chamber. The amendment aims at a specific target. It is in the best interests of the advertising industry as a whole that this disreputable bit of the market should be hit by my amendment.

Mr. Merchant: I will not be drawn back into the debate, because I have made my position clear; but, as the hon. Gentleman mentioned it, I want to make it clear to him that I have no interest in the advertising industry or in any other industry. I have no such connections and never have done during my period in the House.

Mr. Michael: If there is any doubt, I was referring to interest in the sense of keeping up to date and of being aware of issues that affect the industry. My point is that the line that the hon. Gentleman was taking is not in that industry's interests.

The hon. Member for Beckenham made the point, as I have done, that the vast majority of the industry observes voluntary regulation, but we often legislate in the House for a small number of people who go against the interests of the community at large. I gave the example of murderers. There are not very many murders, but it is such a horrendous offence that we legislate specifically to try to prevent the actions of that minority and to punish them if they offend. That is what laws are for.

Similarly, I know that we are trying to regulate for a small minority of advertisers and a small proportion of the advertising market, but it is a proportion. It continues to have these advertisements, which succeed in reaching some people. If advertisers were not selling any of these things, they would not continue to advertise. Responsible organisations do not need the advice of the Advertising Standards Authority on this matter. If they are slipping, they will listen to the advice in the report, which has been referred to by several hon. Members. The amendment is about advertising by organisations and individuals who do not give a toss about the views of the ASA or of hon. Members.

The hon. Member for Hexham (Mr. Atkinson) made an extraordinary speech. He appears to be so obsessed with freedom of expression that he does not care whether that advertising results in violence or even death. I have to put it that strongly to him because such things are encouraged by the advertisements that have been quoted, among others, by the Minister and myself. I expect people involved in country sports generally to support my amendment when they consider its specific wording and the type of advertisements to which we have referred. The amendment would catch those who advertise

"such an article for sale in a way which appears to incite or condone the possession of such an article for violent purposes."

The amendment is very specific and it is narrowly drawn.

It is difficult to believe that the hon. Member for Hexham is so naive as to think, first, that those advertisements get into the hands only of those who are not impressionable in any way and do not get into the hands of young people and, secondly, that it is all right for people to advertise in that way.

12.30 pm

Mr. Peter Atkinson: I may be naive, and perhaps I am old-fashioned, but I believe in defending the right of an individual to self-expression. It is something that we should restrict only with very great reluctance. It should be restricted only if the hon. Gentleman could show, through his arguments during this debate, that some positive benefit to the public would result from passing his amendment. My hon. Friend the Under-Secretary has shown without doubt that the amendment would not achieve that. Therefore, the hon. Gentleman should not try to restrict the rights of people to self-expression. I agree that they are unpleasant people, but simply because someone is unpleasant does not mean that he should not be able to express his views.

Mr. Michael: I do not regard the hon. Gentleman as old-fashioned, although I certainly regard him as naive and his views as dangerous. The expression of views can cause enormous problems in society and the House has legislated against that in certain cases. On a number of occasions we have expressed concern about the freedom

[Mr. Michael]

to incite violence, including racial violence. Are those freedoms that the hon. Gentleman would wish to defend? I rather think not. If he reads his words in *Hansard* and considers their implications, he may come to regret deeply what he has said today.

Fringe periodicals of the sort that the amendment would target reach impressionable young people, as do flyers in local newspapers. The freedom to incite violence is a freedom we can do without. The self-regulatory system is not sufficient. We need to control the advertising of offensive weapons to ensure that neither guns nor knives get into the wrong hands, thereby putting the public in danger. It is in the interests of the advertising industry—even of the ASA—that we should legislate in the way suggested in my amendment. It is certainly in the interests of the public and also of the police, who have to deal with violence on our streets.

There has been a series of cross-party debates on the Bill. I acknowledge the fact that the hon. Member for Sutton and Cheam has tried to deal with the issues that I have raised. We are agreed on the need to do something about advertising. Unfortunately, the Minister has not yet accepted that. I hope that, in the atmosphere of a cross-party approach to the horrific events at Dunblane and cross-party agreement on necessary legislation, we will continue to debate the whole issue of mail order of weapons—including guns and knives and the way in which they can be advertised through channels that will encourage the interest of impressionable young people. I hope that, this year, legislation will be introduced to tackle a problem that I have been glad to be able to air during this short debate.

It is not my purpose to delay the Bill. As I said earlier, we give two cheers for it; I would have liked to be able to give a third cheer for having my amendment accepted. However, two cheers are better than none. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 7

SHORT TITLE AND EXTENT

Amendment made: No. 10, in page 5, line 39, leave out 'and 3' and insert

', 3 and 4(1), (1A) and (3)'.—*[Lady Olga Maitland.]*

Title

Lady Olga Maitland: I beg to move amendment No. 11, in line 1, leave out from 'about' to end of line 12 and insert

'persons having knives, other articles which have a blade or are sharply pointed or offensive weapons; and about selling knives or such articles to persons under the age of sixteen years'.

I tabled the amendment as a result of concern expressed about the long title of my Bill. It is a very long title and we feel that the Bill should now be given a better title and a relatively short one. I am assured by the draftsmen that the shorter version that I proposes is no different in substance from the one that it replaces and does not affect the Bill's scope. It is therefore an uncontentious, technical amendment, about which there is not a great deal more to be said.

Amendment agreed to.

Order for Third Reading read.

12.34 pm

Lady Olga Maitland: I beg to move, That the Bill be now read the Third time.

This is an important Bill. It is a sad reflection on the times that it needs to be introduced at all. The knife culture is set to engulf us all unless we take a firm hand and curb it now. There must be tough condemnation from society for young thugs who indulge in mindless violence, and the backing of Parliament to ensure that we have legislation that will work. We want to ensure that those who carry knives do so at their peril. They are not heroes; they are common little criminals. They will be caught, they will face stiff penalties, and wherever they turn they will face a wall of obstacles preventing them from obtaining their vicious weapons. The Bill will achieve all that.

It might be helpful if I set out the context in which the Bill came about. I have personally campaigned for years against the knife culture. I know one family in particular—Bill and Valerie Dennison—who were shattered when their 17-year-old son, John, was mindlessly stabbed to death. We owe a debt to headmaster Philip Lawrence, slaughtered by a teenager: his courage and sacrifice spurred me on, and my right hon. and learned Friend the Home Secretary and my hon. Friend the Minister helped me to put the Bill together.

Tragically, Mr. Lawrence's death is one in a long series of statistics. Knife-related offences are increasing year on year, and the victims are of all ages—children, teenagers, middle-aged people, pensioners and, above all, the police. In 1994, 1,000 police officers were seriously assaulted and injured in England and Wales. Prosecutions rise every year, and in 1993-94—the last year for which figures are available—there was a sharp jump of almost 1,000, to 3,367, in London alone. That is a good example of just how serious the problem is. Despite the appalling tragedy in Dunblane, more people die from being stabbed by a knife than from being shot by a gun. Of the 677 people murdered in this country that same year, 236 were stabbed. In London, 41 per cent. of all murders involved knives or other sharp instruments. In short, the knife is more lethal than the gun, and we have no choice but to tackle the knife culture with great urgency.

Such offences are taking place all over the country. The decent suburban areas and the peaceful rural countryside are not immune to the violence. In my constituency, a pleasant, green and seemingly tranquil part of the world, 54 people were arrested for possessing offensive weapons in just six months of last year. We have had our share of stabbing incidents. Youngsters as young as 10, 11 and 12 years old have been caught with knives.

A regular survey of the press will come up with its own catalogue of tragedy. Barely a week passes without one hearing of a terrible death. I look back, for instance, to February, when a 14-year-old boy was stabbed in the chest while playing with school friends. Last year, the Director of Public Prosecutions, Barbara Mills, reeled in horror when her husband, John, was stabbed just yards

from their front door. Just two months ago, a gang fight in west London resulted in death, and in March an amnesty produced 37,000 knives. I imagine—sadly—that that is only a tiny percentage of those still at large. And so the awful tragedy goes on. The nation may be horrified, but with determination, we should be able to prevent our country from sliding into the violent chaos that dominates major US cities such as New York, Washington and Chicago.

The Bill tackles the problem from the bottom. A week ago, the *Evening Standard* published a despairing article which accused Scotland Yard of being

"soft over war on knife culture".

The article suggested that the police were weak in view of the fact that although 60,000 people had been cautioned or prosecuted for having offensive weapons between 1990 and 1994, a mere 1.7 per cent. had been gaoled. The paper was right in one respect, because the law needed to be tightened up, but it was wrong to suggest that nothing was being done.

In many cases, the police were powerless to do more. The Bill will greatly help the police to make an arrest on the spot when they find a person carrying a knife without good reason. Until now, the policeman was powerless. He was empowered only to issue a caution, a warning or a summons, which could sometimes take weeks to go through the system.

In future, the thugs will have a shock when they are caught. Their swaggering arrogance will disappear when they are frog-marched down to the police station. Furthermore, on conviction, they will no longer get away with a ticking off. They will face stiff fines and, according to the circumstances, they may face gaol sentences of up to four years. There will be no hiding place for these mobsters.

Tragically, school premises have been the scene of far too many knife incidents. Until now, schools were a sanctuary, like a church, which the police could not enter to search and arrest. We have therefore taken a significant step in Committee by including in the Bill a provision permitting the police to go into schools to search and arrest. They were not able to do that before because the sanctuary aspect of schools prohibited them when they wanted to go inside. It meant that children felt that they could get away with it.

It is significant that the important step of allowing the police into schools has been welcomed by 14 different teachers' unions and associations. Regrettably, the chief education officer in my Liberal Democrat-controlled authority admitted to my researcher that he could not see any advantage in allowing the police to go into schools and that he was against the suggestion. He speaks for himself and for the Liberal Democrat attitude towards being tough on crime. The Liberal Democrats are certainly out of step.

We shall not rest there. Not only do we want the police to have permission to go into schools, but we want to forbid the sale of knives to under 16-year-olds. We have therefore taken a major step by including in the Bill a provision whereby retailers will not be able to sell knives to teenagers under 16. The truth is that these teenagers feel that buying a knife is smart. It is not; it is cheap and cowardly. The retailer is now protected by the fact that he cannot sell knives to under-16s. If he does and is caught, he will face a fine of up to £5,000.

I trust that the Bill will be the breakthrough that we crave. Society has had enough of this thuggery. There may be many causes. I believe that the breakdown of the family structure has a great deal to do with the problem. Parents who love and control their children, bringing them up in a stable and disciplined environment, are far less likely to find that they have offspring who turn into street thugs. However, this is not the time to apportion blame; it is time to recognise the difficulties that we face and to take firm action.

I am grateful for the support that I have had from my hon. Friend the Minister, from my colleagues and from the Opposition in bringing this important Bill through all its stages. I commend the Bill to the House. I trust that it will have a safe passage when it is piloted through the other place by my father, the Earl of Lauderdale.

12.43 pm

Mr. Harry Greenway (Ealing, North): I warmly congratulate my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland) on her Bill and on the campaign that preceded it. In each case she has done the community that she represents in Sutton and Cheam, and our nation, a great service. I hope that she will not think it a discourtesy on my part if I leave to see constituents shortly after speaking.

As you will know, Madam Deputy Speaker, Philip Lawrence was my constituent and friend, so I have been extremely close to one of the main triggers of the Bill. I would like to say a word or two about that situation, without prejudice to the forthcoming trial of those charged with his murder.

The position would have been different, and Philip might have been with us today, if the Bill had been in place on 8 December 1995. Philip Lawrence saw a group of thugs outside his school, St. George's, behaving in a menacing way. If such a thing happens now, a headmaster will be able to call the police, who would have power to search those involved, on the suspicion that one of them was carrying a knife, and they would be able to disarm that individual. If that had been the case in December, a brave headmaster would not have had to face a group of thugs who were interfering with one of his pupils—a vulnerable 13-year-old—and then, when his intervention failed to deal with the problem, had to chase them up the road for 200 or 300 yd. Think of the courage of that. At that distance from his school, Philip Lawrence still could not resolve the situation, and he was stabbed in the heart. Somehow he got back to his school, collapsed outside it, was carried in by his colleagues and the children, and died 20 minutes later.

That has been such a tragedy for Philip's family—his dear wife Frances, his brave mother, who is nearly 90, and his four children. It has also been a tragedy for my community and for the nation. I believe that that sort of thing will be prevented in future by the Bill. For that reason alone, the Bill is right and proper.

What more can we say about the Bill's effect on schools? It is profound. For the first time, the police will have the power to enter schools and search for a weapon. My 23 years in teaching included my time as deputy headmaster at a school for 1,100 boys at King's Cross—fine boys, but it was not the easiest of areas. I was subsequently deputy headmaster of a school for 2,200 children from 11 to 19 on the Bellingham estate in

[Mr. Harry Greenway]

Lewisham, and I ran that school for periods of time. So I know that in running a school one often has to face physical challenges. As you know from your own professional days, Madam Deputy Speaker, in schools there are children who will go to Oxford or Cambridge, and there are those who may become criminals if we do not succeed in doing what every school seeks to do and handling them in the best possible way. From time to time I have had to disarm boys with knives and other aggressive weapons—boulders, great pieces of wood, and so on—just as other teachers, head teachers and deputy heads have had to do over the years.

Once the Bill is enacted teachers will not have to do that any more. If there is a suspicion that a pupil has a lethal weapon such as a knife, and if the head and deputy head feel that they cannot handle that difficult situation, they will be able to call in the police to deal with it. That is a sad development, because in one's professional days one liked to feel that one was king of one's classroom and of one's school—as, indeed, one was, and as head teachers, deputies and teachers still are, but they now need the assistance of the facility that the Bill provides to help them handle the serious and growing difficulties which, as we know, have led to the murder of a great headmaster.

I have nothing but praise for what my hon. Friend the Member for Sutton and Cheam has sought to do, for the way in which she has gone about it and for her achievements in getting the Bill to Third Reading today. I congratulate her.

12.49 pm

Mr. David Nicholson: I congratulate my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland) on her work in promoting the Bill and on responding to the horrific statistics and cases that she cited in her speech. My hon. Friend the Member for Ealing, North (Mr. Greenway) described in detail the tragic murder of his constituent, and we shall all remember that case for a long time.

I wish to take the House back some 20 years when, perhaps rather rashly, I intervened in an incident in the west end of London. A person was lying on the ground being kicked by a group of four or five thugs and, in coming to his assistance, I was thrown to the ground and sustained a kick under the ribs. The police arrived rapidly, so I and the victim of the assault did not suffer worse damage. I fear that such incidents have become more common in recent years, and I wonder what would have happened to us if the assailants had been armed with knives.

Shortly before that episode, I had moved into a new flat and one evening I disturbed a burglar—a new residence is often burgled at the time of handover. The burglar did not steal anything from my flat, but when I discussed the incident with the owner of the flat downstairs he told me that the burglar had stolen some money from him. I said, "I'm very sorry—I wish that I had tried to apprehend him, but it all happened so suddenly." My neighbour replied, "It's a good thing you didn't do that because he also stole the bread knife." That brings home to us the danger faced by the police—to whom my hon. Friend the Member for Sutton and Cheam referred—and others going about their business who try to prevent street crime if they tangle with someone who is carrying a knife.

I hope that the Bill will proceed successfully through Parliament. My hon. Friend referred to the powers that the legislation will afford the police to arrest a person for carrying a knife without good reason. My hon. Friend the Member for Ealing, North referred to the powers to search schools on the suspicion that students are carrying knives. We were appalled by the comments of the director of education in the borough of Sutton. I hope that there will be no resistance to the new extremely important powers that the Bill confers on the police to enter schools. They are a way of commemorating Philip Lawrence.

It may be quite easy for students in school who are carrying knives to arouse suspicion. Other students get to know about it, and therefore the staff will become aware that knives are present at the school and that they should call in the police. However, I am concerned about those armed with knives who seek to commit burglaries or street crimes or who simply meet up at the pub and are involved in an affray.

We have heard about the traditions of the Scots and the Sikhs, but people in this country do not carry knives like the characters in Romeo and Juliet—stuck through their belts so that everyone can see them. Most people conceal such weapons. I tried to address earlier—it appears that I was not successful—the problem of how one arouses suspicion and how the police will deal with this matter. Perhaps the police should have more flexible powers to stop and search people so that those who carry knives will run the risk of detection and prosecution.

I welcome the Bill and the powers that it confers, but is it enough? Perhaps in a year or two shall look back and say, "That was the major turning point for the knife culture"—not only because of the penalties, which are the Bill's biggest innovation, but because of the ability of the police to apprehend those who conceal knives on their person. Leaving that concern with my hon. Friends the Member for Sutton and Cheam and the Minister, I welcome the Bill and wish it success.

12.54 pm

Sir Michael Shersby: I join colleagues in all parts of the House in congratulating my hon. Friend the Member for Sutton and Cheam on her achievement in bringing her Bill to its Third Reading and taking a signal step in the progress that Parliament is making towards dealing with the difficult problem of the knife culture. The Bill is important to my constituents as to those of every other Member of Parliament, and I am sure that it will be welcomed by many head teachers and others responsible for the safety of children in school.

My one regret is that the Bill does not deal with a major obstacle in detecting whether a person is in possession of an offensive weapon—the inability of a police constable to stop and search a person unless the officer has reasonable grounds for suspecting that he will find a stolen or prohibited weapon. The introduction of the concept of reasonable grounds is the responsibility of the House, following the Brixton riots in the early 1980s and with the subsequent passage of the Police and Criminal Evidence Act 1994. That concept was backed by a code of practice for the exercise by police officers of statutory powers of stop and search, which set out the circumstances in which an officer can stop and search a person with reasonable grounds for suspicion.

The manuals used to educate and train probationer constables advise that the level of suspicion required to establish reasonable grounds in exercising the power to

stop and search is no less than the level required before an officer arrests a person without warrant for an offence that carries such a power of arrest. The existing legislation and its associated guidance are too restrictive in providing police officers with the flexibility to use their powers of stop and search as a preventive measure, which I suggest to my hon. Friend the Member for Sutton and Cheam is of utmost importance.

It is important that the House should recognise that police officers cannot use their substantial experience, knowledge, intuition and training in dealing with potential problems in a proactive way. We all admire the intuition, training, hunches and skill that police officers bring to their work in protecting the citizen, but they are restricted by the provision that I mentioned.

The current restrictive legislation and guidance can be effectively highlighted by an example that is relevant to the Bill, relating to the carrying of knives in or within the vicinity of a school. A police officer might come across a group of youths outside a school, knowing that they do not attend it. He suspects that there could be trouble if the youths remain in the vicinity of the school grounds. He could also be aware that trouble has occurred outside the school before and that knives have been brandished. Nevertheless, unless the police officer has a description that fits the youths concerned, it is unlikely that he would be considered to have reasonable grounds to justify a search. Unfortunately, as the present legislation and guidance is framed, the officer can take little or no positive or preventive action to stop and search the youths.

Since the introduction of the Police and Criminal Evidence Act 1984, police officers have been forced to be extremely cautious in their use of stop-and-search powers, which has had a detrimental and negative effect on preventive policing. That does not have to be the case. The legislation and guidance should be framed in such a way that officers are given greater flexibility to execute stop-and-search powers to prevent crime while still being responsible for their actions.

Mr. David Nicholson: My hon. Friend is enunciating the concerns that I was trying to address, and we have had conversations on the subject. Does he agree that the law is different in Scotland and that because the law is more flexible there it has had a significant effect in reducing the knife culture?

Sir Michael Shersby: I agree entirely. The Carrying of Knives etc. (Scotland) Act 1993 is an excellent example of my hon. Friend's point. That legislation relies on an officer having reasonable grounds for suspecting that a person has a prohibited article, and in Scotland the meaning of that phrase is not constrained by the guidance contained in the codes of practice introduced by order in England and Wales alone under the Police and Criminal Evidence Act 1984. On its implementation, the Scottish legislation had an immediate and positive effect on crime levels, especially in the Strathclyde area, which was undoubtedly due to police officers' ability to use the power given to them. That power is necessary in England and Wales. In terms of destroying the rapidly expanding knife culture in England and Wales, it is a pity that the Bill will not amend the current legislation and allow officers the power to stop and search, in a preventive manner, in order to protect defenceless and innocent citizens and to allow all members of the public services to perform their duties safely.

One change since the 1984 Act was very welcome and received wide support in the House. That change was contained in the Criminal Justice and Public Order Act 1994, section 60 of which gives limited powers to a police officer

"of or above the rank of superintendent"

to authorise stop-and-search powers in a specific geographical area for a specific period of time. The powers can be used to search for "dangerous instruments", which are defined as

"instruments which have a blade or are sharply pointed".

Welcome though the Bill is, I hope that there is still time for my hon. Friend the Member for Sutton and Cheam and the Government to consider, before the Bill reaches the statute book, whether the time is right to take a further step to restore to our police service the powers of stop-and-search that police officers enjoy in Scotland and which they operate without any difficulty whatever. The Government should have the courage to address the problem, difficult though I realise it is. It is important for the ethnic minority community to understand the importance of restoring to the police the powers that they had before the Police and Criminal Evidence Act 1984 and now have in Scotland, because that would be in everyone's interest.

I have one simple message: we have to trust our police. They are highly responsible individuals whose expertise and training are the envy of the world. They should not be restricted by the outdated provisions of the 1984 Act and the codes that have been drawn up under that Act and which every constable has to learn by heart as they go through training school.

I hope that my hon. Friend the Member for Sutton and Cheam will be kind enough to consider the points that I have made today and use her good offices to see whether, even at this late stage, we might make that change. If she were to be successful, she would have made a magnificent and substantial contribution to improving the policing of this country and to achieving the objectives of this admirable Bill.

1.5 pm

Mr. Jacques Arnold (Gravesham): I consider it to be something of an honour to be a supporter of my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland) in bringing forward such an important Bill. Throughout all stages of its consideration, we have heard many cases that exemplify why the Bill is necessary. Nevertheless, it came as something of a shock last week when I read the judgment in an especially horrifying case involving some of my constituents. The case was heard at Maidstone Crown court on Thursday last week.

The case concerned four of my constituents, who went out for an evening's entertainment. They were involved in an incident in which they were all stabbed. One of them died. A 23-year-old lad called Mark Simpson, with his young brother Lee and two friends, went out for the evening. The boys were described by a detective sergeant as decent, hard-working young men.

My constituents saw a young girl being harassed by a youth outside a pub in Gillingham. In a public-spirited nature, they intervened to try to save her from harassment. As a result of the affray, all of them were stabbed and, as I said, one of them died. I shall give the House an idea of

[Mr. Jacques Arnold]

the nature of the wounds that were inflicted. As for the wounds of my constituent who died, two of the blows were delivered with considerable force, enough to pierce his breastbone and strike his heart, and he had knife wounds to his stomach, ribs and lower spine. What of the three other young lads? It was reported that Lee Simpson had been knifed in his left shoulder blade. Mr. Higgins suffered three stab wounds, one of which damaged his liver. Mr. Shea suffered wounds to his shoulder, back, arm and chest.

Who delivered such grievous wounds? The accused was a certain Daniel Latham, aged 21. He was a chef in a local restaurant. Apparently, he thought it necessary to carry a knife about his person to act as a deterrent because, he said, he had been beaten up in the neighbouring town of Sittingbourne. He thought that he should carry a knife as a deterrent, to show to his mates and to anybody else that he had a knife and that he would use it. And use it he did. It left one of my constituents dead and three others badly wounded.

That incident shows so graphically what remains wrong with the criminal justice system. It shows graphically also why the House needs to pass the Bill. The young thug to whom I referred would not have been carrying a knife if the provisions set out in the Bill had been in force.

What was the sentence that befell the young thug, having been proved to have killed one of my constituents and grievously wounded three others? He received a five-year sentence. My constituents and the grieving family of the boy who died are horrified at what they deem to be a travesty of British justice. Not only did the villain receive a mere five years for having killed a man and grievously wounded three others, but he will serve a prison sentence of only 20 months, by which time he will be eligible for parole. He will serve 20 months for a life.

I strongly support my right hon. and learned Friend the Home Secretary and his announcements on honest sentencing because of such cases. Five years' imprisonment in this case patently is not sufficient. When that sentence means only 20 months, I say: how we need honest sentencing.

I was completely flabbergasted at the leniency of that sentence. Mr. Justice Wright, in Maidstone Crown court, told the accused that he, the judge, had a duty to "reflect the public revulsion" over the use of knives. He went on to say:

> "If you and those like you had the sense to realise the stupidity of such behaviour you would not find yourself in the position you now do . . . It is the kind of offence I cannot treat leniently. As a result of your folly and stupidity in carrying that weapon, a man lies dead."

Nevertheless, the sentence was a mere five years.

Could it be that, as I suspect, some kind of plea bargaining had something to do with the sentence? The villain admitted manslaughter. I should have thought that carrying a knife and killing a person was murder, but I am not a lawyer. What irritates me and so many of my constituents is that there currently appears to be some type of grand judicial game-playing in the courts and legal system, which takes no account of the interests of justice or of public protection.

I intend to write to the Attorney-General about that case and to ask him to exercise the opportunity given to him by legislation to refer the case on the ground of undue leniency.

1.11 pm

Mr. Michael: I am grateful for the opportunity to speak briefly on a helpful and positive measure, which we have supported from the start. Some of the debates on the Bill have been constructive and interesting, and have had a positive effect, as did the amendment that was tabled and agreed in Committee.

I must make one serious point about the violence that is being experienced in British society. We have heard speeches today about how violence is increasing and about how tough we need to be to tackle it, and I agree with the general thrust of those remarks. In recent months, however, we have heard from the Home Secretary, time and again, that the level of crime is going down, and that there was a drop of 2 per cent. in crime last year. He has exhibited a degree of complacency that is probably shocking to the Conservative Members who have taken part in today's debate.

We have had a serious and important debate on an important Bill, and I share the worry that has been expressed on both sides of the House about the dangers of a growing knife culture. I also share the sense of urgency with which we should seek to nip that culture in the bud.

It is particularly important to realise that each attack involves a person's injury or death. Events such as Dunblane and the death of the head teacher Mr. Lawrence bring home to us our responsibilities as Members of Parliament in getting legislation right.

The statistics make some extremely important points: last year, the level of violent crime in England and Wales went up by 2 per cent., and the figure for robberies—some of which involve the type of weapons that we are talking about today—increased by 14 per cent. That is not happening only in some parts of the inner city.

The increase in total violent crime in Kent last year was 4 per cent. and robberies in Kent increased by 23 per cent. The figures for London are also very worrying. They show an increase of 2 per cent., which is quite considerable when one considers the size of the metropolis. Robberies in London increased by 17 per cent. Such increases in recorded crimes of violence are extremely worrying. It is important to understand them and not try to brush them under the carpet.

We have debated some of the ways in which the Bill could be extended. The hon. Member for Sutton and Cheam has succeeded not only in promoting an important Bill, but in having it improved without delaying its passage through the House. That is quite an achievement and I pay tribute to her for that.

I am a little disappointed that we have not managed to go a little further. We need to target those who encourage or incite people under 16 to purchase weapons. The encouragement and incitement of youngsters to become involved in violent activities does occur. Football hooliganism, gang fights and racial violence do not just happen—they come about because impressionable people, and especially impressionable young people, are encouraged to get involved in violence and are drawn into the culture of violence. We need to tackle those issues as well as implementing the Bill's provisions.

We also need to target those who advertise weapons for sale in a way that incites or condones the possession of a weapon for violent purposes. I shall not rerun our

previous debate, but I hope that the Minister will reflect on what has been said today and read not only my comments, but those of my hon. Friend the shadow Home Secretary, the hon. Members for Sutton and Cheam and for Uxbridge and others, which have drawn attention to the horrific nature of some advertisements.

There is still time for the Minister to persuade the Home Secretary that, when the Bill goes, as I hope it will, speedily and efficiently through its stages in another place, it should have added to it a provision to extend its scope, which would tackle the problem of the advertising of weapons.

We certainly give two cheers today—one for the Bill and one for extending it to make it illegal to sell weapons to young people under 16, as my hon. Friend suggested. I plead with the Minister to think again and extend the Bill's scope to tackle the small and preventable problem of mail order catalogues and advertising which can put dangerous and potentially lethal weapons into the hands of those who should not have them in their possession. That would be an important addition, which would protect the public, and I am sure that it would win the third cheer from both sides of the House.

1.17 pm

Mr. Kirkhope: I must express the Government's gratitude to my hon. Friend the Member for Sutton and Cheam for agreeing to take forward this very important Bill. I know that that gratitude is shared by the whole House. My hon. Friend has also been very much involved in considering the proposals that were added to the Bill in Committee.

It is fair to say that there is a high degree of acceptance by hon. Members on both sides of the House not only of the notion that the evil of knife carrying and other knife-related crime should be stamped on, but of the type of measures that we should be looking at to achieve that. The Government have long recognised the need to empower the police to deal with such problems.

The Prevention of Crime Act 1953 made it an offence to carry an offensive weapon in public without good reason or lawful authority. A knife is not an offensive weapon in itself, as it can have all manner of legitimate uses. It can, however, be regarded as an offensive weapon when the prosecution can prove that the carrier intended to cause injury with it. The police were experiencing difficulties in proving intent in many cases, even though common sense dictated that knife carriers were not carrying knives for use as, say, legitimate kitchen implements.

Because of that difficulty, we introduced in section 139 of the Criminal Justice Act 1988 an offence of carrying a knife without good reason or lawful authority. In addition, we introduced in section 141 of that Act the power to prohibit the manufacture, sale and importation of specified weapons. An order made under that section specifies 14 articles, including swordsticks and knuckledusters. That is in addition to flick knives and gravity knives, which are already prohibited under the Restriction of Offensive Weapons Act 1959.

The provisions in the Bill build largely on the foundations already provided in other legislation. The proposed ban on the sale of knives to people under 16 is a new and radical measure, and one that is entirely justified. Common sense cries out that people in that age group should not be able, for the most part, to buy knives.

Let me explain about exclusions. In drawing up clause 6—which the Government introduced as an amendment in Committee—we gave careful consideration to the definition of precisely what we wished to cover in the ban on the sale of knives to people under 16. We need a workable provision and, if we introduced a long list of exceptions, I fear that that would not be achievable. We none the less recognise that certain articles covered by the definition proposed in new section 141A(2) should be excluded, and can be without undue threat to the clarity of the measure.

My right hon. and learned Friend the Home Secretary proposes to exclude two articles in that way. The first is the folding pocket knife with a blade no longer than 3 in. The reasons are simple. First, buying a penknife has been a natural experience for many a child, on holiday, in souvenir shops, before going camping with the boy scouts or girl guides or for fishing. There is an argument that, if a child wants such a penknife, it should be bought for him by a parent. I do not wish to exaggerate the importance of maintaining the freedom of children to buy penknives, but I think it important to make that concession. Another reason is that penknives are not a significant part of the knife culture that many police officers are now witnessing.

I said that two articles were covered by the ban. Let me explain what is meant by a knife blade. It is simple, although unpleasant, to explain. Most of us are familiar with craft knives of the Stanley knife variety, which are extremely useful for a variety of tasks but also much favoured by young knife carriers for their slashing qualities. The blades of such knives can be easily detached and replacement blades purchased. Those blades are not covered by the definition "any knife". By themselves they are not very bulky, and they are therefore sometimes carried by young thugs who wish to evade searches on entering, for example, football grounds. Even without the handle, the blades can inflict great injury, and it would be a mistake not to include them in the ban.

Clause 6(2)(a) refers to "any . . . razor blade". What most of us understand by a razor blade is a blade used in an old-fashioned safety razor. That needs to be included in the ban for reasons similar to those that I have just given in relation to replacement blades for craft knives. Razor blades are not, however, covered by the definition "knife blade", and therefore need to be specified separately. That creates a difficulty—which brings me to the second of the two articles to which I have referred.

In Committee, I said that disposable razor blades should be excluded from the ban. By "disposable razor blades", I mean the plastic cartridges with two short blades protruding. Not much damage can be done with those, beyond the superficial injuries that may be self-inflicted by the inexperienced shaver. It is perfectly right that someone under 16 who has begun shaving should be able to purchase his own disposable razor blades.

The Bill has enormous support throughout the House. It has been presented and prepared admirably by my hon. Friend the Member for Sutton and Cheam. The support of the House has continued throughout the Bill's stages. I am disappointed only by the fact that, a few moments ago, the hon. Member for Cardiff, South and Penarth accused my right hon. and learned Friend the Home Secretary of being complacent. Whatever the political grounds on which the hon. Gentleman might wish to criticise my right hon. and learned Friend, to describe him and his vigorous attacks on

[Mr. Kirkhope]

crime as complacent strikes me as inappropriate and very much against the general tenor of our consideration of the Bill.

Mr. Michael *rose—*

Mr. Kirkhope: No, I will not give way. I have made my point, as the hon. Gentleman made his.

I noted the hon. Gentleman's remarks carefully. As I said, in certain respects the Government will continue to look carefully not only at his remarks, but at elements affecting the general area of the advertising and sale of knives.

I shall finish as I started. I congratulate my hon. Friend the Member for Sutton and Cheam on her wonderful achievement. This important legislation will do an enormous amount of good.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Prisoners' Earnings Bill

Not amended (in the Standing Committee), considered.

Order for Third Reading read.

1.24 pm

Mr. Hartley Booth (Finchley): I beg to move, That the Bill be now read the Third time.

It gives me great pleasure to return this short, but important, Bill to the House. This is the first time that we have considered it orally in the Chamber. The proceedings in Committee established beyond all doubt that this will be a practical and useful measure. I thank all hon. Members who served on the Committee for their thoughtful and constructive contributions and for maintaining the all-party consensus that the Bill has attracted.

I am grateful to the members of the Howard League for Penal Reform and of the Penal Affairs Consortium, to Home Office officials, who have just entered their Box, and to the many others who have supported or issued guidance on the Bill. For many years, I have felt that the practice of prisoners being unemployed and idle in prison should be reversed. They should pay their debt to society while they are in prison, and that would be an opportunity for them to prepare themselves to re-enter society as law-abiding, useful citizens. I raised this matter with Iain Macleod, a former right hon. Member of the House, when I was a mere stripling of a student. Unfortunately, he was unable to agree with me at that time, so I am glad to bring the matter to the House now.

In a publication that was kindly published by the CPC in 1992, I wrote about the importance of prisoners paying something directly to the victims of crime. That is part of the Bill.

The Bill follows a series of important reports from Woolf, Tumim and Learmont, who all called for more work to be provided in prisons and for more financial responsibility to be accepted by prisoners. In recent years, there has been a growing recognition of the need to give the interests of victims greater prominence in the way in which the criminal justice system operates. One of the Bill's key objectives is to give prisoners the opportunity and the encouragement to do something for victims and potential victims of crime. To achieve that, prisons must provide the capacity for prisoners to work hard and productively, and we need a robust system for deducting part of their earnings to help victims and for other appropriate purposes.

The Bill has three purposes. They are: crime prevention, national housework and help for victims. Victims can be divided into three categories—actual victims, families of victims and taxpayers.

The Bill is not about increasing prisoners' wages, but it allows for a modest pay increase which is necessary to motivate them. Since 1991, the Prison Service has made commendable progress in developing so-called enhanced wages schemes. In 18 prisons, 1,300 prisoners out of 9,000 are employed by prison industries and farms on this scheme. Instead of earning the ordinary wage of £7 a week, prisoners on the scheme are paid £15 or perhaps, occasionally, a little more. However, the average amount is £15. The effects on motivation and output have been quite dramatic. In one workshop output has tripled from

the same number of workers. The beauty of the scheme is that all the extra pay is funded from the value of the extra output produced, so there is no net cost to the taxpayer.

The introduction of a comprehensive system of deductions has been held back by the lack of a proper legal framework, so the Bill provides a clear statutory framework for four deductions: board and lodgings, upkeep of dependants, savings and contributions to victim support and crime prevention schemes. Participation in the enhanced wages scheme to which deductions will apply is a privilege. Prisoners will earn that privilege. Only then will they be allowed to take part. If they are not allowed that privilege, the alternatives will be ordinary prison work on ordinary prison pay.

I have little doubt that the scheme will prove popular among prisoners, leading to increased levels of activity in prison workshops and to busy prisons. It will mean that prison authorities will have to find more work for prisoners. I understand people's concerns about where the work will come from. It is crucial that it should not be obtained at the expense of law-abiding jobseekers in the wider community. That is why the Prison Service is increasingly seeking to work in partnership with private sector firms seeking opportunities for import substitution, and making every effort to ensure that local jobs are not lost. The prison population is about 54,000. If we can get a high proportion of those people working productively, that will help in a small way to stimulate the economy and to contribute to growth and a reduction in unemployment.

May I share with hon. Members a few examples that illustrate those points? For a Manchester firm, bulk container bag production is in progress in certain prisons. That involves import substitutions that would otherwise come from Turkey. For a midlands firm, safe workwear is being produced by machinists in prisons after advertisements locally for machinists produced no replies. Again, no local jobs have been lost.

For Minit shoe repair shops, refurbishing of machines takes place at Wymott prison. For the Prison Service, mugs and toothbrushes are produced at Ranby prison—there is even a night shift to produce those. For another company, mozzarella and ricotta cheese are produced at East Sutton Park. If that prompts hon. Members to ask, next time they eat a pizza, where the cheese comes from, so be it.

In the course of producing the Bill and during its passage through the House, I have been asked some questions. I should like to respond quickly on a few of them. What of prisoners' dependants? Will they lose social benefits? If there is a payment from the prisoner to the family, there may be some replacement of social security benefit, but, given that one of the main causes of spiralling crime is the break-up of family life, I believe that if the Bill can retain the link between the prisoner and the dependant family so that marriages are saved, that will reduce the likelihood of an offender reoffending.

How will the Bill affect the enhanced wages scheme? It will not affect the scheme badly. Prisoners will still be better off than under the old mailbag and pocket money scheme. The enhanced wages scheme will still succeed.

Will prisons directly benefit from the Bill? That is especially relevant to contracted-out prison services. There is a yes and a no. Money from the payment for board and lodging will go directly to the Consolidated Fund and to the Treasury, so no contracted-out prison—indeed, no prison—will have any conflict of interest, but prisons will benefit because morale in them will be better and they can apply to the Treasury or the Consolidated Fund for project money, possibly from that source.

How will the money be apportioned? I have already mentioned the four destinations. Initially, it will be split simply among four objects, but over the years it may be varied accordingly to what seems relevant in a particular case.

What safeguards will there be against excessive deductions? There will be the prison rules and there will be common sense. This is a voluntary scheme that will succeed only with the will and motivation of the prisoners. In any event, we are signatories to conventions that prevent the use of forced labour which we must observe.

How will the funds be administered? The prisons will set up savings accounts and systems to send money directly to dependants and to voluntary victim support and crime prevention organisations.

Will the scheme be unfair to the unemployed? Indeed, it was put to me by a forceful journalist yesterday that prisoners should stick to breaking rocks in prison. It does not help anyone for prisoners to remain idle. It just adds to our economic burden. It is in the interests of even the unemployed that when prisoners leave prison they have a greater likelihood of going straight, not least because many of the victims of crime are themselves unemployed.

The Government have a proud record on victim support, the funds for which have been increased by 8 per cent. this year. Some £11.7 million has been paid out this year. Under the present arrangements, this Bill will add money to that. That is what the Government intend and there are no plans to change that. Compensation orders will be paid first by offenders in prison, before they become part of the scheme.

There are no losers under the Bill, only winners. Prisoners are motivated, because they will have a little more cash in hand to save for their release. They will gain self-respect from contributing to the upkeep of their dependants. Victim support and crime prevention organisations will benefit from the additional financial assistance they will receive. Society as a whole will gain in two major ways. First, prisoners will come out of prison with some work experience that will help them to resettle in society and avoid reoffending. Indeed, some evidence shows that there is a 50 per cent. greater likelihood that prisoners who have been earning properly, given responsibility and earning respect for themselves in prison will go straight and choose honesty when they come out of prison. Secondly, prisoners will be working more productively. They will be putting something back into the economy rather than just being a burden on the taxpayer.

For the sake of victims of crime, for the sake of prisoners' families, for the sake of the economy and for the sake of all of us, I commend the Bill to the House.

1.38 pm

Mr. Alun Michael (Cardiff, South and Penarth): I welcome the Bill. The hon. Member for Finchley (Mr. Booth) has taken a constructive approach to the way in which we deal with imprisonment. It is a pity that there is such a short time to discuss the Bill. I understand that the Government are desperate to reach the Constitutional Change Bill of the hon. Member for North Tayside (Mr. Walker), which deals with referendums.

[Mr. Alun Michael]

The Prisoners' Earnings Bill merits a longer debate as it raises a variety of important issues. However, I do not intend to delay the House. I am afraid that, again, I shall rouse the Minister's zeal to defend the indefensible by pointing out the background against which we are debating the Bill. The Home Secretary is complacent not only about violent crime but about the chaotic state of the Prison Service. That fact has been confirmed by Her Majesty's inspectorate of prisons, as well as by his predecessor.

During this Parliament, the prison population has soared from about 46,500 to about 54,000. That reflects the Government's dramatic failure to address the causes of crime. To make matters even worse, the Prison Service is having to cope with a budget cut of 14.5 per cent. in real terms over the next three years. Not only is that a difficulty facing the Prison Service but it is worrying for the public generally, because if the Prison Service is not effective, a series of offenders who have not been reformed and are likely to reoffend will come back into the community.

Prison certainly has a number of purposes. Punishment and deterrent are crucial, but rehabilitation and making recompense to victims, whether financial or in some other form, are also ways in which the offender should pay his debt to society. It is in the interests of the public for restitution to be paid. It is certainly in the interests of the public and potential future victims to give prisoners a sense of discipline, self-worth and experience of work that is likely to result in their being less likely to reoffend when they are released at the end of their sentence. There are many other issues, such as drugs in prison and the ineffectiveness of much of the psychiatric work that should be going on there, but they go well beyond the Bill's scope.

Reoffending is certainly an issue on which the House should be united. It is not best achieved by sending offenders to so-called "universities of crime". It would be far more prudent to ensure that, once convicted, all activities in which prisoners engage are geared towards effective rehabilitation. That is why we welcome the Bill and have long argued for the principle of productive remunerated work in prisons.

Before the Bill was introduced, my hon. Friend the Member for Knowsley, North (Mr. Howarth) said on the issue to which it refers:

> "Partnerships between prisons and industry could provide invaluable training with genuine qualifications, so that prisoners will have something to offer back to society on their release rather than improved criminal skills."

Community service schemes have rightly been applauded where they force offenders to make some recompense to their victims, but there is no reason why prisoners should not work to compensate their victims as well. We are looking at ways in which industry can be brought into partnership so that the lot of prisoners' victims can be improved, while ensuring that prisoners are less likely to offend after release.

A balance must of course be struck, because it would be wrong if offenders who ended up in prison were treated better than those in society who are also without proper employment and have not offended in the serious way that has led to imprisonment. I am sure that the hon. Member for Finchley (Mr. Booth) would agree that the Government must maintain a careful balance so that prisoners are not favoured at the expense of other sections of society. Once that is accepted, the principle will be welcome.

We recognise the value of productive work in rehabilitating prisoners, and it is a shocking indictment of policy that, at the end of the 20th century, we do not have effective rehabilitative programmes in all our prisons. One ex-prisoner commented in *The Guardian*:

> "The boredom in prison is mindless. Facilities like education, sport or the library are very limited in terms of time and quality and more often take the role of baby-sitting rather than adult stimulation".

A disproportionately large proportion of prisoners have few or no qualifications. A facility to award genuine qualifications based on work could greatly help them to find gainful work following release. Conversely, many other prisoners are highly qualified, and we should try to make them work in prison-based employment that utilises their skills. Just as in the outside world, neither prisoners nor the community at large benefit from wasted ability.

Offenders should never be allowed to earn more money than law-abiding citizens in the community or be advantaged in comparison. I understand and have some sympathy for the proposal that a proportion of the moneys earned should be directed towards victim support schemes and crime prevention measures. We support those very strongly. Community service schemes have rightly made recompense to the victims of crime. It is high time that prisoners should be able to do the same.

However, some concerns have been raised by the Victim Support national office and I hope that the Minister will address two points in his response. First, at the moment, compensation orders are not usually made against offenders who are sent to prison because it is assumed that they cannot pay. A far greater number of prisoners should be able to pay compensation to their victims than is provided for in the Bill. In other words, is it not right that the first call on compensation if a prisoner is able to earn money should be the victim of the crimes for which he has been convicted? I would be interested to know whether the Minister feels that that principle is covered adequately and, if not, whether he will introduce measures to ensure that that principle underlies the way in which we approach a prisoner's responsibility towards the victim or victims of his crime. I am sure that the hon. Member for Finchley, the Bill's promoter, does not disagree with that principle.

The second aspect on which the Victim Support national office has expressed concern, which may go rather more to the content of the Bill, is the compulsory charitable donation. Although the Bill states that donations will be used for voluntary organisations concerned with victim support and crime prevention, there seems to be a suggestion that the main beneficiary will be victim support. If prisoners were allowed to choose the charity to which they gave money, there would be an opportunity for proper thought and discussion about the effects of crime on victims and for reparation.

As the Bill stands, the donation looks a bit like a tax on prisoners. Victim Support is worried about the implication for its Home Office funding. It has always believed that the organisation should be funded by the main criminal justice budget and that the funding should not be dependent on a levy on prisoners. That point ties well with the principle, which I put forward a moment ago, that the first call on the money should be direct compensation for the victims of the crimes that the prisoners have committed. I hope that the Minister will accept that point and the principle behind it.

The notion that some money should be diverted to the cost of keeping inmates in prison is welcome as long as, again, it is not seen as purely a cost-cutting exercise. Reductions in the Prison Service budget have already placed great strain on vital services such as education provision and basic security. As with productive work and training, education is important if we are to produce people who not only have been punished by being in prison and by the discipline of prison but come out more likely to avoid reoffending and to be reasonable members of the wider community. I hope that the Minister can respond positively on that point.

The creation of an investment fund for use by prisoners on release should greatly assist in the first few weeks following release. There are far too many cases of prisoners coming out of prison, being totally adrift and almost drifting into reoffending because their circumstances are not very positive. Obviously, they are still to blame for any offences which they commit. However, it is a foolish society that does not anticipate that danger and does not try to build in protections. For that reason, the proposal to give a prisoner something with which to plan a future on release is positive and sensible, and does not conflict with the concept of punishment for which prison is intended.

I hope that the Minister will respond to my specific questions about the way in which the legislation will be pursued. As I said, the Bill has our support. I welcome this initiative, and congratulate the hon. Member for Finchley on promoting the Bill and on bringing it successfully and simply to its Third Reading.

1.48 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Timothy Kirkhope): I do not intend to allow my remarks to range as far and wide as those of the hon. Member for Cardiff, South and Penarth (Mr. Michael). Before I speak on Third Reading in general, I must say to him that, although it is of course possible not only that the numbers of inmates in our prisons have been increasing but that they will continue to increase when my right hon. and learned Friend the Home Secretary's tough new sentencing laws are in place, our discussions on the Bill have to do with how productive prisoners' lives may be when they are in prison.

I congratulate my hon. Friend the Member for Finchley (Mr. Booth) on having brought the Bill through to the point where we are on the verge of giving it a Third Reading. The fact that the Bill has made such relatively trouble-free progress through its Commons stages, and arrives back in the Chamber without amendment, is the result, I think, of two main factors.

First, the proposals themselves are eminently sensible. They open the way for some exciting developments in the way in which work is provided for prisoners in the future, and, as my hon. Friend said, they do so in a way that means that there are no losers as a result of the Bill, only winners.

Apart from the proposals themselves, the second key factor has been the way in which my hon. Friend has guided the Bill through its various stages, building and maintaining a consensus that has embraced hon. Members on both sides of the House. I know that he has also been assiduous in ensuring that outside organisations concerned with crime and the treatment of offenders were consulted, and were content with the direction set by the Bill.

As the House will know, the Prison Service, along with other parts of the public sector, is currently having to examine its operations very critically to meet demanding cost reduction targets; but Ministers and the prisons board have made it clear that we expect cost reductions to come mainly from increased efficiency, not from cuts in regime activities, especially those that can be shown to be beneficial from the point of view of reducing the risk of reoffending after release.

Constructive work clearly falls into that category, and because it actually brings income into the system to offset operating costs, it is in a unique position to maintain or increase the amount of activity provided, while at the same time reducing the net cost of the activity. The key is to get more prisoners to work, and to get prisoners working harder when they are at work. Although work is compulsory for convicted prisoners, those objectives cannot be achieved simply by coercion. As the existing wages schemes show, prisoners will work harder if there is a reasonable incentive.

The arrangements cannot simply be left at that. Prisoners do not have the same living expenses as other people, and it would be wrong for them to accumulate spending money without contributing to the cost of their upkeep, to the upkeep of their dependants or to victim support schemes. The Bill therefore establishes a sensible framework, with appropriate safeguards, for such deductions, as well as for using part of prisoners' earnings for compulsory savings to be repaid on release.

In many ways, the Bill had its origin in the Woolf report on the Strangeways disturbances, but it is also totally in line with the Learmont report, with its call for much more active industrial prisons.

There are two outstanding points. First, I confirm for the hon. Member for Cardiff, South and Penarth that a compensation order to an individual victim of course takes precedence over any other deduction, and that will continue to happen.

Secondly, I agree that Victim Support should derive its main funding from public funds. The Bill does not pre-empt the decision on the voluntary organisations to which deductions should go. Those will be prescribed by prison rules. However, I am interested in the possibility that, when the matter is decided on a local committee basis for prisons, there may be more consultation with prisoners on how the money should be allocated.

I do not want to detain the House. The measure—

Mr. Michael: Will the Minister give way?

Mr. Kirkhope: Very briefly, because I do not want to detain the House.

Mr. Michael: I am grateful for the positive way in which the Minister responded on those two points. That is most helpful, and enables us to be even more enthusiastic about the Bill. As victims of the actual crimes will have priority in the allocation of compensation, will there be a change in the guidance to the courts, to take account of the change arising from the Bill?

Mr. Kirkhope: Obviously, notification of the legislation's provisions would be given to courts where appropriate. I remind the House that the question of compensation paid to a victim is always a matter for the

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courts. They take into account all relevant circumstances when deciding whether a compensation order is appropriate. The Bill's provisions will be made known to the relevant parties.

I congratulate my hon. Friend on introducing an excellent measure that will make a positive contribution to prison life and will be acceptable to the wider community. I commend it to the House.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Constitutional Change Bill

Order for Second Reading read.

1.54 pm

Mr. Bill Walker (North Tayside): I beg to move, That the Bill be now read a Second time.

I am grateful to the House for giving me an opportunity to present my Bill for Second Reading today. I also place on record my thanks to the Clerks for their help in drafting my Bill.

As I stated during my ten-minute Bill speech, the Bill seeks to address the political and constitutional problems that may develop from some of the constitutional proposals being discussed currently. The Bill's objective is to provide for consultation with the people by way of referendum before implementing any constitutional change that is approved by Parliament. In other words, after a Bill has completed its passage through both Houses of Parliament, it must be put to a national referendum in order to decide whether Parliament's proposals will be accepted. There are precedents for that in the Scotland Act 1978 and in a different form in the European Communities Act 1972.

I have news for Sir James Goldsmith: my Bill is not a response to his public statements and actions. In my case, he is about 25 years too late. However, I welcome converts to my cause—even if I have doubts about the wisdom of their tactics.

My Bill, and particularly clause 1, reflects the view that I have held for most of my adult life and follows the line that I took during the public debates in the early 1970s and during the constitutional debates and discussions in the late 1970s. Although I was on the losing side in the 1975 referendum, I support the view that it was constitutionally correct and proper to hold such a referendum.

Clause 1(1) states clearly that any change, redirection or transfer of Parliament's powers agreed by both Houses of Parliament must be put to the people in a referendum. This Parliament, with all its shortcomings—it has a number—is still the finest democratic Parliament anywhere in the world. A cornerstone of the unwritten constitution is the fact that no Parliament can bind future Parliaments. In recent years, constitutional change has undermined that cornerstone. I believe that proposals now under discussion will continue that process.

I believe that Members of Parliament hold the leasehold for our unwritten constitution during their time in this place. While it is in their care, they may make changes that can be altered next week, next year, in five or 10 years or at any time in the future. However, they should not alter the constitution in such a way that it may be impossible for future Parliaments to change it back if they so wish. Hon. Members hold only the leasehold; I believe that the freehold for the unwritten constitution of the United Kingdom is the property of the people. Only the people should change the constitution. Sometimes that is called sovereignty: the power of Parliament. The right to create and repeal legislation, to raise taxes, to borrow and to spend, and the right to block supply are powers of Parliament.

My hon. Friend the Member for Stafford (Mr. Cash), wrote in the March issue of *The European Journal*, the journal of the European Foundation:

"I launched the Maastricht Referendum Campaign, MARC—which ran from February to July 1993 under the patronage of Lady Thatcher. This meshed with a parliamentary rebellion of a number of colleagues and myself which involved a relentless effort to amend the Maastricht Bill. MARC organised a popular petition to the House of Commons with over 280,000 signatures—no small achievement for an organisation that had to start from scratch without the support of any political party or trade union or any other body with a ready-made national membership and administration. Although it did not succeed in its immediate objective of obtaining a referendum on the Maastricht Treaty, the campaign did generate huge media interest and began the process of swaying public opinion. This is now—*The Sunday Times* has shown—80 per cent. in favour of a referendum on monetary union, which is now the key issue . . . Lastly let me rebut the silly suggestion that a referendum should be advisory rather than binding. The issue to be decided, let me repeat, is whether we are to continue as a parliamentary democracy or not. That decision cannot be taken by a single parliament for all future generations, any more than a board of directors can merge a company without reference to a general meeting of their shareholders. The source of sovereignty and legitimate authority is the people."

I agree.

Nobody who has studied that which monetary union would involve throughout Europe denies that if Parliament decides to join the single European currency there would be a massive shift to Europe of areas of decision making—that if we signed up for the single currency, there would be a substantial change to the constitutional decision-making powers of this Parliament. Clause 1(1) would ensure that the people would have to be consulted in a referendum.

Part of the problem when discussing the single currency is that the debate is against the background of the UK agreeing that it would not oppose other EU member states going ahead with monetary union. I mention that because, as with many European matters, the negative as well as the positive often has an impact on what may or may not happen.

Another cornerstone of the unwritten constitution is the right of Members of Parliament to ask questions and have them answered. That right, coupled with parliamentary privilege, means that hon. Members can raise matters on behalf of constituents without the risk of action outside Parliament, and all that is done at no direct cost to constituents. Powers ceded by Parliament or given away affect that cornerstone. Again, the unwritten constitution and the citizen's rights and freedoms are affected. I will say more about that aspect later.

Another constitutional area under discussion is the proposals for or assemblies in Edinburgh, Cardiff or Belfast. I will confine my remarks to the proposal for Edinburgh, although the problems and principles apply to all three. Clause 1(1) would ensure that any proposal put before Parliament will be debated against the background that whatever is decided by Parliament will have to be put to the people in a referendum. That means that if, heaven help us, we ever had a Labour Government, its Front Benchers would be led by a Scot educated at a fee-paying selective Scottish school. It would have a Cabinet in which the majority of the key posts, such as the Chancellor of the Exchequer, Foreign Secretary, Secretary of State for Scotland and Patronage Secretary—who has been in and out of the Chamber all morning—will not only be Scots but be from Scottish constituencies. In addition, many of the Ministers of State will be Scots from Scottish constituencies. English Members, representing 83 per cent. of the United Kingdom population, would be right to say that the Scots were running the United Kingdom Parliament. Consequently, clause 1(1) would force that subject to be at the forefront of the debate.

The debate would probably run as follows: the Scots would be running the Westminster Parliament, yet they would also run Scotland separately. English Members would be unable to vote on matters devolved to Scotland, yet Scottish Members would be able to vote on English education, law and order, local government, transport, the environment and other purely English legislative proposals. Scottish Members would be unable to ask questions or to have debates on matters that have been devolved to the Scottish Parliament or Assembly. They would become part-time Members of Parliament and probably should be paid part-time salaries. The cry would be throughout the country: "Is that fair?" Fair, it will not be. The constitutional change would be substantial, which is why clause 1(1) would properly require the matter, after it had been decided by Parliament, to be put to the people in a referendum.

The United Kingdom constitution is not cast in stone. It has evolved since 1707 to meet the needs of the times. Its great strength has been its ability to change. It has changed because Members of Parliament have introduced change, and they have done so by consultation and agreement and in the knowledge that a future Parliament could not be bound by their decisions. There is no consultation or agreement about laws imposed on us by Europe, especially by the European Court of Justice. Is it any wonder that there is ever-increasing concern in the country?

Any proposal to change the way in which we vote in general elections may also be caught by clause 1(1). If so, any proposal for a change to a proportional representation system of voting may have to be put to the people in a referendum.

Clause 1(2) would determine the way in which the question would be asked in a referendum. Parliament would have debated the proposed change, in both Houses, and those debates—from the experience of previous constitutional debates—would be fairly protracted, lengthy and contain considerable detail. I imagine that they would have been fully reported by the media, so no one would be able to claim with any confidence that the issue was too complex to be put to the people. The people would have followed the debates with interest and, as in the Scotland Act 1978 and the Referendum Act 1975, the question put in the referendum would be

"Do you think that these changes should be brought into force?"

The changes would be clearly stated, whatever they were, so the people would be asked, for example, "Do you wish to set up a Parliament in Edinburgh: yes or no?" or "Do you wish to join a single currency: yes or no?" The clause would address the point that many constitutional experts have made about the difficulty of asking a clear and simple question. In my experience of the Scotland Act 1978 and the following referendum, it was easy to explain what that was about. I say that because I was not on the losing side in that referendum, although I was on the losing side in the 1975 referendum.

Clause 2(1) deals with the conduct of a referendum. It sets out clearly how a referendum should be carried out. There would be no problem, because we have already had the experience of the referendums that I have

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mentioned. I will not go into detail because the process would be fairly straightforward. Clause 2(2) provides for the conduct of the counting of the votes, and gives details of the counting officers' duties.

Clause 3 is important. It provides that no court

"shall entertain any proceedings for questioning . . . the numbers . . . or the validity of anything done or purporting to be done under"

the Bill if it becomes an Act. That is to prevent unnecessary interference through the courts.

Clause 4 cites the name of what will become the Act. The schedule sets out the form of the ballot paper.

It would be wrong of me not to draw attention to the final part of clause 1. I want to draw particular attention to it. Subsection (7) reads:

"If it appears to the Secretary of State that fewer than 40 per cent of the persons entitled to vote in the referendum have voted yes, he shall lay before Parliament the draft of an Order in Council providing for the repeal of the provisions which were the subject of the referendum."

That is important. That was set out in the Scotland Act 1978, and the provision worked superbly. About one third voted for, about one third against—with those voting for slightly more than those voting against—and one third did not vote. As we in Scotland say, "They didna' care". Of course, they had already been told that if they did not vote their potential vote would be treated as a no vote. That was explained. I think that some lessons were learnt.

I know that my hon. Friend the Minister would like to say a few words about my Bill. That being so, I shall not detain the House too long. However, with constitutional change of the sort and magnitude that I have described, I have taken the precedent of the 1978 Act as my guide. It worked well at the time and I believe that it would provide the right levels of checks and balances that are normally expected when substantial constitutional change is to be workable and acceptable. The alternative might create severe political instability.

I believe that my Bill is a necessary measure. Something of its sort will have to be put on the statute book because of the instability that we are experiencing, caused largely by public debate and the pressures that have been mounted by Sir James Goldsmith and others who wish to interfere with the way in which we run things in Parliament.

I make no apology for defending Parliament. I believe that this is the finest Parliament anywhere in the world. We do not get everything right and we do not have all the correct procedures. Only a fool would suggest otherwise. I can say, however, that if my grandchildren inherit what I inherited—the unwritten United Kingdom constitution and all the protections to which I have referred—I shall have passed on to them an extremely valuable inheritance.

If we continue to allow the erosion of Parliament's decision-making powers and if we shackle future Parliaments, or if we seek powers in a way that means that Members can no longer ask questions affecting the rights of their constituents, as is happening progressively, we shall have undermined the cornerstones of our unwritten constitution. That would be foolish and unwise.

It would be foolish and unwise of the Scots, with less than 9 per cent. of the United Kingdom population, to expect to run Parliament and to run a parliament at Edinburgh at the same time, without that process producing a massive constitutional backlash. Against the background of pressures from Europe and those for constitutional change that have not been thought through adequately and fully, and the instability that could ensue and risk the break-up of the United Kingdom that I visualise if the Scots were to be foolish enough to think that they could have their cake and eat it by having the running of this place in their hands—and the running of a parliament in Edinburgh—I have introduced the Bill. I firmly believe that we need such a measure to ensure that we move forward sanely and sensibly on the basis of consultation and consent.

2.15 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Timothy Kirkhope): I am very grateful to my hon. Friend the Member for North Tayside (Mr. Walker) for today giving us an opportunity to consider the arguments for and against the principle of referenda as possible tools in the machinery of government that are available to the Government of the day. Regardless of how this debate might develop and of how the wider discussion of these issues may progress outside the House, I should like to take this opportunity to pay tribute on a more fundamental issue.

The Bill seeks to put in place a statutory requirement for consultation through the referendum process. But consultation—a readiness to be open to the advice of the electorate and the responsibility of representing the views of the electorate—is the very business of the House and of Members of Parliament. The role of the constituency Member of Parliament is the very bedrock of the system of representative democracy that we have created in this country over very many years, and we are responsible for maintaining it as an effective and valued service.

I acknowledge—as I am sure that other right hon. and hon. Members do—the example set for us all by my hon. Friend the Member for North Tayside, and the conscientious and assiduous manner with which he has represented the views, needs and aspirations of his constituents since he was first elected to the House, in 1979, for the constituency of Perth and East Perthshire. The role of the constituency Member of Parliament, as he well knows, is not an easy one—we can all testify to that—but it is a vital one if our constituents and the electorate more widely are to continue to place their trust in us faithfully to represent their views and interests.

There is no question but that the issue of referendums has been much in the minds of some people. It has, of course, been even more in the minds of an even greater number of journalists and other members of the press and media. Their efforts to talk up the role of referendums has been of more than passing interest to many of my right hon. and hon. Friends. It is therefore useful for us to have a chance to air—or in some cases, I hope, to put in perspective—the benefits that might be expected to flow from a use of referendums that is different from what we have previously known in this country.

I have been struck by the way in which hon. Members have occasionally been seduced by the propaganda about referenda. There is a tendency to think that a referendum will provide an instant "fix" when Governments are faced, as they must be on occasion, with difficult decisions. This Bill takes as its starting point the fact that the system of parliamentary democracy that the United Kingdom enjoys

is somehow no longer robust enough to ensure that decisions taken in this House and in another place will properly reflect the people's consent.

It is right that I should make it clear from the outset that I do not accept such a viewpoint. Parliamentary democracy, as practised in the United Kingdom, is precisely about the need to ensure that decisions are taken by Governments in the light of and with the mandate of the population. That mandate is exactly what is tested at every general election, when the people of the United Kingdom are invited to consider clear statements of policy set out in the party manifestos. We hope that there will be clear statements of policy from the Labour party in due course.

Mr. John Marshall (Hendon, South): You'll be lucky.

Mr. Kirkhope: Indeed; as my hon. Friend says, I might be lucky.

People then make their choices and elect a representative whose job it is to represent their views and give effect to the policies that he or she was elected to follow. That is certainly a role that has been performed admirably by my hon. Friend the Member for North Tayside over the years.

The process of electing representatives and, through those representatives, of formulating a Government is central to the way in which these islands are governed. The general election campaign provides the electorate with the opportunity to test the policies of competing candidates and their parties and proposals. They may do that not on one isolated issue considered apart from the realities of the broader national requirement, but on the full range of concerns which a Government must be prepared to address.

By comparison, a referendum can be a pale and limited thing indeed. That is not to say that a referendum may not engender excitement. Indeed, I see that the hon. Member for Glasgow, Garscadden (Mr. Dewar) is getting excited.

Mr. Donald Dewar (Glasgow, Garscadden): Not very.

Mr. Kirkhope: I must urge him not to get too excited in view of the time available.

We must be clear, however, that excitement and involvement of the people are not necessarily the same thing. The experience of the 1975 referendum undoubtedly caused a great deal of noise and excitement, as some of us may recall, but is interesting to note that the turnout at the poll did not reflect any great improvement in the extent to which the attention of the electorate was engaged. Indeed, at about 64 per cent., the turnout was considerably lower than we have come to expect at a general election and, if repeated at a general election would, I suspect, be considered a condemnation of the policies and personalities being put to the electorate.

A distinction is often made between referendums and plebiscites. "Plebiscite" is, of course, much the older term, going back—if they will forgive me—to the vote of the plebs in Rome in the 4th century BC and it was used for the popular consultations in France from 1793 onward. "Referendum" in its current sense appeared in English only in the 1880s, although the Swiss cantons had decided issues ad referendum 200 years earlier.

Eighty years ago, "referendum" was the term used by reform movements throughout the English-speaking world to denote the idea of putting issues directly to the electorate. "Plebiscite" was the term used to describe the efforts by the League of Nations to settle boundary disputes on the principle of self-determination after the first world war. It was also used by the Nazis when they sought endorsement for their hideous policies. The word "plebiscite" has tended to be applied to an ad hoc reference to the people of a specific question and, in particular, of one involving approval for a man or a regime. However, there is no agreed usage.

Referendums as a means of making government decisions or giving legitimacy to them have a history that is almost as old as democracy itself, but they have been invoked only sporadically. A few admirable democratic societies have never tried the device while some authoritarian ones have grotesquely abused it. In the populist progressive upsurge at the beginning of this century, referendums were welcomed by some as a liberating force and as a way of purifying government by enlisting the people against the politicians.

Before the first world war, the most significant development of the referendum as a political institution—*[Interruption.]* I am hoping that the hon. Members for Garscadden and for Thurrock (Mr. Mackinlay) are listening carefully to this. I am sure that it will at least be instructive to them in relation to the constitutional changes that the Labour party may be foolishly considering.

Before the first world war, the most significant development of the referendum as a political institution undoubtedly occurred in Switzerland and the United States. Since 1848, and still more since 1870, the Swiss have accepted the principle that almost every major national decision could become the subject of a popular vote but, in the 1930s, Hitler's plebiscites—with their 99 per cent. affirmatives—cast a cloud over the whole idea of referring specific questions to the voters.

Of course, referendums continued to be used. They have been used continually in Switzerland as well as in California and other states in the United States of America and intermittently in places where they had become a prerequisite of constitutional change. I emphasise that, because Labour's plans for constitutional change may well mean that it will want to investigate the matter much further.

The overwhelming bulk of referendums outside Europe and the old British Commonwealth have been attempts to seek endorsement for a new regime and its constitution, or to demonstrate approval for an established one. Such attempts almost always seem to be successful. Australia stands out as the only country in which referendums have been defeated more often than not. Even in Europe, Denmark, Estonia, France, Ireland, Luxembourg, Norway and Sweden—and, of course, Switzerland—are the only countries in which there have been Government-sponsored referendums that failed to secure a nationwide majority.

Mr. John Marshall: My hon. Friend said that referendums were nearly always successful. Will he cast his mind back to 1979, when there were Government-sponsored referendums in Wales and Scotland? In Wales, a majority were against what the

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Government wanted; in Scotland, the number voting for the Government's wishes was far lower than the number required by the House of Commons. Does that not demonstrate that in those two countries there is no enthusiasm for the policies that Labour presented then, and still presents today?

Mr. Kirkhope: That was a marvellous intervention, which underlines the point that we are making. It will put the Labour party in an enormous quandary. If its members were sensible enough to listen to my hon. Friend's comments, they may now want to review their position and, perhaps, abandon their unwise and negligent approach to the constitution.

Western democratic states have not been eager to exploit the referendum as a serious decision-making instrument. Switzerland stands out as the only country that has become addicted to the referendum. I shall return to that point later, because it is a useful example of what is wrong with the referendum process when it is used as a palliative in place of firm government.

Apart from Switzerland, countries that have solved one problem by referendum have shown no observable tendency to use the device repeatedly. Switzerland and Australia offer evidence for the proposition that referendums are essentially conservative in nature, although the lesson from the American states is less clear. Particularly in federal societies, voters are cautious about giving new powers to the central authority. Nearly all the negative votes have been repudiations of change. The 85 per cent. vote against right-hand driving in Sweden in 1955 is the most spectacular example—I think the House requires some examples—of rejection of an innovation on which the establishment was agreed; and the way in which the establishment later circumvented that awkward vote is one of the most intriguing commentaries on the limitations of referendums—along with the helpful remarks of my hon. Friend the Member for Hendon, South (Mr. Marshall).

Mr. Bill Walker: I am reluctant to intervene on my hon. Friend. Let me point out, however, that my Bill is exclusively about constitutional change. Let me also point out that, given that this week we have considered a Northern Ireland Bill one of whose clauses concerned referendums, I think it legitimate for me to say that my aspirations are not unrealistic.

Mr. Kirkhope: I did not mean to suggest for a moment that I was critical of my hon. Friend or any of his aspirations. I was merely trying to give the House the historical background to constitutional reform, as I think that I am obliged to do. It is important to establish the nature of referendums, the way in which they have been prepared and proposed and the way in which they have operated.

The great majority of referendums have taken the form of a single question put to the elector in an isolated context. Occasionally, more than one question has been put on the same issue. Examples are the referendums on land reform in Denmark in 1963, constitutional change in France in 1945 and electoral reform in Ireland in 1968. But Ireland in 1972, New Zealand in 1949 and 1967 and Italy in 1978 offer the only examples of entirely separate issues being put on the same day—except, of course, for Switzerland and Australia, where a battery of questions has been common. However, even they did not reach the Californian record of 47 different propositions on a single ballot. Several separate questions can be merged into one question, as in France in 1969, and occasionally the elector has been faced with a multiple-choice question.

Of course, when a voter is asked to approve a constitution his single yes or no applies to a host of propositions about the management of his country. As I have said, in general elections under our constitution electors make a choice based upon a wide range of propositions. That is part of the democratic system that we normally pursue.

The wording of a referendum question can also be a matter of controversy. Obviously, if the question is on a large battery of issues, perhaps read for the first time by the voter in the polling booth, the phrasing can have a decisive influence on the result. But when the issue stands by itself and is well publicised—

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed upon Friday 10 May.

Remaining Private Members' Bills

ADOPTION LEAVE ARRANGEMENTS BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 10 May.

PROTECTION OF PRIVACY (No. 2) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 10 May.

DISABLED PERSONS (SERVICES, CONSULTATION AND REPRESENTATION) IMPLEMENTATION BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 10 May.

REGULATION OF FUNDING OF POLITICAL PARTIES BILL

Order read for resuming adjourned debate on Second Reading [19 April].

Hon. Members: Object.

Debate further adjourned till Friday 10 May.

REGULATION OF DIET INDUSTRY BILL

Order read for resuming adjourned debate on Second Reading [22 March].

Hon. Members: Object.

Debate further adjourned till Friday 10 May.

ACCESS TO THE COUNTRYSIDE BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 10 May.

WATER (CONSERVATION AND CONSUMER CHOICE) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 12 July.

WELFARE OF BROILER CHICKENS BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 10 May.

HOSTAGE RECOVERY BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 10 May.

FREEZING OF HUMAN EMBRYOS BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 10 May.

Education

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Brandreth.]*

2.31 pm

Mr. John Marshall (Hendon, South): I have instituted this debate because I strongly believe that there has been a decline in relative and absolute standards of education in our country. I remember that in 1960 when my late father went as a visiting professor to North-Western university in America, he came back and said that his students in Glasgow were two years ahead of the students at North-Western. When I was a student, my professor of history went to John Hopkins university in America and his colleagues there said that the students at St. Andrews were two years ahead of American students. I do not believe that such boasts could be maintained today.

Standards have declined both relatively and absolutely and, of course, a second factor is that education is the key to the success of our country. We have limited natural resources and depend for our future prosperity upon the skills of our people. Thirdly, education provides the opportunity for children from deprived backgrounds to leapfrog from inner-city decay and decline to successful careers. Historically, grammar schools provided the opportunity for bright children from poor homes to enter university and go on to successful careers.

There is much evidence that absolute standards have declined. For example, a study of O-level scripts in the 1980s and a comparison with GCSE submissions in the 1990s concluded that pupils' spelling, grammar and punctuation had measurably worsened since 1980. There was a comment in *The Times* of 9 April that prospective employers and university admission tutors have reported a growing inability among many otherwise gifted students to use appropriate English. We are talking about university admission tutors. If such tutors have reported inability to use appropriate English among the brighter members of our population, what has happened to the less bright children?

The National Institute of Economic and Social Research has estimated that British 10-year-olds are two years behind their continental counterparts. In *The Times Education Supplement* on 15 March, Exeter university said:

"British secondary pupils start from a lower level and then make less progress than students abroad".

An Exeter professor said:

"We do seem to be underperforming in comparison with European and Far Eastern countries . . . it is a real concern we are lagging so far behind."

Similar algebra problems were given to English and Scottish students and to those from elsewhere. They were solved by 11.3 per cent. of the British students, 12.5 per cent. of the Germans, 16.6 per cent. of the Polish and 23.9 per cent. of the students from Singapore. At the age of 14, the figures were 14.4 per cent. for Britain, 17.6 per cent. for Germany, 24.9 per cent. for Poland and 30.7 per cent. for Singapore.

In an article in *The Times Education Supplement* on 5 April, Brenda Leonard said:

"The spread of semi-literacy must be stopped.

Anyone who is involved in training post-16 year olds tells the same story—that every day they see evidence of children who have been failed by the education system.

Youngsters . . . have emerged at the end of 11 years of compulsory education with only the barest knowledge of the English language."

This morning, as I often do, I visited a school in my constituency. I saw that the children were doing some mathematical sums. The first thing that they were asked to do was to multiply 25 by three. They were not eight, 10 or 12-year-olds—they were 14-year-olds.

Mr. Gyles Brandreth (City of Chester): Not possible.

Mr. Marshall: I have come straight from the school. The answer is 75, of course—I am glad that we have an accountant as a Minister. The fact that 14-year-old children could be asked to multiply 25 by three tells a story about education in this country.

Mr. Christopher Woodhead is chief inspector of schools. If St. Christopher is the patron saint of travellers, Christopher Woodhead is the patron saint of all those who wish to be upwardly mobile in our society. He has shown that pupils achieve less than they should. Half of all primary schools and 40 per cent. of all secondary schools achieve less than they should. More than half of all 11-year-olds are below expected standards in maths and English. At 14, 45 per cent. of pupils fail to meet expected standards in English, maths and science.

On 4 January, Sir Geoffrey Holland, a former permanent secretary at the Department for Education and Employment, said that education in Britain was placed 35th in the world. *The Times* of that day said that the results in education were

"far lower than its funding deserves."

The figure for 16-year-olds passing GCSE in maths, the national language and one science is 27 per cent. in the United Kingdom, 62 per cent. in Germany and 66 per cent. in France.

Given a simple addition and subtraction, 4 per cent. of the bottom 40 per cent. of 13 year-olds in Britain could answer correctly, but, with a far more complicated sum, 76 per cent. of German children of the same age could do so.

Sir Geoffrey Holland said that 13-year-olds in Britain are two years behind their continental counterparts. We need a change in emphasis on standards of spelling, punctuation and arithmetic. I object most strongly to those patronising people who say that those are middle-class values. A decent education is the birthright of every child. It is especially important for those who live in our inner cities, as education is the escalator of opportunity—it gives children the chance to escape from a life of mediocrity and under-achievement.

Why have we done so badly? It is not that we do not spend enough money. There has been a failure to recognise the wide variety of talent and ability. There are the very academic, the average and the non-academic, who will be blessed with other talents. For too long, we have ignored the very academic child. I remember interviewing some teachers and asking all of them, "How do you deal with the non-average child?" They all concentrated on the below-average child. God must have loved the average child, because he made so many of them. Nevertheless, other countries deal a better hand to all children.

When I visited Israel, I went first to a very academic school, rather like the traditional British grammar school, where the results were very good. I then went to the technical school at Ramat Gan, which taught children how to cut diamonds because that was the local industry. I then went to a school in Jerusalem that was training children to be motor mechanics and hairdressers. People said to us, "You may wonder why we are training children in these skills." They explained that it was so that all the children would have a job when they left school. Indeed, almost all the small garages in Jerusalem are owned by graduates of that school.

I have visited the curriculum centre in the London borough of Barnet, where people are trained to become bricklayers and motor mechanics. There is an enthusiasm among the teachers and the pupils that we do not always find in other schools. It is wrong to describe such training as education for failures; it is a recognition that it is an appropriate education for people with those particular skills. It is significant that, where people have been given such an education, truancy is low.

I asked the person in charge of the centre how many truants there were. He said that there was none because the pupils loved what the centre was teaching them and knew that they were being given a passport to a job when they left the school.

In our secondary schools, there should be greater selection, more training, more setting and more vocational training. However, the real problem can be found well before children go to secondary schools, because the primary schools have failed to recognise the need to push children as far as possible. I once asked the headmistress of a primary school whether she set homework. She said, "Homework—that is rather unfair to some children because they would not do it." Instead, she is unfair to all the children by giving them no homework. Their love of English was to be gained from "Neighbours" rather than reading a book. Their love of spelling was to come from the spellcheck of a computer. Their mental arithmetic was to come from pressing buttons on a calculator. That is not the way to educate children, but it is the path that we have gone down for too long.

I have just carried out a survey of schools in my constituency, when the question of homework was raised. Some of the schools were very good. For example, in the Menorah junior school, the children in the sixth form are set 50 minutes of homework a day. Another school said:

"The children will possibly"—

possibly, not probably—

"get homework twice a week. Sometimes parents need to take holidays in school time and may ask for their children to be given homework for that period."

How does the school react to that enthusiasm for homework? It does so with the words, "This is not possible."

Another school said that homework is set only at weekends, and when another school was asked about its policy, there was silence at the end of the telephone line. Then it commented:

"We do homework as and when. We do not want to overload the children. They need some time off."

Another school said to my assistant:

"Of course we have to remember with homework that the teachers have to correct it, and we have to take account of the fact that teachers might be tired."

I would prefer to hear of pupils who were tired because they had done some homework, than of pupils who had not had the opportunity to do it at all.

We must not talk solely about academic standards. We should recognise that the children of today are entering a much more complex world than that of 20 or 30 years ago. The temptations of drugs, for example, are just as potent as the temptation of cigarettes was when some of us were slightly younger. The traditional standards by which most people once lived are under attack as never before. What does it profit a child if he obtains four A-levels and loses his soul to drugs? Education is more important than creating only academic standards. It is also important that the right ethos is inculcated in our children. Some of the denominational schools do a magnificent job, but the quality of religious education in some schools is rather pathetic.

I never thought that I would have to quote the editor of *The Observer* in support of a course of action, but I should like to refer to an article that he wrote on 2 March 1996, in which he said:

"The second fundamental fact of British education is its surrender to the dictates of social engineering rather than universal high standards".

The Times said that the

"most important"

thing that we need to do is secure

"a change of philosophy in schools".

For far too long, progressive methods of education have failed. We want an end to calculators and "Neighbours", and an emphasis on spelling, mathematics and the beauty of the English language.

We also want an end to the philosophy that schools should be expected to underperform because of the social mix of their pupils. If Office for Standards in Education figures have shown one thing, it is that some schools in deprived areas can do very well and others half a mile down the road very badly. The schools doing very well are providing the sole opportunity for their pupils to leapfrog out of the vicious circle of deprivation and decline into which they were born, into a prosperous and successful career.

We also need to look at some of the examinations. I do not know whether the introduction of the GCSE has been an unmitigated success. When I was talking to a history teacher the other day, I was appalled to hear him say that pupils who had succeeded in their GCSE examinations did not know how to write an essay, and that they needed to spend the next two years learning how to do so before they could do their A-level examinations.

I hope that my hon. Friend the Under-Secretary and my right hon. Friend the Secretary of State never try to tinker with A-levels. They are the guaranteed gold standard of success. We do not want that gold standard to be debased by people saying, "Well, we shall make it easier for students to pass." An examination that is made easier for people to pass ceases to be an examination and ceases to set any standards.

Lord Melbourne is reputed to have said to Queen Victoria:

"I don't know, Ma'am, why they make all this fuss about education; none of the Pagets can read or write, and they get on well enough."

[Mr. Marshall]

The reason why I have made a fuss about education this afternoon is that I believe passionately that there is a need for improvement in our education system and that that need is urgent. Otherwise, this country will go down relative to others.

Equally important, we shall condemn a whole generation, who will not be able to look forward to using their talents to the full. If we deny a generation of schoolchildren that right, we are denying it to them not just for the 11 years that they are in school, but for their many years of life after that.

H. G. Wells said:

"Human history becomes more and more a race between education and catastrophe."

I believe that we are nearing the situation in which we could lose that race. I hope that my hon. Friend will give us some optimism rather than my slightly more jaundiced approach.

2.50 pm

The Parliamentary Under-Secretary of State for Education and Employment (Mr. Robin Squire): As is conventional, I congratulate my hon. Friend the Member for Hendon, South (Mr. Marshall). However, I am entitled to say that his speech was one of the best researched and best argued speeches that the House has heard for a considerable time and I am certain that it will read as well as it sounded when it was delivered. My hon. Friend has established an enviable reputation for his concerns about educational matters.

It is a coincidence that my hon. Friend and I have both visited schools in our constituencies this morning. The small difference is that while my hon. Friend was visiting those at the upper age range I, as Minister with responsibility for the under-fives, among other things, was visiting the nursery school range and I now sport the evidence—namely the paint stain on my jacket, for which I apologise, Madam Deputy Speaker; I assure you that the damage is not nearly so serious as that suffered by my right hon. Friend the Member for Peterborough (Dr. Mawhinney) in a well publicised incident recently.

In the time available, I want to address a number of issues that my hon. Friend the Member for Hendon, South raised and to confirm to him and to the House that raising standards, which was the core of my hon. Friend's argument, has been at the core of the Government's education policies. The reason for that is simple, and my hon. Friend alluded to it. Our economic prosperity depends on well-educated and skilled people. That has always been the case, but the challenge is growing as more and more countries raise their levels of achievement.

We have raised standards—I can assure my hon. Friend of that—and we have done it through the hard work of pupils and students, through the dedication of teachers and not least through a series of education reforms, many of which were bitterly opposed by the Opposition.

Since the first GCSE examinations—I strongly defend the quality of those examinations—the number of 15-year-old pupils achieving five or more passes at grades A-star to C has risen significantly from 33 per cent. to more than 43 per cent. We have also seen the proportion of 17-year-olds achieving two or more A-level passes more than double since the Government took office in 1979. As my hon. Friend is well aware, almost one in three young people now enters full-time higher education compared with fewer than one in eight in 1979.

What are our reforms? The introduction of the national curriculum and its assessment arrangements were and remain crucial to raising standards in our schools. We have acted to remove overload and we have placed greater emphasis on the essential basic skills of literacy and numeracy. I join my hon. Friend in agreeing utterly that those are the key areas, especially in primary schools.

We have been committed to setting schools free—free to develop their particular strengths and to give parents and pupils greater choice. We now have more than 1,100 self-governing grant-maintained schools, educating one fifth of our secondary pupils. Those schools are popular with parents because they achieve results. GM school pupils achieved higher levels in last year's national curriculum assessments than local education authority school pupils at each key stage and in every subject. At GCSE, nearly half those in GM schools achieved five good passes, compared with 39 per cent. in LEA schools.

Our emphasis on increasing diversity among schools has given parents a real and better choice in deciding the type of education that they want for their children. By allowing schools to specialise in particular subjects we have extended diversity and contributed to raising standards. City technology colleges, for instance, teach pupils of all abilities, with particular emphasis on subjects such as mathematics, science and technology. Last year's GCSE results show that they are starting to succeed in tackling underachievement in the inner cities. So it is scarcely surprising that those colleges are popular with parents, and the original 15 CTCs typically receive at least three applications for every pupil place.

The introduction of performance tables to provide clear and accurate information has supported parental choice and stimulated schools to raise standards. Research shows that tables are increasingly being consulted and valued by parents and students.

I join my hon. Friend in paying tribute to the sterling efforts of Her Majesty's chief inspector, Chris Woodhead, in seeking to raise standards. The creation of Ofsted and the introduction of a universal independent inspection system have been fundamental to our efforts to improve education. Since Ofsted was established in 1992, more than 7,000 schools have been independently inspected, and in his recent annual report the chief inspector said that there were clear indications that the processes of inspection and action planning were helping schools to improve teaching methods. As my hon. Friend will be aware, from this month, inspection will include the identification to the heads and teachers concerned of both excellent and poor teaching.

The inspection arrangements also now identify schools that are failing to provide an acceptable standard of education. I shall spend a little time talking about that, because for far too long schools have been able to continue failing their pupils. Legislation that we have introduced is now ensuring that those schools are finally being turned round, or where that is not possible, closed. To date, some 150 schools have been deemed to be failing. Inspectors who revisited 59 of those schools over the past two terms found that almost all had improved, four fifths of them substantially. It is vital that the House

should be aware of that good news, because in some cases schools have been delivering poor quality education for several years, and it is the Government's reforms that have succeeded in turning them round.

Through our improving schools programme we are helping to raise standards for all pupils, and in particular seeking to help schools with serious weaknesses. Measures taken include providing extra resources for LEAs to target such schools in this year's school effectiveness grants for education support and training.

My hon. Friend has showed great diligence in his research on international comparisons. I shall certainly read his speech carefully, but I hope that he will accept from me that valid international comparisons can be notoriously difficult to make. It is always possible to find a survey which shows a particular country in a less than favourable light, but quality evidence is hard to find. The last major international comparison of pupils' performance took place in 1990, and covered mathematics and science. Those findings suggested that English pupils at nine and 13 were mid-ranking in both subjects, and by no means way behind our competitors. Nevertheless, I entirely accept that we must continue to raise our standards. That is why the Government have set up a more detailed study—the skills audit—into levels of achievement in four or five of our major competitors; the results will be published this summer.

More widely still, we are participating in the third international mathematics and science study, which compares the attainments of nine and 13-year-olds, again in mathematics and science, in 45 countries. Those results will be published from the end of the year, and we shall then have a much clearer picture of where we stand in relation to the rest of Europe and the world.

Although the Government's reforms have significantly raised standards and enhanced choice, I stress the fact that we are not complacent. We still have some way to go to compete with the world's best education standards, and we plan to build on our successes with a host of new initiatives.

My hon. Friend specifically mentioned levels of literacy and numeracy. The 1995 national curriculum assessment results showed that about half our 11-year-olds reached or exceeded the expected levels in English and maths, and about two thirds did so in science. Those results are disappointing, and show that we must continue our drive to raise standards in schools—a drive that has been the purpose of all our reforms, such as the national curriculum and the improving schools programme.

Time does not allow me to answer all my hon. Friend's questions at this stage, but I have welcomed the opportunity that he has provided to debate the Government's education priorities. Our record is one of which we can be justifiably proud, but we are not complacent. We shall continue to take steps to raise standards, to increase participation and to improve choice and diversity in the education system.

Question put and agreed to.

Adjourned accordingly at Three o'clock.

House of Commons

Monday 29 April 1996

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

WALES

Community and Youth Facilities

1. **Sir Wyn Roberts:** To ask the Secretary of State for Wales what grants have been made available to contribute towards the repair and construction of local community and youth facilities in Wales. [25632]

The Secretary of State for Wales (Mr. William Hague): A total of £472,000 is being made available under the voluntary youth services, village halls and community centres programme for 1996-97, and a further £1.9 million from the strategic development scheme.

Sir Wyn Roberts: Does my right hon. Friend agree that these grants are a first-class investment in sustaining and promoting community life across Wales? Will he take every possible step to ensure that the public are aware of the grants?

Mr. Hague: My right hon. Friend draws attention to an important subject. Since 1994, more than £9.5 million pounds has been provided by the Welsh Office for youth and community projects. In addition, nearly £12 million of national lottery funds has been allocated to this subject. For the future, the Rural Wales White Paper confirmed that changes would be considered to existing grant schemes to assist local community facilities, and we are also studying what help and advice is available to local groups which run village halls and similar facilities.

Mr. Martyn Jones: The Secretary of State must be aware of the huge increase in crime and drug abuse that has, I am sad to say, occurred in my area. While grants are all very well, does he agree that we need regular revenue funding proposals to tackle drug abuse?

Mr. Hague: Grants are an important part of the fight against drug abuse, as are the efforts of the police throughout Wales. In addition, my hon. Friend the Under-Secretary has launched a campaign against drug and alcohol abuse, and we will be working on that and providing further details in the coming weeks. I look forward to working with all authorities in Wales in pushing that campaign forward.

General Practitioners

2. **Mr. Rowlands:** To ask the Secretary of State for Wales if he will conduct a review into the current proposals for GPs' out-of-hours services (a) in Wales and (b) in Rhymney. [25633]

The Parliamentary Under-Secretary of State for Wales (Mr. Rod Richards): The operation of the new arrangements in Wales is being monitored by the Welsh Office. My right hon. Friend and I have no plans to review the proposals for the Rhymney area as that is a matter for the local health authority.

Mr. Rowlands: Is the hon. Gentleman aware that patients will need to travel 26 miles—possibly at the dead of night—to the new out-of-hours service? Given that Ministers are helping to fund the schemes, should not they use their influence and support the overwhelming opposition of the local community council and patients in the areas concerned to such a service, and ensure that the voices of the patients of Rhymney are heeded?

Mr. Richards: I am aware of the hon. Gentleman's concern, as he wrote to my right hon. Friend the Secretary of State in March to support the community health council. I understand that the health authority is looking at the issue.

Mr. Stephen: Does my hon. Friend agree that the additional flexibility of the GP fundholding system has meant that a better service is available to patients in both Wales and England?

Mr. Richards: My hon. Friend is absolutely right. GP fundholders are at the forefront of our policy of primary care.

Mr. Morgan: Does the Minister agree that while short-changing patients in Rhymney, Gwent health authority's top management are looking after themselves very well, such as in the recent appointments scandal? Does he agree that the recent 22.5 per cent. increase voted by the directors of the new UHW trust in Cardiff shows that our health service is a bonanza for bureaucrats while penny-pinching patients?

Mr. Richards: The hon. Gentleman, as always, is completely wrong. We are spending more than £2.2 billion on health services in Wales in this financial year, and some £2.4 million on the measure referred to by the hon. Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) My right hon. Friend and I are concerned about the problem in Gwent, and he has asked to be kept fully informed as to how the health authority proposes to resolve it.

Manufacturing Industry

3. **Mr. Barry Jones:** To ask the Secretary of State for Wales what assessment he has made of the prospects for manufacturing industry in Wales. [25634]

Mr. Hague: The Government's economic policies are delivering sustainable growth with low inflation. Wales is benefiting from this good performance. In 1995,

manufacturing output in Wales grew at double the United Kingdom rate and the prospects for manufacturing industry in Wales are excellent.

Mr. Jones: May I invite the right hon. Gentleman to visit RAF Sealand in my constituency, where there are at least 1,600 highly skilled and very productive jobs, and where the work force is highly co-operative? How can he help us defeat the predatory intentions of companies such as Brown and Root of the United States and GEC, which seek under the umbrella of market testing to get the contract for the work that RAF Sealand now does? Does he agree that in the Falklands war—he may just remember it—and the Gulf war, RAF Sealand was magnificent and that if there were to be another such challenge, RAF Sealand would need to be under RAF leadership? What we want at Deeside, and what we want the right hon. Gentleman's help to achieve, is for the in-house bid to win. Will he help us?

Mr. Hague: I remember the Vietnam war. I am older than the hon. Gentleman thinks, even if I was in short trousers. I am aware of the hon. Gentleman's concern about RAF Sealand. He has expressed it to me before. The Government believe that competition is the best way to ensure value for money. That is the reason for the market test proposals. We are conscious of the anxieties which the hon. Gentleman and others have expressed. That is one reason why the market test at Sealand is being carried out within the framework of Government ownership.

Whether the in-house bid or a commercial contractor wins the competition—the in-house bid should have a strong chance of doing so, given the expertise of the work force—Sealand will continue to provide a broad capability. We expect the Transfer of Undertakings (Protection of Employment) Regulations 1981 to apply and to protect the interests of the work force.

Mr. Ron Davies: Will the Secretary of State join me in sending good wishes for its campaign for manufacturing jobs to the Wales Trades Union Congress, which meets at its annual conference at Llandudno later this week? Is he entirely happy at the recent news that Ronson is transferring petrol lighter production from Korea to Gwent, apparently on the ground that Welsh workers can now undercut Korean workers by 20 per cent? Ronson's chief executive claims that as Korea is being transformed into a world-class economic player and home of international giants, it can now dispense with such low-wage jobs. Does the Secretary of State feel proud that after 17 years of Conservative Government, all that he can offer Wales is Korean cast-offs?

Mr. Hague: I am delighted that the TUC is launching a campaign for manufacturing jobs. Since December 1985 manufacturing employment in Wales has grown more than in any other United Kingdom region. I am sure that the TUC will want to campaign for the policies of Her Majesty's Government that have produced that particular success.

Mr. Morgan: Since when?

Mr. Hague: Since 1985.

The particular case to which the hon. Member for Caerphilly (Mr. Davies) refers has been misrepresented in the media in the past few days. Wages were not the only factor that helped to draw companies to Wales. One of the very powerful additional factors was the non-wage labour costs, which in this country are £18 for every £100 of wages and in other parts of Europe are between £32 and £44 for every £100 of wages. So we must look at all the factors that draw jobs and investment to Wales. Those factors taken together are drawing jobs and investment to Wales and I want that to continue.

Investment and Job Creation

4. **Mr. Donald Anderson:** To ask the Secretary of State for Wales if he will list the follow-up actions he proposes to the meetings held with the hon. Member for Swansea, East, the right hon. Member for Swansea, West (Mr. Williams) and local authority leaders from the Swansea area on investment and job creation in the area. [25635]

Mr. Hague: On 17 April I welcomed the opportunity to hear the views of the local authorities on how economic development in their areas can be further strengthened. I heard the views of the hon. Member and his right hon. Friend at an earlier meeting. I will continue to encourage the Welsh Development Agency to meet the targets that I have set for securing inward investment projects in the more westerly area of Wales—south, mid and north. My Department will also do all that it can to encourage the growth of indigenous Welsh companies.

Mr. Anderson: Will the Secretary of State confirm that at these two meetings the message came across loud and clear that although the representatives of west Wales are glad that Cardiff bay is prospering, there is a feeling of anger and unfairness at the imbalances that are being further financed by the Welsh Office? For example, west Wales has 25 per cent. of the population of Wales but in 1994-95 it had only 15 per cent. of the projects, 13 per cent. of the jobs and a mere 5 per cent. of the investments. What specifically is the Secretary of State proposing to do to get over this? Will he ask the Welsh Development Agency to publish the targets? What will he do about the regional benefits?

Mr. Hague: Government policy applies equally to all parts of Wales, including westerly parts of Wales. The area about which the hon. Gentleman is concerned benefits from assisted area status and other Government projects. There are a lot of specific actions that I will continue to take to try to assist the economy in the Swansea area. It is important for the Welsh Office and the Welsh Development Agency to work with the local authorities, and I was pleased with their willingness to do so at the meeting that I had with them.

I will continue to expect the WDA to meet the targets to which I referred earlier. I shall continue to encourage inward investors, on every possible occasion, to look at a wide variety of the sites that may be available to them in all parts of Wales before deciding where to make their investment. The best thing for the Swansea area is for us to have an economy that continues to grow and prosper. As long as we maintain our current policies, that is what is likely to happen.

Mr. Jacques Arnold: Is not co-operation between the Government and local government one of the many ways

in which considerable success can be achieved? What does my right hon. Friend think of the recent announcement of the Welsh Local Government Association that it will refuse to meet him in the future?

Mr. Hague: I thought that that was a rather strange and silly announcement. Last week I was surprised to see the press release from the Welsh Local Government Association, which said:

"Hague is on his own and we will boycott future meetings with the Secretary of State."

Two days later I was equally surprised to receive a letter from the chairman of the Welsh Local Government Association, which said:

"I and other leaders of the Welsh Local Government Association are very keen to discuss your intentions for 1997-98 with you at the earliest possible opportunity. This is too important a matter to delay a meeting."

I shall consider that request for a meeting.

Mr. Denzil Davies: Is the Secretary of State aware that west Wales—that is, Swansea, Llanelli and the surrounding area—has considerable expertise in the car industry, particularly in manufacturing engineering? However, despite that, there has been no major inward investment in the area in the past 10 years. One belief is that the Welsh Office and the Welsh Development Agency are missing out every time to the Invest in Britain Bureau and to the Department of Trade and Industry which have managed to achieve investment in the north-east of England. What is he going to do about that?

Mr. Hague: The WDA has turned in a great achievement over the past year. As all hon. Members know, it is more difficult to persuade inward investors to go to the more westerly parts of Wales because they are geographically further away from the main centres of population in the United Kingdom. As I have already explained, there are a number of things that we can do about that—and we are already doing them.

Inward Investment

5. **Mr. John Marshall:** To ask the Secretary of State for Wales if he will make a statement about inward investment into Wales. [25636]

Mr. Hague: The Welsh Development Agency recorded more than 120 inward investment projects for 1995-96, which promised more than 12,000 new and safeguarded jobs and investment of more than £970 million. These are excellent results that include Ford's £340 million expansion at Bridgend, and Newport Wafer-Fab's £230 million expansion near Newport.

Mr. Marshall: Does my right hon. Friend the Secretary of State agree that his success in attracting new industry to Wales is due to the fact that we have not signed up to the social chapter, that we do not have a national minimum wage and that we do not have corporate taxes? Will the people of Wales not contrast my right hon. Friend's success in fostering new investment with the complaint by the shadow Secretary of State that he has been too successful in getting industry from Korea?

Mr. Hague: My hon. Friend is right—and he made his point so well that he even drew a cheer from the hon. Member for Bolsover (Mr. Skinner). That must be something of a first in this context.

As my hon. Friend pointed out, one of the most attractive aspects of the United Kingdom for inward investors is our flexible labour market. In that regard, there is a considerable contrast between the UK and other parts of the European Community. The awkward, tragic part of Labour's policy is that, in the name of trade union rights, Labour would deny jobs to thousands of people.

Mr. Wigley: I apologise for my late arrival, which was again due to problems with trains.

Does the Secretary of State agree that, although there has been a modicum of success in attracting inward investment into the M4 corridor in south-east Wales and into parts of north-east Wales, considerable difficulty is being experienced in attracting inward investment and other projects to western parts of Wales, including the old county of Dyfed and Gwynedd? Given that Ireland has had enormous success in attracting inward investment to an area even further west, how does the Secretary of State intend to change the strategy in order to overcome the clear problems that exist in west Wales?

Mr. Hague: The hon. Gentleman did the Welsh Office and the Welsh Development Agency a bit of an injustice in saying that we had enjoyed a "modicum" of success. The figure that I have announced today—12,000 new and safeguarded jobs last year—exceeds the target set for the WDA, and we should all congratulate it.

I agree with the hon. Gentleman that it is more difficult to persuade inward investors to go to the westerly parts of Wales. He will have heard me say that in response to earlier questions. The answer is for the Government, the WDA and local authorities to work together to identify sites and attract investors, and to ensure that inward investors consider all potential sites, including those in more westerly parts of Wales. I am very much committed to taking all those steps.

Mr. Hain: Why, under the present Government, has there been no inward investment in Neath?

Mr. Hague: The hon. Gentleman will have heard me refer to the huge inward investment that has taken place in many parts of Wales. I am sure that, as the hon. Member for Neath, he will want to portray an image of this country and his constituency that is as friendly as possible to enterprise and the promotion of business, and no doubt that will be of great help.

GP Fundholders

6. **Mr. Duncan Smith:** To ask the Secretary of State for Wales how many general practitioner fundholders there are in Wales; and what percentage this figure represents of all general practitioner fundholders. [25637]

Mr. Richards: Fifty per cent. of Welsh general practitioners are fundholders, covering about 52 per cent of the population. That involves 863 practitioners in 210 practices. The Welsh Office does not hold information on comparative English, Northern Ireland or Scottish data.

Mr. Duncan Smith: I congratulate my hon. Friend on that record, but does he agree that the Government's purpose in Wales should now be to press further and

harder in their attempt to make more practices fundholding? Fundholders have achieved success both in the delivery of service to patients and, more particularly—we hear complaints from the Opposition about this—in reducing expense and bureaucracy by striking tougher contracts, causing trusts to reduce their costs. Does my hon. Friend agree that we should now trumpet the idea that the Labour party will get rid of fundholders and destroy the advances that we have made?

Mr. Richards: My hon. Friend is absolutely right. GP fundholders are at the forefront of quality, improvement and new services, in particular in reducing waiting times and improving outreach services—for example, the provision of consultants. He is also correct to draw attention to the dangers of Labour party policies. New Labour is no more than a wooden horse called Tony the phoney pony, whose mission is to deceive the British people into believing that the marauding socialists have disappeared.

Mr. Llew Smith: As I am sure the Minister knows, in Blaenau Gwent we have some of the worst health problems that have been experienced in any parliamentary constituency in England or Wales. We want more doctors rather than fewer. Would the Minister care to comment on Gwent health authority's decision to remove one of the only two doctors in Cwm, and will he support the local community in demanding that the health authority reverse that decision and, if it refuses, that its members resign?

Mr. Richards: We are aware that Gwent health authority is about to remove a doctor which, of course, is a matter for it. The number of general practitioners in Wales has gone up by 28 per cent. since 1979. In the hon. Gentleman's constituency, between 31 December 1994 and
31 December last year, the number of people waiting more than sixth months for a first out-patient appointment fell by 90 per cent. and the number waiting more than 12 months for in-patient day case treatment has fallen by 17 per cent.

Roads

7. **Sir David Knox:** To ask the Secretary of State for Wales what has been the total spending by central Government on roads in Wales since 1979; and how many miles of motorway and trunk road have been laid since that year. [25638]

Mr. Hague: Since 1979, total spending by central Government on the roads programme in Wales is more than £2.9 billion, including £510 million transport grant. Twenty-eight miles of motorway and 167 miles of trunk road have been completed or improved. Eight major improvement schemes totalling another 28 miles are under construction.

Sir David Knox: Does my right hon. Friend agree that considerable progress has been made in improving the motorway and trunk road network in Wales since 1979 and that that has been of great help in attracting inward investment to Wales?

Mr. Hague: My hon. Friend is right. One of the additional attractions for inward investors, on top of the flexible labour market, the work of the Welsh Development Agency and the lower non-wage labour costs to which I referred, is the improving infrastructure in Wales. We have done much to improve the strategic east-west routes in Wales. That work is continuing with the proposals that I have published for the M4 and for the A465 Heads of the Valleys road. It makes a tremendous difference.

Dr. Howells: Does the Secretary of State recognise the chronic traffic congestion on the A470, the main north-south route in Wales, especially at its most southerly point, where the Coryton interchange is subject to constant long traffic jams that do nothing for the competitiveness of industry in Cardiff or my constituency? Can he confirm that the Welsh Office has plans to bypass that interchange and say which route the bypass will take?

Mr. Hague: I have no announcement today for the hon. Gentleman, but I will, of course, consider his representations—and all representations—on the subject. We plan to start one scheme on the A470 in the coming year but I shall be happy to give him further details in writing if he wishes.

Road Warning Signs

8. **Mr. Fabricant:** To ask the Secretary of State for Wales what plans he has to clarify road warning signs in Wales; and if he will make a statement. [25639]

Mr. Richards: Road warning signs are covered by the Traffic Signs (Welsh and English Language Provisions) Regulations and General Directions 1985 and the Traffic Signs Regulations and General Directions 1994. The Welsh Office is developing proposals for public consultation on the updating of the 1985 regulations.

Mr. Fabricant: My hon. Friend will know that I am a frequent visitor to the land of my mothers. Indeed, I was there on Saturday night when I had the honour of addressing the dinner of the Welsh National Young Conservatives. I shall be visiting Wales on many other occasions, as I received several invitations after that. Is my hon. Friend aware that my and other visitors' journeys to Wales are jeopardised by the warning road signs on Welsh roads? When one approaches such signs quickly, it is often difficult to see information in Welsh or English. As he has said that he is reconsidering the format of signs and having English signs in one colour and Welsh signs in another, will he be consistent in having one language above the other, whichever way round it might be?

Mr. Richards: The Bowen committee in 1970 concluded that there was no evidence that bilingual road signs adversely affect road safety. I had heard from the national press that my hon. Friend had found his way past the bilingual signs to Cardiff and made a brilliant speech to a galaxy of young Conservatives. We are looking forward to having them with us after the next general election instead of the deadwood of the Opposition.

Bovine Spongiform Encephalopathy

9. **Mr. Jon Owen Jones:** To ask the Secretary of State for Wales what talks he has had with representatives of the farming and meat industry in Wales concerning BSE; and if he will make a statement. [25640]

Mr. Hague: My hon. Friend the Under-Secretary of State for Wales, the hon. Member for Cardiff, North (Mr. Jones), and I have met representatives of the farming and meat industry on a number of occasions and my hon. Friend met representatives of the abattoir industry and Welsh Food Promotions Ltd. on 17 April. My hon. Friend is today attending the Agriculture Council in Luxembourg with my right hon. and learned Friend the Minister of Agriculture, Fisheries and Food.

Mr. Jones: Will the Secretary of State confirm that, even though the carcase disposal scheme for cull cattle was due to start today, there are as yet no licensed abattoirs and there are no designated centres for collection yet? The farmers in Wales are confused and angry that the Government's inaction and incompetence are clearly the main reasons why the beef ban still remains. Three weeks after the European Union agreed to pay for the scheme, there is no sign of it being implemented.

Mr. Hague: The 30-month scheme will start this week, as was intended—it is likely to start around the middle of the week. It has been necessary to have an extensive consultation process—the industry would not have wanted it any other way. It is a complicated scheme and it is important that it commands confidence and general support. Our priority is to restore market confidence at home and abroad, and we shall continue to do that, in frequent and close consultation with the industry in Wales.

Mr. Biffen: Is my right hon. Friend aware that many farmers who are privileged to be Welsh use Oswestry market? Is it his judgment that the Government's slaughter programme—covering cull cows and other categories—consigns to death and incineration an enormous number of cattle that show no sign of BSE? How does he think that that will restore public confidence in beef eating?

Mr. Hague: My right hon. Friend will know that many of the actions that the Government are taking are based on scientific recommendations. In the case of the scheme that my right hon. Friend mentioned, the Government are going further than the scientific recommendations—indeed, that is the cause of his anxiety. It is clear from what scientists have said to us that BSE is most likely to occur in older cattle, so the removal from the food chain of cattle of 30 months and older is a confidence-building measure—it was specifically asked for by the National Farmers Union.

Mr. Ieuan Wyn Jones: I congratulate the Secretary of State on acceding to representations from Opposition parties for a Welsh Office ministerial level representative to attend today's meeting of the Council of Ministers in Luxembourg, which is good news. Farmers are extremely worried about the delay in the implementation of the slaughter policy scheme.

I shall remind the Secretary of State of two fair questions posed by the hon. Member for Cardiff, Central (Mr. Jones). First, when will we be told about the designated collection points, bearing in mind the geographical difficulty of taking animals to those points in many parts of rural Wales? Secondly, how many abattoirs in Wales have been licensed for the procedure? It is crucial that there should be no further delay in giving the farmers the information that they need so that the schemes can be fully implemented as soon as possible.

Mr. Hague: I take the hon. Gentleman's point about the need for farmers and others in the industry to know further details of the schemes as soon as possible. However, I am sure that the hon. Gentleman will understand that it is better for the schemes to be introduced properly than to be introduced in such haste that they do not work properly. Officials in the Ministry of Agriculture, Fisheries and Food and the Welsh Office are working hard, in consultation with the industry, to ensure that all the information for which the hon. Gentleman asks is given as soon as possible. They will continue working extremely hard until that information is available.

Mr. Ron Davies: The Secretary of State's answers have no credibility. He said in reply to my hon. Friend the Member for Cardiff, Central (Mr. Jones) that the scheme would be operating mid week. He has just said in reply to my hon. Friend the Member for Ynys Môn (Mr. Jones) that he hopes to be able to make the announcements. How can he expect the agricultural industry and associated industries in Wales to respond to a scheme that is due to start on Wednesday or Thursday this week if he has not even taken the basic steps of identifying the collection centres and licensing the abattoirs? His answers have no credibility.

The right hon. Gentleman clearly does not understand that the Government's confusion and delay in handling the BSE issue is one of the reasons why they are now viewed with such distrust and derision by the country at large. Does he seriously expect co-operation from Europe in lifting the export ban when domestic policy is in such a shambles and when the Foreign Secretary is writing around soliciting individual Cabinet members to produce schemes to disrupt the Union? Is it not the case that Ministers are now too busy appeasing warring factions within the Conservative party to provide effective and decisive government? Why on earth should the country's vital economic interests be sacrificed because of internal wrangling in the Conservative party?

Mr. Hague: It is a bit rich for Labour Members to criticise the Government over the BSE issue when the hon. Member for Peckham (Ms Harman) did so much wanton damage to the beef industry. The group that is greeted with the most derision and distrust by farmers comprises one or two Opposition Members who have performed in the same way as the hon. Lady.

The hon. Gentleman would not want us to carry through the process without consulting the industry closely, and I am sure that he would not want it done in such haste that it did not work properly. That is why the consultations have been carried out.

Public Transport

10. **Mr. Llwyd:** To ask the Secretary of State for Wales what proposals he has to encourage a fully integrated public transport system in Wales; and if he will make a statement. [25641]

Mr. Hague: Planning policy guidance to be issued soon will encourage local authorities to develop public transport facilities. I will also publish a transport policy statement later in the year.

Mr. Llwyd: That is, at least, a fairly encouraging answer. The Minister referred earlier to the £2.9 billion that is to be spent on roads in Wales. Would not some of that money be better spent providing a fully integrated public transport system? When, if ever, will the Government take notice of the Welsh Affairs Committee report, which suggested that investment should be pumped into the railways to enable someone to travel from the north to the south of Wales in three and a half hours? When will we have a proper transport authority in Wales in order to ensure that the public transport system is attractive—the current system is no use to anyone?

Mr. Hague: It is clearly important to continue to develop transport infrastructure in Wales. It is important also that, wherever possible, people have a choice of means of transport. As we have discussed already this afternoon, we have improved road infrastructure and we have provided substantial assistance to the railways throughout our time in office. Air transport—at least at Cardiff Wales international airport, with its enhanced passenger throughput—has also improved in recent years.

We must continue to improve all those forms of transport while taking account of how to protect the environment. When I put together my policy statement later in the year, I shall consider all the representations made to me—including those from the hon. Gentleman.

Retail Developments

11. **Mr. Sweeney:** To ask the Secretary of State for Wales what steps he is taking to curb the growth of large out-of-town retail developments. [25642]

Mr. Hague: I shall issue shortly planning guidance recognising the importance of town centres, including a strong retail base, and encouraging development within town centres rather than at out-of-town sites.

Mr. Sweeney: In welcoming that statement, I express my gratitude to my right hon. Friend for visiting Cowbridge and for making an excellent speech at the Bear hotel on Saturday. During his visit, my right hon. Friend no doubt walked around Culverhouse Cross and saw for himself the congestion that is caused by out-of-town retail developments. I ask him to bear that in mind in bringing forward his proposals.

Mr. Hague: I have seen a great deal of Culverhouse Cross and I was pleased also to visit the Bear hotel on Saturday. We shall set out a sequential test for new development in the new guidance: town centre sites where available, then edge-of-centre sites and, only when those sites are unavailable, out-of-town sites. We shall also state that out-of-town food stores should not be allowed if they are likely to lead to the loss of general food retailing in the centres of smaller towns.

Mr. Win Griffiths: I thank the Secretary of State for his reply, but we shall withhold our full congratulations until we have seen the details. Can he tell us the reason for the wasted years of the Wokingham regime? Was the change of mind due to his own policy initiative or has he sacked someone in the Welsh Office?

Mr. Hague: I am sorry that the hon. Gentleman is withholding his full congratulations, but I look forward to receiving them in due course. In pursuing and putting together the planning policy guidance that will be published shortly, I have been developing the thinking of my right hon. Friend the Member for Wokingham (Mr. Redwood) and largely continuing what he originally intended. I am sure that the hon. Gentleman will welcome the guidance when it is published.

Orimulsion

12. **Mr. Simon Hughes:** To ask the Secretary of State for Wales what assessment he has made of the net effect on local employment in Pembrokeshire if orimulsion is used as proposed in the production of power. [25643]

Mr. Richards: None.

Mr. Hughes: Well, I suggest that the Minister should. Will he reflect on the fact that, if the current plans for an orimulsion plant in Pembrokeshire—which I understand are waiting for one final authorisation—go ahead, although the prospect is presented as advantageous because it may produce a few jobs, there is a wide general view that the disadvantages environmentally and in terms of tourism of that beautiful part of south-west Wales having at its heart an orimulsion plant will grossly outweigh any short-term small employment advantages? Will the Minister undertake to carry out a full proper employment and environmental assessment on the economy of Pembrokeshire?

Mr. Richards: The application for consent to burn orimulsion at the Pembroke power station is still under consideration by my right hon. Friend the President of the Board of Trade. Until my right hon. Friend has received the views of all the regulatory authorities, no decisions will be made, including whether there is a need for a public inquiry.

Mr. Rogers: Surely everyone recognises that orimulsion is one of the dirtiest fuels that is available for combustion in power stations and contains an enormous amount of heavy metal toxic material compared with other fuels. In view of the recent disaster that has halved the income of the people of Pembrokeshire from tourism—reducing it by some £100 million—what

proposals do the Government have to compensate people for that loss? What proposals do they have to cut the pollution caused by the burning of that dirty fuel?

Mr. Richards: My understanding is that the hon. Gentleman was referring to the Sea Empress disaster, in which case I cannot possibly comment until the report of the marine accident investigation branch is published.

Mr. Dafis: May I emphasise that, unlike the Labour party in Pembrokeshire, my party supports the demand for a full public inquiry into the orimulsion application? As well as urging the President of the Board of Trade to set up a public inquiry, the Welsh Office should consider what longer-term employment opportunities might be created in Pembrokeshire through a proper energy conservation programme. Is not that the way ahead? What is the Welsh Office doing to ensure that the Home Energy Conservation Act 1995 is implemented in Wales as soon as possible so that the jobs can be created and environmental gains made?

Mr. Richards: As I said a moment ago, the decision on a public inquiry will not be made until all the facts are available. With regard to jobs in that part of the world, the hon. Gentleman knows that I and my right hon. and hon. Friends have taken a close interest in the west Wales task force which, I believe, was set up by my right hon. Friend the Member for Wirral, West (Mr. Hunt). We are conscious of the particular economic problems of the area and are doing our utmost to attract new investment.

Male Unemployment

13. **Mr. Roy Hughes:** To ask the Secretary of State for Wales what is the figure for male unemployment in Newport and Wales at the latest available date and expressed in percentage terms. [25644]

Mr. Richards: In March 1996, the unadjusted number of males on the claimant unemployment count in the Newport travel-to-work area was 5,977. That is 10.6 per cent. of the male work force. The corresponding figures for Wales were 83,039 and 11.2 per cent.

Mr. Hughes: Is the Minister concerned about the huge disparity between male and female unemployment inasmuch as many more men are out of work because the jobs lost in heavy industry were never replaced? Does not that suggest that the Government's jobs policy, far from being the success that they claim, is a huge disaster?

Mr. Richards: On the contrary, most of the jobs in the traditional heavy industries of south Wales have been replaced. In the hon. Gentleman's own constituency, unemployment fell by 221 in the 12 months to March this year. Since 1990, 11 plants have opened in the hon. Gentleman's constituency with 502 jobs gained. There are 10 foreign-owned manufacturing plants in the hon. Gentleman's constituency employing 1,875 people. I wish that the hon. Gentleman would stop being a Job's comforter.

Hospital Waiting Lists

14. **Mrs. Clwyd:** To ask the Secretary of State for Wales if he will make a statement on out-patient and in-patient waiting lists (a) in Wales and (b) in the Cynon Valley. [25645]

Mr. Richards: Hospital waiting lists have fallen significantly in Wales recently. In the calendar year 1995, the number of out-patients waiting for a first appointment fell 14 per cent. while the number waiting for admission for treatment in hospital fell 9 per cent.

Separate figures are not available for the Cynon Valley, but the Merthyr and Cynon Valley unit, now the North Glamorgan NHS trust, reported a fall in out-patient waiting lists of an impressive 36 per cent. in 1995. The fall in the in-patient and day case waiting list was 3 per cent. To put that last figure into perspective, I should add that, currently, no patient has to wait longer than 18 months for admission to the trust for treatment.

Mrs. Clwyd: That is not quite as splendid as it sounds. More than 2,000 people in the Merthyr and Cynon Valley area have been waiting more than one year for admission to hospital, and some of them are in considerable discomfort and distress. Is that situation due to the fact that 2,500 beds have disappeared from Wales since 1990 and that hospital consultants spend much of their time re-admitting people to hospital who should never have been discharged in the first place—but were, because beds were not available?

Mr. Richards: I wish that the hon. Lady would stop knocking the national health service—just as her colleagues do—thereby trying to undermine morale in the NHS. Of all Opposition Members, the hon. Lady probably knocks most. I wish also that the hon. Lady would give the new North Glamorgan NHS trust a chance, given that it has been in existence only a few days and I have only recently appointed a chairman.

ATTORNEY–GENERAL

Export Control

28. **Mr. Llew Smith:** To ask the Attorney–General what prosecutions have been initiated against alleged breaches of export control law regarding sales to Iraq or Iran since the publication of the Scott report. [25661]

The Attorney–General (Sir Nicholas Lyell): I am informed by Her Majesty's Customs and Excise that no prosecutions have been commenced in relation to export licence violations to Iran or Iraq since the publication of the Scott report.

Mr. Smith: Will the Minister comment on the statement on page 851 of volume II of the Scott report:

"If it is right, and I think it is, that Government policy on exports to Iraq was to some extent undermined by the use of Jordan as a diversionary route, the decision that that was a price that was worth paying in order to preserve the political advantages"—

Madam Speaker: Order. I had not realised that the hon. Gentleman was quoting. In Question Time,

hon. Members should not quote directly, but paraphrase. Perhaps the hon. Gentleman will do so—or give an indication of the matter to which he is referring—and I am sure that the Minister will respond.

Mr. Smith: Does the Minister think that it is right that third countries should be used by military exporters to circumvent the rules on arms exports?

The Attorney–General: No, that is most unlikely to be right—but the part that it plays in any individual prosecution will depend on the facts.

Sentencing

29. **Mr. John Marshall:** To ask the Attorney–General how many appeals he has made against unduly lenient sentences. [25662]

The Solicitor–General (Sir Derek Spencer): Since 1989, 294 cases have been referred in England and Wales, and 15 have been referred in Northern Ireland. Twenty-two of those cases were subsequently withdrawn. Of the cases heard to date by the Court of Appeal, 85 per cent. have resulted in an increase in sentence.

Mr. Marshall: May I thank my right hon. and learned Friend for that answer, which demonstrates the irresponsibility of those who opposed the introduction of that power? His answer will be warmly welcomed by the many people who believe that some judges no longer sit on this planet.

The Solicitor–General: To convert my hon. Friend's sentiment into concrete cases, 201 persons whose sentences have been increased would have escaped justice had the Opposition got their way. Among the persons who would have escaped justice are those who have committed crimes of manslaughter, rape, robbery and others of the most serious crimes in the criminal calender.

Mrs. Dunwoody: Before the hon. and learned Gentleman congratulates himself too much, may I ask him how many of those cases relate to rape? There is very worrying evidence that sentencing in such cases is becoming lighter and that fewer people are sent for trial than was the case even five years ago.

The Solicitor–General: The hon. Lady is mistaken in suggesting that sentences for rape have fallen; the reverse is the case. Since the guideline case of R *v.* Billam, sentences for rape have increased quite markedly. The starting point for sentencing in such cases is five years, in cases in which there is one or more aggravating features the starting point is eight years; in the worst cases, double figure sentences are reached. I can tell the hon. Lady that we have referred 31 cases of rape since the jurisdiction was conferred on us, which is 11 per cent. of the total. Rape cases are the fourth most likely type of case to be referred by us. The most likely cases to be referred are robbery, those under section 18 of the Offences Against the Person Act 1861 and death caused by driving. Rape comes somewhere down the list.

Mr. John Morris: The Solicitor-General will be aware of the Home Secretary's concern that the actual term served in prison is too lenient. Does the Solicitor-General agree with Lord Justice Rose's view that there is "tangle and confusion" in court sentencing powers, a tangle that flows directly from—and as recently as—the Government's Criminal Justice Act 1991? Has the Attorney-General been consulted by the Home Secretary about his determination to reduce judges' discretion and to compel them to impose minimum sentences? Will he tell the House what are the Attorney-General's views?

The Solicitor–General: The right hon. and learned Gentleman will, indeed, be off this planet if he takes the view that the vast majority of the British public are not completely behind my right hon. and learned Friend the Home Secretary in the proposals that he has introduced. In his remarks, Lord Justice Rose was referring to the impact of sentencing provisions on a juvenile case at a particular time. Those provisions are no longer in force.

Sir Ivan Lawrence: Is it right that one of those "tangles" was sorted out in the Criminal Justice and Public Order Act 1994, and that the most important action that can be taken to ensure that unnecessarily lenient sentences are corrected is to adopt the proposals of my right hon. and learned Friend the Home Secretary—particularly in the sphere of rape, to stop those who rape repeatedly from raping again until such time as they are fit to be released into society?

The Solicitor–General: My hon. and learned Friend is quite right. We have referred a number of rape cases in which the defendant has raped once before, has been given a substantial term of imprisonment, has been released and, before long, has committed a further rape. In some such cases, the defendant has been punished by a further determinate sentence. It would be quite unrealistic to view such a defendant as being safe to be released into the community on a particular day but, under current sentencing provisions, there is nothing that can be done about it. Surely something should be done to put that matter right.

Criminal Prosecutions

30. **Mr. Jacques Arnold:** To ask the Attorney–General what progress is being made in achieving a higher level of criminal prosecutions. [25664]

The Attorney–General: The Crown Prosecution Service and the police are working together on a number of initiatives to bring the right cases promptly to court. They include the introduction of further charging standards, guidance on case preparation and measures to assist the police with early advice.

Mr. Arnold: My right hon. and learned Friend will remember that, when the CPS was introduced, the confidence of the public and many policemen was damaged by the extent to which court cases did not even get to court, let alone achieve a successful conviction. Can my right hon. and learned Friend tell us about the improvements that have been made, because the public want villains to be caught, to appear in court and to be sent to prison?

The Attorney–General: The public, my hon. Friend and I are at one with the police and the CPS in wanting

wrongdoers brought promptly to trial and, if convicted, properly sentenced. I can tell my hon. Friend that, since its early days, when the CPS was undermanned and it was difficult to find staff, it has made enormous strides. It is now working closely with the police, there is mutual help from each side and, as my hon. Friend will know, there is now an experiment under which Crown prosecutors are put into busy police stations so that they can give immediate advice where required. I believe that that will help to achieve exactly the result that my hon. Friend would want.

Mr. Skinner: Should not the Government accept some of that advice—because they have practised fraud on the British people for the past 17 years? That has been made worse because, during the past few days, it has become apparent that members of the Tory party, who are supposed to sign the Register of Members' Interests, are intent on misleading—it could be described as fraud—because they intend to tell the British people and the commissioner that they will not reveal how much money they are making from moonlighting. If they intend to practise the art of deception, surely other people outside the House are bound to copy them.

The Attorney–General: The British people would be wise to watch and listen to everything that the hon. Gentleman says, given the fellow feelings among his hon. Friends on the Opposition Benches. While they are looking at the right hon. Member for Sedgefield (Mr. Blair), they might also glance into the woods, to right and left, to see what is lurking behind him.

Crown Prosecution Service

31. **Ms Abbott:** To ask the Attorney–General if he will make a statement on the Crown Prosecution Service. [25665]

The Solicitor–General: Among other things, the Crown Prosecution Service and the police are taking steps to improve the quality and timeliness of case preparation by reducing the volume of paperwork in police files and piloting the use of CPS lawyers giving on-the-spot advice in busy police stations.

Ms Abbott: Is the Solicitor-General aware of the case of Stephen Lawrence, who was cruelly murdered by a gang of white racists three years ago, and whose parents brought a private prosecution in the absence of any action by the CPS? Is he aware how hopeless and grief-stricken his parents feel today? One of the causes of their anguish is that none of the evidence, including videos of the young men concerned boasting about killing and maiming black people, videos of them practising stabbing people with knives, the alleged murder weapon and forensic evidence, came before the jury because the judge deemed that the eyewitness was not reliable? Without any criticism of how the judge handled the case, can the hon. and learned Gentleman understand how brokenhearted the Lawrences are? Can he understand that they must now feel that, although the case ultimately fell down in court, the judge deemed that the case had been properly brought, and if the CPS had acted earlier—instead, the case had to wait for three years before it came to court—the Lawrences might have seen justice done?

The Solicitor–General: We all have the deepest sympathy for the Lawrence family in their grief. I am well aware of the facts of the case because my right hon. and learned Friend and I have looked at it a number of times with counsel and senior members of the CPS. I have to say to the hon. Lady that it is of overwhelming importance that the rule of law be upheld. The plain fact of the matter is that, at the end of the day, the judge ruled that the evidence was inadmissible and, in doing so, he came to exactly the same conclusion as had been reached by the CPS much earlier—as a result of which it had declined to prosecute. In substance, the bottom line is that the judge and the CPS were of one mind.

Sir Dudley Smith: Is my hon. and learned Friend aware that we all welcome the improvements to the CPS that he and the Attorney-General have mentioned today, but is he further aware that there is still an impression among policemen and many members of the public that the Crown Prosecution Service will not take action unless it is almost certain to achieve a conviction? Will he do everything he can to encourage the service to take action in the interests of society when there is a reasonable chance of a conviction?

The Solicitor–General: Those who think that the CPS requires certainty or near certainty before it will institute proceedings are utterly wrong. In 1995, 77.3 per cent. of contested cases before magistrates courts resulted in guilty verdicts, and 22.7 per cent. resulted in verdicts of not guilty. Such a dismissal rate gives the lie to the allegation that only certainties are prosecuted. The test is laid out clearly, in the code for Crown prosecutors, for everyone to see: if there is a realistic prospect of conviction, proceedings are started.

Magistrates Courts

32. **Mr. Llwyd:** To ask the Attorney–General what percentage of cases in magistrates courts are prosecuted by (a) the in-house Crown Prosecution Service and (b) agent lawyers; and if he will make a statement. [25666]

The Solicitor–General: During the year ending March 1996, 90 per cent. of magistrates court sessions were covered by Crown Prosecution Service lawyers and 10 per cent. by agents.

Mr. Llwyd: That is a rather fantastic statistic, given that the CPS is now up to complement in most areas. When I worked in private practice—firmly on this planet, I might add—agents were usually used to cover up for cases badly prepared by the CPS. I do not know whether that is still the reason; I just wonder why as many as 10 per cent. of cases are covered by agents.

The Solicitor–General: It is done so that the CPS can conduct its business as efficiently and economically as possible. It is out of the question to expect the service to deal with every single case in every court, irrespective of the volume of work that has to be handled. I was in private practice until 1992, and I still appear in the courts so, like the hon. Gentleman, I have some experience.

ROYAL ASSENT

Madam Speaker: I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified Her Royal Assent to the following Acts:

Finance Act 1996

Education (Student Loans) Act 1996

Audit (Miscellaneous Provisions) Act 1996

Northern Ireland (Entry to Negotiations, etc) Act 1996

Rating (Caravans and Boats) Act 1996

Orders of the Day

Housing Bill

As amended (in the Standing Committee), considered.

Ordered,

That the Bill, as amended, be considered in the following order namely, New Clauses relating to Part I, amendments relating to Clauses 1 to 6, Schedule 1, Clauses 7 to 49, Schedule 2, Clauses 50 to 53, Schedule 3, Clauses 54 to 62, New Schedules relating to Part I, New Clauses relating to Part II, amendments relating to Clauses 63 to 76, New Schedules relating to Part II, New Clauses relating to Part III, amendments relating to Clauses 77 to 79, Schedule 4, Clauses 80 and 81, Schedules 5 and 6, Clauses 82 to 85, Schedule 7, Clauses 86 to 92, Schedule 8, Clause 93, Schedule 9, Clauses 94 to 100, New Schedules relating to Part III, New Clauses relating to Part IV, amendments relating to Clauses 101 and 102, Schedule 10, Clauses 103 and 104, Schedule 11, New Schedules relating to Part IV, New Clauses relating to Part V, amendments relating to Clauses 105 to 121, Schedule 12, Clauses 122 to 136, New Schedules relating to Part V, New Clauses relating to Part VI, amendments relating to Clauses 137 to 149, Schedule 13, Clause 150, New Schedules relating to Part VI, New Clauses relating to Part VII, amendments relating to Clauses 151 to 183, Schedule 14, Clauses 184 and 185, New Schedules relating to Part VII, New Clauses relating to Part VIII, amendments relating to Clauses 186 to 189, Schedule 15, Clauses 190 to 194, Schedule 16, Clauses 195 to 200, New Schedules relating to Part VIII, remaining New Clauses, remaining New Schedules.—*[Mr. Curry.]*

New clause 14

CRITERIA FOR REGISTRATION OR REMOVAL FROM REGISTER

'.—(1) The Corporation shall establish (and may from time to time vary) criteria which should be satisfied by a body seeking registration as a social landlord; and in deciding whether to register a body the Corporation shall have regard to whether those criteria are met.

(2) The Corporation shall establish (and may from time to time vary) criteria which should be satisfied where such a body seeks to be removed from the register of social landlords; and in deciding whether to remove a body from the register the Corporation shall have regard to whether those criteria are met.

(3) Before establishing or varying any such criteria the Corporation shall consult such bodies representative of registered social landlords, and such bodies representative of local authorities, as it thinks fit.

(4) The Corporation shall publish the criteria for registration and the criteria for removal from the register in such manner as the Corporation considers appropriate for bringing the criteria to the notice of bodies representative of registered social landlords and bodies representative of local authorities.'.—*[Mr. Curry.]*

Brought up, and read the First time.

3.32 pm

The Minister for Local Government, Housing and Urban Regeneration (Mr. David Curry): I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss Government amendments Nos. 65 to 67 and 71.

Mr. Curry: A large number of amendments to this part of the Bill are Government amendments that reflect commitments which I gave to Members who served on the Committee. There are also a number of Opposition amendments, but not in this group.

The Government amendments honour commitments made in Committee to require the corporation to consult relevant parties on the criteria for registering and deregistering social landlords, and before issuing a general consent on the disposal of land by a registered social landlord. The new clause, I am sure, will be welcomed by hon. Members on both sides of the House.

Mr. Nick Raynsford (Greenwich): As the Minister has made clear, new clause 14 has been introduced in response to amendments that we tabled in Committee. Those amendments sought to achieve greater clarity in the role of the Housing Corporation in registering and deregistering social landlords and also in the relationship of the Housing Corporation with local authorities and social landlords, including its consultation obligations.

We welcome new clause 14 and the amendments, which give effect to the undertaking that the Minister gave in Committee.

Mrs. Diana Maddock (Christchurch): I especially welcome new clause 14, which will provide that the Housing Corporation will have to consult not only the National Federation of Housing Associations, but local authorities. That is in line with amendments that I tabled in Committee. I also welcome amendment No. 67 because it is in line with amendments tabled by me in Committee.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New clause 5

PROTECTED AREAS

'—(1) For the purposes of section 15 a protected area is a local authority area, or sub-division of such an area, which has been approved as a protected area by the local housing authority within whose area it falls, in accordance with subsection (2) below.

(2) An area may only be declared a protected area where—

(a) there is a high level of housing need demonstrated by the local authority's housing register and other relevant evidence, and

(b) it can be shown that dwellings in the social rented sector acquired under the right to buy could not easily be replaced within a reasonable timescale.

(3) After an area has been declared a protected area for a period of two years the local authority concerned must consider whether that area still meets the criteria of subsection (2) above, and, unless it is considered that those criteria are met, its status as a protected area shall lapse.

(4) Before declaring a protected area under subsection (2) above and in assessing whether the criteria of that subsection are met after the period of two years referred to in subsection (3) the local authority shall consult—

(a) all electors residing within the area, and

(b) all registered social landlords who own dwellings in that area,

and shall allow them a period of 28 days in which to object.

(5) If—

(a) a majority of electors residing within the area, or

(b) registered social landlords owning between them a majority of the dwellings which would be affected by the granting of protected area status,

object to the granting of protected area status within the specified period then the Secretary of State shall be empowered to rule whether the declaration is reasonable within the criteria specified in subsection (2).'.—*[Mrs. Maddock.]*

Brought up, and read the First time.

Mrs. Maddock: I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss also the following: New clause 6—*Limitation on right of tenant to acquire dwelling—*

'. The right conferred by section 15 on a tenant to acquire his dwelling shall apply only to areas where the Secretary of State can satisfy the local housing authority that it will not lead to a long-term increase in housing need in the area.'.

Amendment No. 1, in clause 15, page 10, line 7, after '(1)', insert

'Unless he lives in a protected area,'.

Amendment No. 2, in page 10, line 43, at end insert—

'(5) The right conferred by this section shall not arise where the dwelling is subject to any restrictive covenant or agreement or charitable trust, which requires its provision and future use for affordable housing, excluding any nomination agreement which is not part of an agreement under section 106 of the Town and Country Planning Act 1990 or a similar covenant.'.

Amendment No. 10, in clause 16, page 11, line 2, at end insert—

'(c) designate dwellings or descriptions of dwellings subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 created in pursuance of the affordable housing policy in a local authority's local plan, to which the right conferred by that section does not arise.'.

Amendment No. 36, in page 11, line 2 at end insert—

'(1A) A registered social landlord may designate any of its dwellings subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 created in pursuance of the affordable housing policy in a local authority's local plan, to which the right conferred by section 15 does not arise.'.

Amendment No. 147, in page 11, line 2, at end insert—

'(1A) Where a tenant of a registered social landlord has the right to acquire the dwelling of which he or she is a tenant under section 15 and where under criteria established by the Housing Corporation with the approval of the Secretary of State there are good management grounds for excluding such a dwelling from the right to acquire, the registered social landlord shall provide an alternative dwelling from its housing stock for the tenant to acquire which provides equivalent facilities and is at an equivalent valuation if the landlord wishes to exercise the exclusion.'.

Mrs. Maddock: Liberal Democrats have long recognised the value of mixed communities, and I shall say a little about why they are so important. We also recognise that owner occupation can provide a stimulus to individual households and to areas. In moving new clause 5, we are not saying that we are against people in housing association properties buying the homes in which they live and nor, from my experience, are most housing associations in principle. But the reason why that is not generally happening up and down the country is that any housing association that chooses to sell to its tenants has to give the proceeds back to the Government, rather than being allowed to invest them in building replacements.

The Government have attempted to change the situation and I welcome that, but I still believe that we need to be very careful about what the sale of such properties will actually do to communities. Along with others, we want to see urban villages with a good mixture of housing, and we want to see that in the inner cities too. We want to move away from the huge public sector housing estates,

[Mrs. Maddock]

which can easily become ghettos. We are therefore in favour, in principle, of tenants of housing associations being able to buy their own homes, but only if it is their free choice, only if they can afford to, and only if the loss of those homes from the social sector will not cause serious problems for other sectors of housing in the area. The new clause seeks to address the last condition in a number of ways.

New clause 5 is similar to a clause that I tabled in Committee, but I have added new conditions to ensure that the right to create areas protected from the right to buy is not abused by local authorities. New clause 5 is about empowering local authorities to take decisions about what is best for the people in their areas, including both housing association tenants, who might wish to buy their homes, and people in housing need.

I am keen to allow local authorities to have the right of initiative to set up protected areas because I firmly believe that local authorities are the best bodies for assessing local housing need and local housing priorities. Local authorities are democratically accountable, they are on the ground where the problems exist and they are in a far better position than Ministers and civil servants to judge the merits of sales against the need to preserve an adequate stock of affordable homes for local people in housing need.

I have had numerous letters from parish councils, local councils and other organisations. We all received many letters when we were in Committee, and even in the past few days I have received more. I was interested to receive a letter from Cranbrook parish council and I was personally interested because I was christened in the church there. I was a little surprised to receive the letter, but the council sent copies to its local Members of Parliament as well as to myself and other Opposition Members. In the closing paragraphs of the letter, the council points to the two real issues. It states:

"Why is the choice to be left to housing associations or a Minister rather than to local councils?"

I agree with the council on that point. The council then asks how the section 106 agreements will be of any use if the Bill does not tie up with them.

To move nearer to my constituency, Purbeck district council sent a delegation to the Department of the Environment to express its concerns. Purbeck is an area of outstanding natural beauty. There are many reasons why it is difficult for the council to provide the right mix of housing, including social housing. Some ministerial proposals are extremely bureaucratic and lengthy. We could move away from that bureaucracy if local authorities could decide such matters for themselves. The issues that Purbeck district council has raised would be difficult to include in ministerial criteria. I believe, however, that they would come within the new clause.

The new clause provides that any local authority may declare all or part of the area for which it is responsible to be a protected area, where housing association tenants will not have the right to buy their homes. Such a declaration would be made only where a local authority could show a high level of housing need in a certain area. The authority would be required to show that homes sold off could not easily be replaced within a reasonable timescale.

There are several safeguards set out in the new clause. For example, if the registered social landlord holding the majority of social rented properties in the area to be designated as protected objects to the Secretary of State, the latter will have the right to rule on the legitimacy of the local authority's decision. That would be done in accordance with the criteria. Another safeguard is in the hands of the local electorate. If a majority of local electors object to the granting of protected area status, the Secretary of State will be empowered to rule on whether designation is genuine and falls within the criteria. A further safeguard is that the decision of the local authority must be reviewed at least every two years.

The new clause sets out commonsense measures that are designed to create a balance in housing association right to buy. Its provisions would provide flexibility. People would have the right to buy their homes where that could reasonably be done. The new clause has the support of many councillors throughout the country.

New clause 6 would provide a different approach by placing the onus on the Secretary of State to satisfy the local authority that the right to buy for housing association tenants will not lead to severe housing shortage. I am always concerned about giving powers to Ministers. The clause is not perfect, but it would place an obligation on the Secretary of State to justify the right to buy to the local authority.

Amendment No. 1 is linked to new clause 5. Amendment No. 2 would allow exemptions to the right to buy in terms of section 106 agreements and the planning system.

Many local authorities grant special planning permission for social housing because there is a shortage of affordable rented homes and virtually nowhere to build them. The Government, through planning law, have pushed for that to happen. I fear, however, that unless we arrive at a sensible decision, all that the Government have been trying to do through section 106 agreements—that is social housing provision in areas where it is needed—will be undone.

Amendment No. 36 is designed to protect section 106 agreements by allowing housing associations to exclude homes from a purchase grant scheme if they are built with planning permission with section 106 agreements. The amendment arises from discussions I have had—and I am sure the Minister and many others have had—with the National Federation of Housing Associations and it has its full and active support. I also welcome the constructive amendment tabled by the Leader of the Opposition—amendment No. 10—and amendment No. 147 tabled by the right hon. Member for City of London and Westminster, South (Mr. Brooke).

3.45 pm

Amendment No. 10 would give the right to grant exemptions from the right to buy to the Secretary of State where section 106 agreements are in place. Hon. Members who served on the Committee may remember that I am reluctant to support the granting of extra powers to the Secretary of State. I do not believe that that is the best way in which to tackle the situation, but if the amendment is pressed to a vote, I shall give it my support on the ground that I believe that section 106 planning agreements should be allowed to include exemption from the right to

buy. Anything that will go some way towards backing up that proposal is important even if it gives further powers to the Secretary of State.

I also support amendment No. 147 although I do not believe that it would achieve anything more than more selective criteria for the right to buy, accompanied by the existing provisions of the tenants incentive scheme. Nevertheless, I am pleased that the right hon. Member for City of London and Westminster, South has tabled the amendment.

This may be one of the key debates on the Bill. It is an important debate and the Government should look carefully at how it ties in with previous statements they have made and previous legislation. There is an army of people outside the House who are anxious that we do not undo the good work that has been done in creating communities where there is a variety of housing. There are severe problems in our rural communities. I know that the Minister has moved on the matter, has consulted and has said that areas with fewer than 3,000 people will be exempt. However, many people feel that that is a rather crude measure and that the Minister's other proposals on the matter are rather complicated.

New clause 5 and some of the amendments would make the matter simpler. They go along with the principle that I and other Liberal Democrats support, which is that we have faith in local councils and local communities to decide what is best in their area.

Mr. Raynsford: I rise to speak specifically to amendment No. 10. It relates to clause 16, so if it is pressed to a vote, that will happen rather later in our proceedings. I hope that that may be possible. It is right to spell out now why, in practice, there should be specific exemptions from the right-to-buy provisions relating to areas of housing that have been developed under section 106 agreements.

The amendment would give power to the Secretary of State to designate categories of dwellings subject to section 106 agreements for which the right to buy for housing associations would not apply. It would amend clause 16 under which the Secretary of State already has power to designate rural areas with a population of fewer than 3,000 which will be exempt from the right to buy. The amendment is thus an extension of an existing power in the Bill.

Labour strongly supports the opportunity for tenants of housing associations to buy their homes, subject to proper safeguards to ensure that housing remains available for people in need who do not have the option to buy, especially in areas where the replacement of housing is well nigh impossible, and safeguards to ensure that the development of new housing for social need, as part of mixed developments, can continue. That is why we argued for specific exemptions following the publication of the White Paper last summer. We are glad that the Government have agreed to exemptions for rural areas with populations of fewer than 3,000 people. I suspect, however, that there will be some definitional problems. The Minister has produced a huge schedule, listing all the parishes in the country where the exemptions will apply. Unfortunately, the debate will continue about precisely how many people live in the parishes concerned and whether these should or should not be included in the register. The Opposition, however, entirely support the principle.

Section 106 agreements raises similar principles. It may be helpful if I outline the main provisions of section 106 of the Town and Country Planning Act 1990. The Government's planning policy guidance note 3 encourages local authorities to prepare local development plans and to make provision for affordable housing to be included as part of developments in areas where there is a clear need for such housing. PPG3 makes clear that the need for affordable housing is

"a material planning consideration which may properly be taken into account in formulating development plan policies."

A local authority can therefore include an affordable housing policy in its local plan where a shortage of affordable housing has been identified. Such a policy enables the local authority to negotiate with developers seeking planning permission for residential developments. The authority can negotiate to ensure that the developers include an element of affordable housing on suitable sites. The Government's guidance suggests that the affordable housing provided by such a policy should be available "in the long term". PPG3 states that the authority must ensure that the benefits of affordable housing are

"enjoyed by successive as well as by initial occupiers of property".

The problem with the right-to-buy scheme is that where that right exists with discounts, the affordable housing provided as part of a balanced development to ensure that there will be continued provision for successive as well as initial occupiers of the property will be entirely subverted. The initial occupiers with the right to buy could well seek to exercise that right, whereupon they become the outright owners of the property. They will then be free to sell it at a market price. So the purpose of the planning policy—to enable some affordable housing, usually 25 per cent. or less of the total development, to be provided as part of a mixed development to produce balanced communities and to ensure that there will be opportunities to obtain affordable housing in the future—could be subverted if the right to buy were to apply without exemptions.

There are more serious implications. Landowners who have been prepared to consider handing over land for development at less than the market rate to enable affordable housing schemes to be developed, and developers who have been prepared to provide sites or, in some cases, to build houses at lower than market rates to facilitate the application of the policy might well decide that they will no longer do so.

That is not scaremongering on the part of the Opposition. I must pray in evidence one of the largest commercial companies in this country, which has, on the whole, a record of support and sympathy for the Government—the Hanson group. The group, one of the countries' largest developers, has threatened to pull out of a deal to provide 1,500 homes for low-income families as part of a development near Peterborough. These houses will be part of a much larger development. The company argues that the proposals to extend the right to buy will amount to a "slap in the face" and "a serious disincentive" to future developers. The reason why it says that is simple, and was outlined in a letter sent earlier this month to the chief executive of Peterborough council by the relevant director of the Hanson group.

He said:

"To find that our residential tenants, who will already be benefiting from substantial housing provision, will be able to make a tax-free gain at our expense will be seen as a slap in the face and

[Mr. Raynsford]

a serious disincentive to future developers . . . I shall review the situation next year when, hopefully, the Government will have revised its position."

We hope that a Government will have revised the position next year, whether this Government or another one. Mr. Hopkins, the managing director of Hanson Land goes on to say:

"Otherwise, I feel it is inevitable that we shall have to renegotiate our agreement with you."

There we have a large private developer saying that if the measure goes through it will undermine the basis on which the company has been prepared to provide affordable sites as part of a development and that it will renegotiate. There we have in a nutshell one aspect of the problem.

As I have said, the other aspect of the problem is the loss of housing as it is sold over time and becomes market housing rather than affordable housing. Against that background, it is clear that we need safeguards to ensure that such developments can continue to be built. We also need safeguards to ensure that the Government's planning policies can continue to operate. There is a clear contradiction between the impact of the right-to-buy policy and that of planning policies. Our amendment is designed to overcome that conflict.

The effect of the exemption will not be enormous. We are not talking about large numbers of people being denied the opportunity to buy their homes. Department of the Environment research suggests that 250 to 300 schemes have been developed under the planning guidelines since the 1980s, providing about 11,000 affordable homes. We are talking about a relatively small number of homes, but we must ensure that they continue to be available in perpetuity for people in housing need.

Our approach differs from that of the hon. Member for Christchurch (Mrs. Maddock). I understand her concern. It is identical to ours. Her approach is to allow local authorities to declare their areas off limits for the right to buy. That does not seem to us to be the correct way to go about it. It could result in arbitrary distinctions between areas. One local authority might designate a protected area while the next one might not. Individuals would not be able to exercise their rights with any confidence. There would be anomalies between areas. Many individuals would feel a sense of injustice. For all those reasons, we do not believe that the hon. Lady's proposal is the best way to tackle the problem.

We propose instead to give the Secretary of State powers to designate the categories of developments under section 106 agreements which would be exempt. That would ensure a standard national policy. There would be no scope for individual local authorities or landlords to adopt different policies. There would be no scope for them to seek to frustrate the wishes of tenants to buy their home in those areas. It would ensure a consistent national framework similar to the national framework already agreed by the Government for rural housing.

So we have here a modest amendment designed to ensure the continuation of a planning policy which was introduced by the Government, which we support, which can ensure the creation of balanced communities and which can ensure that the affordable housing generated by those developments continue to be available.

It makes sense and it is a necessary safeguard that will ensure the success of the right to buy for housing associations—a concept that we support—without creating unfortunate consequences that could undermine appropriate developments, such as the Peterborough example that I have given, and without creating a position where the balanced communities that we hope to see achieved are eroded over time as all the property transfers into owner occupation. I hope that the Government accept the amendment because it makes an enormous amount of sense and it is consistent with their planning policies.

4 pm

Mr. Clive Betts (Sheffield, Attercliffe): I support the amendment of my hon. Friend the Member for Greenwich (Mr. Raynsford)—that is, amendment No. 10. I support the proposal that the Secretary of State should be able to specify properties where section 106 agreements have been reached and should be able to ensure that they are excluded from the right to buy. In all the discussions in Committee about the right-to-buy properties for housing association tenants, we have said that we support the general approach and the general principle of the right to buy.

We support the right of housing association tenants to be on a similar basis to local authority tenants. On a number of occasions we have made it clear that we are not prepared to support exemptions where there are not exemptions for local authority tenants. We believe that housing association tenants have the same entitlement and we want to see it written into the Bill.

In speaking to amendment No. 10, my hon. Friend said that there is a possibility that the policy will lead to problems in rural areas, including a lack of social and affordable housing. We pressed for the development of a policy that will give protection to that sort of housing in those areas and we pressed for some exclusions from the rights that are generally available to housing association tenants. That is precisely why we have come to look at section 106 agreements.

We believe that the Minister should have the power, in certain circumstances, to exempt certain properties because of the potential for removing the availability of affordable social housing from certain parts of our community. If the right-to-buy policy were allowed to stand without any of the safeguards that we are trying to write into the Bill, there could be problems in terms of a lack of social housing in rural areas.

I shall illustrate my support for the amendment by referring to part of my constituency. There is an area in my constituency that is essentially a new town. It was brought into Sheffield at the beginning of the 1970s from Derbyshire for the purpose of allowing an expansion of Sheffield's community which could not expand within the given city boundaries of the time. The plans for the area were worked out in great detail, with public consultation and general support, and they included a balance of housing to buy and housing to rent. There has been a substantial change of housing policy in this country since the inception of those plans. The early townships had a balance of communities—they had houses to rent and houses to buy—but only housing to buy has been possible in later years.

The Government often attack the large council estates in our country—sometimes unfairly and sometimes indiscriminately. However, they bring out the fact that it

is unwise to have large areas in any city that are of the same tenure and that have no social mix. I contend that it is unwise to have large areas in our cities with only houses to rent and with people perhaps coming from a similar socio-economic background, but that it is equally unwise to develop large areas in our cities—such as Sheffield—where there are only houses to buy. People who choose to rent or who have no alternative but to rent do not have the opportunity to live in those communities.

There are areas in my constituency where people who cannot afford to buy or who do not want to buy are excluded—for example, people who want to rent a small flat. For example, I refer to younger people and to older people—who may have owned a house but who choose to move into rented accommodation later in life. Constituents who come to my surgery tell me, "I live in this area and own my property. Can you enable mum and dad to live near me? By the way, they want a council property or housing association property to rent. We do not really mind which, as long as there is a social landlord." The answer to such people is "No. We are very sorry. We can find somewhere, but it is three miles away." That is all right if the person concerned has a car in which to visit mum and dad, but it will not be so easy for mum and dad to visit in return, and they will lose some independence because no property is available to rent in the area.

It is also important to achieve a balance between communities. It used to be possible for local authorities to build suitable properties, but they cannot do so any more. In Sheffield we developed a very good partnership scheme enabling councils and housing associations to work with private builders. The Government have now stopped that scheme, but it has already put some rentable houses into the area.

We want to make housing association developments possible. In particular, we want to enable housing associations to afford to buy the available land. Section 106 agreements are a valuable asset, as they can be defined as part of an overall planning policy. I have just been talking about the planning arrangements for the Mosborough area in Sheffield. As part of their overall planning policy, local authorities should be able to wield a particular weapon: the ability to designate parts of a new community as areas where social housing will be provided. It is not sufficient to designate those areas in the first place, however; it is equally important to ensure that they remain areas for social housing in the longer term. The initial provision of a balanced community will be of no great benefit in 20 or 30 years' time if all the houses that were built for rent—often in attractive and desirable locations—suddenly become subject to the right to buy, and are sold. The initial planning policies that recognised the desirability of affordable housing must be maintained, and the amendment would empower the Secretary of State to ensure that they are.

Local authorities must not take such a use of planning policies lightly. In general, if areas are allocated for housing under planning policies, any sort of housing can be developed. Section 106 has a special function: as my hon. Friend the Member for Greenwich said, it is used by planning authorities in the light of a particular local need, when that is the best—often the only—way in which to ensure that suitable housing is built.

I am currently discussing the matter with representatives of the North British housing association, which has provided quite a few properties in the Sheffield area. It is now paying particular attention to the Mosborough area, and wants to talk to the local authority about the use of section 106 powers and the possibility of building properties in the area without the need for housing association grant from the Government. Naturally, the association fears that if it goes ahead using its own resources and other private funds that it can secure, the properties that it builds for specific purposes may be removed from the social rented sector soon afterwards.

Amendment No. 10 does not say that all section 106 properties will be exempt in all circumstances; it says that the Secretary of State should have a right and a power to remove properties from the right-to-buy scheme in some circumstances, when they are provided under section 106 powers and when they have clearly been provided to meet a local need that still exists. When the need has been assessed and identified, when it is clear that the houses were built to meet that need under section 106 and when it is still necessary to ensure that people are able to live in their communities when they can only afford to rent, the Secretary of State will be able to exercise his judgment and make certain that those properties remain available for social renting. I hope that the Secretary of State will recognise that this modest amendment could have a real impact on some people in some communities.

Mr. Peter Brooke (City of London and Westminster, South): I rise to speak on my amendment No. 147, to which the hon. Member for Christchurch (Mrs. Maddock) referred. In Committee, we debated the general subject of this group of amendments, and I raised the issue with which the amendment deals with my hon. Friend the Minister. He implied that he understood the issue and would consider it. It is therefore a probing amendment, designed to provide a hook on which he can hang the outcome of his consideration.

Before I come to the amendment, I wish to say a word about the balance of inner-city housing. In Committee, I noted that social housing in inner cities was needed to enable the people who provide the key services that any city requires to live close to the centre. I recognise the Bill's potential implications for the existing provision of social housing and for any new housing that is provided. I argued that it would be wrong to build in any special purposes, beyond raising the issue of management in such areas.

I am conscious of the problem because we have some prior evidence. A housing association in my constituency manages housing that came to it following the abolition of the Greater London council, where a number of GLC tenants had exercised the right to buy before the block came into its hands. I dare say that it is partly that experience of mixed use in the housing that it currently has to manage that prompts its thoughts.

It is unquestionably the case that several tenants who exercised the right to buy in the middle 1980s have sold on, as the hon. Member for Greenwich (Mr. Raynsford) said. It is therefore arguable that the housing is no longer being used for the purpose for which it was originally designed. The problem about the subsequent ownership into which such housing comes is the same as that which applies in respect of leasehold enfranchisement. There can

[Mr. Peter Brooke]

be passionate arguments in favour of securing the right to leasehold enfranchisement, but, after it has been exercised, the house can be sold on to foreigners who were not part of the original debate and had not argued for the change.

To return to the issue that I raised in Committee and which I want to raise with the Minister, the problem of housing associations in inner-city areas is that they are likely to have pockets of housing in many different buildings. Their capacity to manage them efficiently is enormously enhanced if, as far as possible, mixed use can be avoided and the style of ownership in particular blocks or pockets can be consistent—homogeneous rather than heterogeneous.

My amendment would enable housing associations to argue that management problems would be caused by certain properties passing into the hands of those who wish to purchase them. In such circumstances, provided they could prove that, they should have the opportunity to offer an alternative flat—in central London, it is likely to be a flat rather than a house—to the tenant who wished to buy. The housing association and both its tenants and leaseholders would be protected from the possibility of rents and service charges rising simply because the cost of management had increased because of the mixed use that it was being required to maintain.

4.15 pm

Mr. Michael Jopling (Westmorland and Lonsdale): Over a good many years, I have taken an interest in the effects of right-to-buy arrangements that were introduced on to the statute book through the Housing Act 1980. Although I have always been a great enthusiast of the right to buy, I have been anxious that, in some areas of the country, the full effect of an open market on rented property should not apply to the right to buy.

I start by declaring—as I have in the Register of Members' Interests—that I own some rented housing, but none of it is in areas such as the national parks, about which I want to talk this afternoon.

Over the years, I have done my best—both from within and outside Government—to try to ensure that the effects of right-to-buy arrangements did not, in areas such as my constituency in the Lake district, make an already difficult housing situation infinitely worse. For all the years that I have been in the House—nearly 32—I have been extremely concerned about what happens in regions such as my constituency, where there is a huge demand from people from outside the area who wish to have retirement or holiday homes and who buy up properties. They drive the prices up to such a level that the local people who have been born, brought up and want to work in the area can no longer afford to live in it because of the serious escalation of house prices.

Dame Elaine Kellett-Bowman (Lancaster): That is by no means confined to the Lake district. Some of the lovely rural areas in my constituency are handicapped by the same process, which is why it is essential to keep some properties for indigent people, and their sons and daughters.

Mr. Jopling: That is right. My hon. Friend, whose constituency joins mine and who is a distinguished former Member of the European Parliament—for my constituency as well as her own—has put her finger on an important point.

I was always concerned that the right-to-buy arrangements could, if allowed to develop in an uncontrolled way, drive council houses out of the hands of locally born and locally employed people. I was concerned that the arrangements could drive those houses into the realm of people who wanted retirement or holiday homes.

When the 1980 Act was passing through the House, we put pressure on the Government—I did so from within Government—to curtail the power of new owners who had exercised their right to buy to resell their properties on the open housing market. I think that it was the House of Lords that eventually nudged the Government into rightly curtailing the resale of those houses after the right to buy had been exercised. They restricted that right to reasonably locally based people, which was a good move.

In my constituency—my hon. Friend the Member for Lancaster (Dame E. Kellett-Bowman) is right to say that the same thing applies to many other parts of the country, particularly the national parks—council house tenants bought their council houses and found that it paid to let them as holiday homes. The massive profits they made allowed them to pay a mortgage on other houses in nearby towns where they went to live. They were running small cottage industries using their council houses. We were able to halt that practice in about 1988.

I was involved also in steps, which the Government supported, to prevent abuses involving houses that had been earmarked as joint ownership properties. Owners who could not afford to pay 100 per cent. of the property price were able to enter into a shared ownership arrangement with either the housing association or the local authority, and then try to staircase their ownership. We took steps to prevent those houses from coming on to the open housing market thereby ceasing to qualify as joint ownership properties for those who wanted to own their homes but who could not afford to pay the whole price.

Last summer, the Government announced in their White Paper that properties in rural areas owned by housing associations would be exempt from the new right to buy. The tenants would also be exempt from the right-to-buy provision in those circumstances. I welcomed that move. I thought that all was going well until I heard recently from the Country Landowners Association—of which I am a member—which expressed continuing concern about the situation. In winding up the debate, I ask the Minister to answer some questions that bother the CLA.

It wonders whether the Government have done enough in the Bill to restore certainty and enable the future development of affordable rented housing schemes. First, the CLA asks the Government how providers of land can be certain that low-cost housing will not be lost to the open market in future if, as the Government have said, the boundaries of rural area exemption are to be subject to reviews in the Bill. That is a danger to future confidence.

It leads to the CLA's second question: how will the Government deal with special cases involving, for example, small towns in national parks—I have talked about that problem in my constituency and in other areas—which exceed the 3,000 population threshold but

which do not have alternative housing options? That is a problem in my constituency, and it concerns other hon. Members, such as my hon. Friend the Member for Lancaster and those whose constituencies encompass national parks.

Thirdly, the CLA asks how planning authorities can have the confidence to make section 106 agreements on exceptions sites in small towns such as those that I described, when the low-cost housing involved is not part of the rural areas exemption, or is likely to not be exempt in five or 10 years. They are important questions, and I shall listen very carefully to the Minister's response. The CLA tells me that it believes that there would be greater certainty if the Bill provided a once-and-for-all exemption for schemes in existence at the point of Royal Assent or at the date of planning permission for subsequent developments. It believes that there would be greater certainty if the Bill extended the definition of rural areas to cover special cases where the exercise of a right to buy would harm the interests of future generations.

I have a great deal of sympathy with the CLA, and I look forward to hearing what my hon. Friend the Minister has to say. Let me say in the friendliest way that the House of Lords gets very excited about exactly such issues: I strongly recommend that he gets his act together tonight, as that will save him a great deal of trouble when the Bill goes to another place.

Mr. William O'Brien (Normanton): The right hon. Member for Westmorland and Lonsdale (Mr. Jopling) has issued a firm warning. The Minister would be wise to take note of what the right hon. Gentleman had to say, because of his experience as a Cabinet Minister responsible for housing. He made it clear that there are anomalies in the drafting of housing and planning legislation, and concern has been expressed by Members on both sides of the House about the possible consequences.

I want to draw attention to a local concern and the views expressed by people responsible for housing matters in West Yorkshire and Humberside. Mr. Steve Close, the chief executive of the Chantry housing association in Wakefield, wrote to me to the effect that the Chantry housing association and the National Federation of Housing Associations remain concerned that, without some changes, the proposed grant scheme for housing association tenants would undermine the provision of affordable housing in areas where replacement is impossible.

Local authorities in the industrial and urban conurbations of West Yorkshire are finding it difficult to replace the affordable social housing that was sold under the right to buy. That affects the provision of affordable housing to meet specific needs. I can say without a shadow of a doubt that, in my constituency, there are areas with a specific need for social housing and for houses that people can afford to rent. The private sector does not provide such accommodation. Amendment No. 10 gives the Minister an opportunity to regulate matters, so that properties that were built for specific purposes under section 106 will continue to be available to those who require low-rent properties.

In Committee, we asked about houses that had been built specifically for certain purposes under certain conditions, particularly for the elderly or the infirm. Ministers have said that that practice will continue and that such properties will continue to be available to specifically designated people. We want to look one step beyond the assurance given by the Minister in Committee, to ensure that section 106 housing will remain in the market for people in need of social properties at affordable rents.

The Government have acknowledged the need for affordable housing. Ministers require every local authority to prepare a local development plan that conveys proposals and objectives for the area, and Wakefield has conformed.

4.30 pm

The Government's planning policy guidance No. 3 issued in 1992 stated:

"a community's need for affordable housing is a material planning consideration which may be taken into account in formulating development plan policies."

One purpose of new clause 5 is to secure the Government's acknowledgement that there is a need for affordable housing. We want the Minister's reassurance on that point, and an undertaking that properties that are considered by housing associations or local authorities as necessary under new clause 5 will remain available to people in need of social housing at rents that they can afford.

Affordable housing is defined as subsidised housing and low-cost market housing. I am pleased that the Minister nods in agreement—it appears that he is drawing nearer to meeting our request.

A local authority may include an affordable housing policy in its local plan where a shortage of such housing has been identified. In Wakefield and other areas where the mining industry was once predominant, social housing was provided under the former coal mine agreements. With the closure of the collieries, such estates have been demolished and replaced by high-price properties that local people cannot afford, and little low-rent properties remain apart from local authority or housing association homes.

Under the right to buy, the number of local authority properties available for rent is decreasing considerably, and as the Bill makes provision for the right to buy to be extended to housing association tenants, one can anticipate that people trying to obtain an affordable tenancy will have further problems unless changes are made to the Bill. If local authorities continue to include an affordable housing policy in their local plans where a shortage of such housing has been identified, that will enable authorities to negotiate with residential developers, to include an element of affordable housing on suitable sites.

I again draw attention to the situation in mining areas, where there has been a total clearance of social housing because of the mining industry's closure. Provisions for designating certain areas for social housing and including affordable housing need to be strengthened, which I hope that the Minister will consider today.

Government guidance suggests that affordable housing provided through a planning policy should be available in the long term, and states that local authorities must ensure that arrangements are in place to ensure that the

"benefit of affordable housing will be enjoyed by successive as well as by initial occupiers of the property."

That point is reiterated in the amendments.

[Mr. William O'Brien]

It is important for the Minister to assure us that, when new properties are available under section 106 or when agreement has been reached with local authorities and developers, those properties will be available for future generations. The destinies of people who will rely in future on social housing at affordable rents will be determined by the decisions that we take today.

Against that background, I support amendment No. 10. I believe that it is a constructive amendment, that it will be of great benefit to many people in future, and that the Minister should support it. If we pass it, we will demonstrate beyond any shadow of doubt that this is the type of social and affordable housing policy that the Government believe in.

I ask the Minister and all hon. Members to support this group of amendments, because they are constructive and will help to enhance the Bill's benefit.

Mr. Christopher Gill (Ludlow): My hon. Friend the Minister will appreciate that Ludlow is a very rural constituency. I endorse the remarks made by my right hon. Friend the Member for Westmorland and Lonsdale (Mr. Jopling), who has put the case for beefing up this legislation, so that all those who have entered into the spirit of providing social housing in the countryside since the change in the legislation some years ago will not feel that they have been let down, but believe that there is some certainty about the future.

Before I say any more, I should emphasise that I believe in the right-to-buy policy. It has been one of the most successful political policies of all time, and enabled thousands of people to achieve their lifelong ambition—to live in the property they own—which is entirely consistent with the policies of a Conservative Government. Having said that, I trust that the Minister will appreciate that it is very much a question of horses for courses.

Rural housing was one of the first matters that I became aware of as a problem in my constituency after I was elected as a Member of Parliament in 1987. The Minister will be able to understand why it is a problem. A brief explanation is that every property in my constituency is regarded as desirable, and that it is regarded as doubly desirable by those who do not currently live in my constituency but who would like to live there.

People move into my constituency from more affluent areas. They have a bigger purse and deeper pockets than the indigenous population, and they are therefore able to buy up every property, no matter what its condition or size.

Therefore, I hope that the Minister, who I am sure is paying close attention to this debate, will recognise that there is a world of difference between introducing a right-to-buy policy in an urban area, where it is entirely appropriate, and introducing it in a rural area, where, in my submission and that of many of my constituents, it is entirely inappropriate because of the circumstances I have described.

We have already altered the law to enable social housing to be provided in rural areas, and everyone in the jigsaw supports our policy. It is therefore important that we give those people a sense of stability, and a guarantee that they continue to operate the current system. I am talking about the landowners who have made land available at less than the commercial price, the housing associations that are involved, and, not least, the planners who grant planning permission outside the village enclave.

It would be a mistake if we missed the opportunity to reassure those people that the current regime will continue to operate. For that reason, I seek a specific assurance from the Minister that he will accept the terms of the amendment.

Sir Roger Moate (Faversham): I must apologise to the House for participating rather late in the debate, but I am glad that I had the chance to hear the hon. Member for Normanton (Mr. O'Brien) speak in favour of amendment No. 10, which I too support. I should like to inquire of my hon. Friend the Minister about certain issues.

In common with my hon. Friend the Member for Ludlow (Mr. Gill), I enthusiastically support the right-to-buy policy. I regard it as one of the great achievements of successive Conservative Governments. I also regard the creation of the housing association movement as one of the jewels in our crown.

This morning, I received a letter from the chief executive of the Swale housing association, which has been immensely successful. I take its representations seriously. That housing association in my constituency has control of between 6,000 and 7,000 houses under a total transfer scheme from the public sector. Its successful operation makes it an example that should be emulated right across the country.

The chief executive stresses that the housing association supports

"right to buy and other purchase initiatives"

and that it

"shall operate fully the purchase grant scheme which extends the right to buy scheme to new tenants not just those who transferred from Swale Borough Council".

Given that support, when he went on to suggest that amendments Nos. 10 and 36 should be considered seriously, I therefore wanted to make representations to the Minister to find out how the Government propose to deal with houses that have been built under section 106 agreements.

I will not labour the point, which has already been well made, and I am sure that my hon. Friend is well seized of it, but an element of contradiction seems apparent. If we encourage, and rightly so, local authorities to make section 106 agreements to deal specifically with the problems of housing need and affordable housing in certain areas, it is inconsistent to say that those self-same houses can be sold.

It is my understanding that this specific problem is not a great one—I am taking that information from the briefing of the National Federation of Housing Associations, and I apologise if those points have already been made. None the less, I note that Department of the Environment research suggests that 11,000 such homes have been built since the late 1980s, mainly in the south-east and in south Wales.

According to that briefing:

"Of three large associations, one had 10 dwellings out of 400 that would be affected, one had only 2 schemes and the other just 1 scheme."

I have no wish to undermine the general concept of the proposal, and I am not calling for large-scale exemptions. An argument has been responsibly made, however, about a specific number of section 106 agreements in areas such as mine, where a small number of houses meet a specific need. I would welcome the Minister's comments on that. I have no idea whether the amendments are sensible or right, but I would welcome some words of assistance from my hon. Friend to meet my philosophical argument.

Mr. Geoffrey Clifton-Brown (Cirencester and Tewkesbury): I should like to echo what my hon. Friend the Member for Ludlow (Mr. Gill) has said.

I welcome the Government's initiative to exempt those communities of fewer than 3,000 people, but I too represent a rural constituency, 80 per cent. of which is designated for planning purposes of one sort or another.

If the constituency of my hon. Friend the Member for Ludlow is desirable, my constituency in the Cotswolds is equally, if not more, so. Houses there are even more expensive than in my hon. Friend's constituency. The incentive for people to try to get on the ladder for low-cost housing and then try to get the right to buy that property is all the greater in my constituency. My fear is that, when the low-cost housing that has been provided is whittled away by the right to buy, there will be ever more pressure for even more land to be provided at a low cost.

Although a section 106 agreement may be entered into when an estate is built, the pressure will grow for even more low-cost estates. That would have two consequences. First, ever more land would be used up in a rural area. Secondly, and perhaps a more important consequence, a landlord who is offered a mere glimmer of the possibility of obtaining full planning permission might not even want to sell or give that land at low cost.

In my constituency, the building land for which full planning permission for residential dwellings is available costs between £100,000 and £200,000 per acre. There is therefore a great incentive for a landlord to hold out in case he might get full planning permission. Where an area is designated for low-cost housing, and is subject to the exemption, the relevant criteria should be altered only in exceptional circumstances; otherwise, we will be in deep trouble in rural areas.

4.45 pm

Mr. Curry: The debate has ranged from the furthest flung rural communities to the inner-city bailiwick of my right hon. Friend the Member for City of London and Westminster, South (Mr. Brooke). I should declare an interest as my constituency is the fifth most scattered one in the country, where anything that is not national park is an area of outstanding natural beauty. The problems that my right hon. Friend the Member for Westmorland and Lonsdale (Mr. Jopling) has highlighted—his constituency matches mine—and those outlined by my hon. Friends the Members for Ludlow (Mr. Gill) and for Cirencester and Tewkesbury (Mr. Clifton-Brown) are all writ large in my constituency. They would therefore expect me to be particularly sensitive to the problems of housing in rural areas.

When we drew up the policy for the new purchase grant scheme we had two things in mind. First, we wished to extend home ownership so that people living in housing association property were put on a more equal basis with people living in local authority property under secure tenure. The basis of the scheme is the equivalence of status of those two sets of tenants. Secondly, we wanted to recognise that certain rural areas present particular problems, where it would not be sensible to permit a right to buy.

The question then arose about how to define such a scheme. I wanted a scheme that was easy to define, clear cut, not bureaucratic and complex and which did not allow properties to float in and out of designation. That is why we chose the concept of rural settlements of 3,000 people. We did so partly because the definition of rurality by the Rural Development Commission, which we are building upon, is fairly well understood. We chose carefully the idea of settlement as opposed to village or parish because it gave us more flexibility. One could have a parish which included some large places, as well as some small areas. Designating settlements enables us to propose more embracing exclusions. Making sure that people know what those exclusions are is of course important. That is why we propose carefully to list the settlements' locations, and we shall also issue maps carefully defining them.

Mr. Gill: If my memory serves me right, this is where we were last time the question was debated. I am sure that the Minister acknowledged then that definitions would need to be made, so it is sad that we are here discussing the same measure again while the lists are still not available. When does he propose to publish them?

Mr. Curry: We gave members of the Committee some illustrative examples of how we intended to proceed. We shall issue lists once the Bill has completed its passage; they will be subject to consultation. We do not intend to come up with a definition that is so hard and fast that settlements of 2,999 will be included but those of 3,001 will not. Equally, we want to avoid accidents of birth and death sending settlements in and out of designation.

Once we have designated the settlements for the first time, we expect the designations to remain in force for 10 years, or at least between censuses. It is not in anyone's interest that settlements should not know what status they enjoy. Obviously, there will have to be revisions from time to time—say, when a major settlement is developed, since that will alter the social and economic nature of an area. We are approaching the matter flexibly, therefore, but with a clear set of rules that will not, I hope, be confusing.

My right hon. Friend the Member for Westmorland and Lonsdale raised some questions about his own part of the world, mentioning the national parks in particular. There are only 17 settlements of more than 3,000 people in all our national parks. In the Lake district they are Keswick, which is not in my right hon. Friend's constituency, and Windermere, which is, and which has a population of roughly 70,000. In the Yorkshire dales and Northumberland parks, no settlements fall within the designation. In Exmoor, there would be two, in the north Yorkshire moors, three, and in Dartmoor, four. There would be rather more in the Peak district, but we shall need to discuss the detail to determine exactly which ones will be designated.

The hon. Member for Sheffield, Attercliffe (Mr. Betts) has explained that he cannot be here owing to the need to attend a Select Committee this afternoon, but I might

[Mr. Curry]

point out that, with areas close to major conurbations, we would need to be sensitive to the situation and to recognise that differing circumstances probably apply as compared with more far-flung communities.

I should at this point remark that in rural areas, for existing properties, whether or not covered by section 106, the scheme is entirely voluntary. Properties are covered only if the housing association opts into the scheme, because it is entirely discretionary. The element of requirement impinges only on properties built with public funds after this legislation becomes law. The hon. Member for Attercliffe cited the example of a housing association that wanted to develop affordable homes using only money raised privately. In that case, there would be no right to buy. The simple formula in that case is: no housing association grant, no sale. I hope that that will reassure the hon. Gentleman.

We have just circulated a consultation paper, and replies have been received. The proposals recognise the need for replacement properties, which is why we recycle receipts into the scheme. That is an essential element of the whole idea. As the hon. Member for Christchurch (Mrs. Maddock) correctly said, under current legislation if a housing association sells properties—quite a number do; it is well established—the receipts go back to the Housing Corporation. The money is recycled into general funding, not specifically to the housing association. Under this scheme, when a housing association sells a property, the receipts are retained by the association and must be used to provide new social housing. That means that if the association is using land donated, or given at very low cost, the sale takes place at market value and there will be no discount for the housing association. The tenant gets a discount, as with the local authority scheme—although perhaps not on the same scale. The point is that the housing association receives a market price for the property, and all the money goes into the provision of new accommodation. That is how any donation is recycled for future tenants.

The hon. Member for Greenwich (Mr. Raynsford) mentioned Hanson Land Ltd. The Labour party rides with strange bedfellows these days, it would seem. One day Hanson—the next, who knows? The answer to the hon. Member's point is that if those properties are sold at market value, the housing association will use the whole of that value for recycling into new properties. So Hanson's fear of a bonus for the tenants is misplaced. There is no bonus for them from the point of view of the housing association.

Mrs. Maddock: I have listened carefully to the Minister, but I believe that there is evidence that in the process of buying and selling there will not be enough money left at the end of the system to replace all the properties. I cannot quote the figures, but I know that people are very worried about this. In practice it sounds fine: the money will be returned and will be available for future use. But we all know from buying our own homes that it costs money to make financial deals, so some money is lost to the system.

Mr. Curry: Under the legislation, when a housing association receives money it will all go into the provision of new accommodation—and it does not have to be newly built. It can be acquired in other ways, which may enable the association, in fact, to invest in more houses than it has sold.

We want to be flexible, as I have said. We shall keep all the mechanisms under review. I am anxious that the scheme should work. As I said often in Committee, I am not in receipt of biblical certitude; we need to keep an eye on developments. I would not hesitate to amend the scheme if that appeared necessary. But I do not want to make the scheme so complicated that its very complexity constitutes a deterrent. Our twin purpose is to encourage home ownership and to put housing association tenants on a more equal footing with local authority tenants. At the same time, we have to recognise that there are circumstances in which that would not be—to use a word beloved of my officials—appropriate.

Mr. Raynsford: The Minister has presented the case for the recycling of capital receipts as the solution to the problem, but it is not an adequate solution. First, there will be places where it is impossible to replace properties, especially in communities where there is strong pressure on development and where, once a development is complete, people do not want further development. If the housing that is developed goes out of social use, therefore, it will be lost for ever.

Secondly, the crucial point about Hanson which the Minister overlooked is that no developer or landowner will make land available for social needs at low market price if he then sees that the resulting windfall accrues not to him but to the housing association and the tenant, because the tenant can buy at a discount and the housing association gets the capital receipt. Many landowners say that they are prepared to part with land for less than the market price, but they will not do so if, as a result of the right to buy, that land is built on with houses that are then sold at market rates. That will act as a deterrent to future development in Peterborough and elsewhere.

Mr. Curry: There is no windfall gain for the tenant. The tenant pays a market price, but he is given help in paying the market price by the grant. The tenant does not get a discount, irrespective of whether the land was given by the Church Commissioners, my right hon. Friend the Member for Westmorland and Lonsdale or anyone else. The price that the tenant pays is exactly the same as the price that the market requires, but he gets assistance from the grant that is given to help him to pay that price. The tenant pays a percentage and the remainder is made up by the grant.

If the housing association sells a property that has been built on land that has been donated, it will make a bigger profit from the sale of that land and that profit will then be recycled into the provision of new accommodation. The value of the gift is transmitted forward into the new sales. That is my point. But I am willing to reply to other points.

5 pm

Mr. Gill: My hon. Friend the Minister has not answered the question posed by the hon. Member for Greenwich (Mr. Raynsford). We all accept, on both sides of the House, that there is no gain or benefit to the tenant. We accept that such gain as there is will go to the housing association and will therefore, as my hon. Friend points

out, be recycled. But will he put himself in the shoes of the landowner who either has sold or might in future be prepared to sell land for the purpose of social housing? If the landowner provides land for that purpose, is there any certainty that that land and that housing will remain in use for the purpose for which he has made it available at less than the market price? If there is no certainty, why should the landowner provide any land? More to the point, why should any landowner make additional land available in the future if the original housing on the original land is disposed of? My hon. Friend must consider the issue from the point of view of the landowner, who may be very reluctant to let any land go. In many instances, there will be opposition in the villages to any land being allowed for that sort of housing and it will be extraordinarily difficult for any landowner to countenance making land available unless there is a guarantee that the land and the houses built on it will remain used for the purpose for which he made it available in the first place.

Madam Deputy Speaker (Dame Janet Fookes): Order. Before the Minister continues, I must say that we have had two rather long interventions. I shall not be so generous next time.

Mr. Curry: First, in all the areas covered by the 3,000 rule, the landowner can donate land in the absolute certainty that that land and the property which stands on it will not be sold because it will fall within the exemption. I anticipate that most of the settlements that will be designated in the first instance are likely to remain permanently designated. In the constituency of my right hon. Friend the Member for Westmorland and Lonsdale, in my constituency, and in the national parks, most of the settlements are not on the borderline of 3,000, but are well below 3,000—in the hundreds. So the question would not arise.

Secondly, outside the 3,000 rule for new build, if the landlord gave land for the purposes of social housing and social houses were built on it and if the housing association had used public funds to build property—that is a further condition—and that land were sold, the housing association's receipt, which would be the market receipt, would have to be used to provide new social lettings. The housing association has no discretion about that, because it is a requirement that that money be recycled into new social lettings.

Mr. Jopling: I shall try to be brief. There is still an element of uncertainty which my hon. Friend the Minister has not been able to put aside. Why not include in the Bill a provision that the reviews can only bring more land into the exempt area and cannot take land that is already exempted outside the area?

Mr. Curry: There might be circumstances in which a decision is taken to establish a new settlement, for example. We all know the pressures that we are under in provision for new households. We wish to settle that, as far as possible, on used sites, and that point verges on the concerns expressed by my right hon. Friend the Member for City of London and Westminster, South.

One cannot exclude the possibility that there might be some demand that would require the augmenting of existing settlements. Such circumstances will not occur frequently, but one should not assume that they cannot happen. In that case, we might have an anomaly under which quite large settlements were excluded from the programme. As I have said already, when we make the designations we intend to consult on them. We do not intend to seek arithmetical precision in every instance; we will consider local circumstances. Once the designations are established, they are likely to remain for the period between censuses at least, and possibly for much longer.

Dame Elaine Kellett-Bowman: I regard that as a most unsatisfactory answer. Rural areas have great continuity and people think in terms of 100 years, not five or 10. Landlords, as some of my hon. Friends have said, will not give land away unless they have some certainty that the designated areas will remain into the future, not just for 10 years.

Mr. Curry: In the overwhelming number of areas, that will be the case. But if my hon. Friend had been asked 100 years ago whether she could anticipate the settlement patterns that would exist now, she would have had some difficulty in predicting them, and so would I.

Dame Elaine Kellett-Bowman: My hon. Friend said 10 years.

Mr. Curry: I said that the census takes place on a 10-yearly basis and we would not expect any reviews to take place in a period shorter than that. In the overwhelming number of cases, there is unlikely to be any change as a result of the census, but if we institute arrangements, we must have some mechanism for flexibility. We are constantly told not to be too rigid. I do not want to be rigid and that is why I do not want to see a situation in which there is constant change and when as soon anybody is entered in the register of births, marriages and deaths he or she can move the settlement in or out of the qualifications.

Mr. Raynsford: The Minister is making very heavy weather of this. He accepts the need for a clear exemption in rural areas. Why will he not accept the case for a clear exemption in the case of section 106 agreements? The numbers involved are small, but that would give certainty to the landowner and the developer that the purpose of that land being provided cheaply is because it is for social housing in perpetuity. That is consistent with Government planning policy, so why cannot the Minister agree to it?

Mr. Curry: I have not got to my notes yet. As the hon. Member for Normanton (Mr. O'Brien) mentioned, the definition of "affordable" is not just for rented accommodation. It goes wider than that, as does the use of section 106. Existing properties under section 106 can be withheld from the scheme because it depends on voluntarily opting in. Section 106 is irrelevant in that regard. If a new site were permitted section 106 status, what would prevent all new-builds from being designated under section 106? There would be a danger that section 106 would be used automatically as an impediment to the implementation of a sensible policy of wider home ownership. When a house is sold, the grant helps to make up the market price, the sale is made only at the market price and, if the housing association sells, it gets the benefit, not the tenant, and it has to use that for the provision of new accommodation. I cannot see why that should cause a particular difficulty.

[Mr. Curry]

We have done our best to ensure that the provision is as sensible as possible. I have spoken to the Country Landowners Association and I have discussed the whole question with Mr. Euan Cameron. I accept that the CLA may have concerns, but I hope that I have succeeded in explaining what we are trying to achieve in the legislation.

I do not want my right hon. Friend the Member for City of London and Westminster, South to feel neglected in his inner-city fastness. As he will know, arrangements for the voluntary right to buy are not part of the Bill. I have, however, conducted quite lengthy discussions with the housing associations about that right in an attempt to satisfy what I regard as their legitimate concerns. We have ensured already that landlords have the power to offer alternative properties for sale to tenants if they are available and if the tenants wish to buy, but there would be some difficulties in making that process a requirement of the scheme.

I know that some housing associations with properties in inner London are worried about the potential difficulties of managing mixed leasehold and tenanted developments. For existing properties, the scheme is voluntary. We have already agreed that landlords can have extra discretion to exclude homes built in the past with charitable donations. In my discussions with organisations such as the Peabody trust, William Sutton and the Guinness trust, satisfaction has been expressed. They feel that a significant part of their problems has been met.

The new right will apply to future developments. If a tenant agrees, a landlord can offer an alternative property from his stock to buy. That would also be at a discount. It would be funded by a purchase grant. If it is not possible for the landlord to offer an alternative home—for example, no alternative is available or it would be unacceptable for the landlord to move somebody else on so as to provide alternative accommodation—the circumstances are clearly different.

We are trying to provide a new right to enable tenants to buy their own homes. We must hesitate before we say that the right should be diluted by the power to exclude properties for good management reasons. Once the Bill is enacted, I shall monitor what ensues. We have had sensible discussions with the housing associations and I think that we have met the bulk of their concerns. As I have said, I want to see how the rural exemption develops. If I felt that something was not working, I would seek to put it right. I shall monitor the right-to-buy scheme. If I feel that problems are arising which had not been anticipated, or on a scale that had not been anticipated, I shall not hesitate, in consultation with housing associations, to seek a way to put things right. I want the scheme to be recognised as a practical one. I also want to open up a housing opportunity.

I accept what has been said about mixed development. I think that there is a consensus in the Chamber. We want to get away from the idea of estates comprising nothing but local authority properties, or housing association properties, especially where perhaps the most economically active or competent people move out to seek homes elsewhere. We want to try to find a way for people of different backgrounds and competences to stay in the housing that is provided and help in the process of regenerating the estate.

Our scheme has the virtue of being sensibly flexible within the framework of something that is simple, easy to understand and does not lead to a great deal of undue complexity. The proposals put forward by the hon. Member for Christchurch (Mrs. Maddock), on behalf of the Liberal Democrats, would be extremely tortuous, involving endless consultation and reconsultation. My hon. Friend the Member for Lancaster (Dame E. Kellett-Bowman) is concerned that we might undertake reviews after 10 years. The Liberals propose two-year reviews. That would cause a great deal of uncertainty. I would be doubtful about allowing local authorities to designate at will zones in which they felt that the right to buy should not apply. I think that we have the balance about right. I commend the Government's position to the House.

Mrs. Maddock: I cannot emphasise enough the importance of getting these matters right. The approach must not be unduly bureaucratic. Despite what the Minister says about my proposals, I consider that his proposals are fairly bureaucratic. As Liberal Democrats, we believe that local authorities should have the right to say what is happening in their areas. They know what is going on. The new clause sets out criteria that local authorities would have to follow. It does not constitute a free-for-all, as the Minister claimed.

I am surprised that the hon. Member for Greenwich (Mr. Raynsford) is not supporting the rights of local authorities. However, given the antics of some Labour-run local authorities, I have a little sympathy with his view that they should not be allowed to run away with their own powers.

Mr. Raynsford: The hon. Lady heard me say that the reason for not leaving these matters to local discretion is to avoid discrepancies between areas, with individuals feeling aggrieved that on one side of the boundary the right exists while on the other side it does not. The Opposition's approach has nothing to do with the performance of individual local authorities, whether they be Tory, Liberal Democrat or Labour. We want there to be a standard and understandable national system.

5.15 pm

Mrs. Maddock: I hear what the hon. Gentleman says, but there are differences between one area and another. Right hon. and hon. Members have explained how and why areas differ. The new clause would allow differences to be taken into account. Westmorland and Southwark are clearly not the same. The whole point of having local government is that local authorities know what is going on in their areas.

There are many views coming into the House from those who are involved in the provision of low-cost, affordable housing. They are still concerned. The Minister has not responded to all the problems. I remind him what the National Federation of Housing Associations has said. I am sure that it sent him its briefing, as it sent it to me and many other right hon. and hon. Members. The federation is concerned that the Government will fail to meet their objectives unless they provide more adequate exemptions from the right-to-buy proposals that are contained in the Bill. We know that consultation is taking place. The federation believes that if the Government do not provide more adequate exemptions the affordable

housing that they want to see created will be sold off. It is unsatisfactory for the Minister to hide behind the fact that the right will apply not to present properties and present conditions but to those of the future. We should be establishing communities that are sustainable. There is every danger that we shall take a step backwards after making some good moves forwards.

The right hon. Member for Westmorland and Lonsdale quoted from the three questions posed by the Country Landowners Association. He did not mention what it would like the Minister to do, which is to provide greater certainty. It wrote:

"There would be greater certainty if the Bill (a) provided for a once and for all exemption for schemes in existence at Royal Assent, or the date of planning permission for subsequent developments, and (b) extended the definition of rural areas to cover special situations where the exercise of a Right to Buy would harm the interests of future generations."

That view is shared by many of us.

Earlier I referred to the response of Purbeck district council, which is in Dorset. Representatives of the authority have seen the Minister. They tried to bring home to him the findings of the Department's research into the classification of rural housing markets in England. It has been found that constraints on land supply, rather than the nature of demand, in many areas are the main influence on the level of local housing opportunities. We have been trying to get that through to the Minister this afternoon. The more constraints there are on development land—the hon. Member for Cirencester and Tewkesbury (Mr. Clifton-Brown) talked about this—the higher the price. That limits opportunities for new affordable housing.

In addition, opportunities to replace housing through the purchase of existing satisfactory housing rest on affordable prices in a given area. The Minister has said that housing associations and other social landlords will be able to buy other properties in other areas. However, those properties may not be in the areas where people work or in areas that people can get to easily. The Minister's proposal works against the idea of having housing and planning policies that are in the interests of sustainability and protecting the environment. In places such as the Lake district and Purbeck, planning is affected by the existence of sites of special scientific interest, coastal heritage sites and world heritage sites. They affect planning policy and make it difficult to replace units of housing in the same area.

The final paragraph of the letter from Purbeck council says:

"Housing and Environmental Services Committee when discussing the Consultation Paper wished to stress that the views expressed . . . are supported across the whole political spectrum of this Council."

There is no overall control on the council. However, all the councillors agreed that they wanted the Minister to try to do something about the problems that they believed would arise if his proposals went ahead.

It is not good enough for the Minister to hide behind arguments about the housing association grant, the argument that properties with existing agreements will not be brought into the right to buy or the argument that the money will be recycled. There is evidence from the National Federation of Housing Associations that in some cases, only 50 per cent. of the money will be able to be used again. It is likely that we shall not be able to provide new properties in the area in which existing properties have been sold, and that will be detrimental to future developments.

Unless we support some of the amendments in the group, we shall be responsible for allowing the undoing of much of the good work that has been done by developers, by those who have sold land at low prices and by those of us who believe that our housing and planning policies should be about sustainability and about supporting mixed communities. The Minister talked eloquently about why we need to have mixed communities. If that is his belief, he should look favourably on what I, the hon. Member for Greenwich (Mr. Raynsford) and some Conservative Members have said. We have the opportunity tonight to push the Minister further when we go into the Lobbies.

It is obvious from the debate that the new clause is unlikely to succeed. In view of that, I will support amendment No. 10 on which there will, I hope, be a vote later tonight and I will not press the new clause to a Division.

Question put and negatived.

New clause 22

DEMOCRATISATION OF SOCIAL HOUSING MANAGEMENT

'. The Corporation shall ensure that every registered social landlord at all times guarantees—

(a) the maximum democratisation of the management of the landlord's property required by the tenants, and—

(b) that a democratic and accountable structure of the management of the landlord's property shall at all times exist at least at the level of the local housing authority in which the property is based.'.—*[Mr. Simon Hughes.]*

Brought up, and read the First time.

Mr. Simon Hughes (Southwark and Bermondsey): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this, it will be convenient to discuss also the following: New clause 23—*Complaints and appeals—*

'. The Corporation shall ensure that every registered social landlord at all times has a satisfactory and nationally recognised—

(a) complaints procedure, and

(b) independent procedure for appeals against decisions made by the registered social landlord.'.

Government amendment No. 29.

Mr. Hughes: The new clause follows the tenor of the previous debate, of which I heard part. I entirely endorse all the arguments put by my hon. Friend the Member for Christchurch (Mrs. Maddock). We want to ensure that housing policy reflects, first, the views of the users—the people who are in housing or who need housing—and, secondly, the needs of our different communities. The two new clauses specifically concern social housing management.

I declare an interest as a founder member, and member, of the management committee of a small housing association in my constituency—the Bermondsey and Rotherhithe housing association. I also have a constituency interest in the subject. The House of Commons Library has produced a report, from census

[Mr. Hughes]

returns, that shows the amount of housing that is entirely bought or owner-occupied by virtue of a mortgage and the amount that is social housing or local authority housing.

My constituency, under its new boundaries—that is the way in which the census returns were carried out—is one of the top 10 authorities in England and Wales in terms of social housing, with a figure of 11.6 per cent. It is surrounded by many constituencies that are in the top 25. The issue we are discussing strongly—although not, of course, exclusively—affects London tenants because, in the top 25, come the new constituencies of Regent's Park and Kensington, North; Cities of London and Westminster—the right hon. Member for City of London and Westminster, South (Mr. Brooke) is in his place—Holborn and St. Pancras; my neighbouring seat of Vauxhall; Islington, North; Hackney, North and Stoke Newington; Hackney, South and Shoreditch; Ealing Acton and Shepherd's Bush; Camberwell and Peckham, which is to the south of my constituency and is in the borough of Southwark; Hammersmith and Fulham; Battersea; Brent, East; Islington, South and Finsbury; and Bethnal Green and Bow. There is a huge concentration of social housing and housing association housing in London. The way in which it is managed matters greatly to our constituents.

The converse is that we have—and, for economic reasons, are bound to have for the foreseeable future—one of the lowest rates of owner-occupied housing. My constituency has the lowest rate of owner-occupied housing in England and Wales—18.4 per cent.—either by means of a mortgage or fully bought. The next lowest figure is in the new Camberwell and Peckham constituency, which is next to my constituency and also in the borough of Southwark. Many of the 25 constituencies that have the least owner-occupied housing are in London.

My constituency has the lowest number of properties that are owned outright in England and Wales—just 2.5 per cent. Social housing and council housing are, and will continue to be, the principal forms of occupancy in areas such as mine.

For half their period in office, the Government said, in effect, "We are not interested in providing any new general council housing at all. We will permit councils to build an absolute minimum of housing and then only for special needs." For a period, the Government said, "We believe that social housing should be provided by housing associations." That was the tenor of debates in the 1980s.

I remember when that period came to an end. The present Secretary of State was Minister of State and there was a debate not long before the public expenditure announcement—that was three or four years ago. One Conservative Back Bencher after another said, "We do not like all this social housing because all our communities are disrupted and it is planted on us." As a result, in the following public expenditure statement, having cut the council housing budget, the Government cut the social housing budget as well. However, it is still, in theory, Government policy that, if we provide social housing, we should provide it through housing associations rather than through local authorities.

Whatever my complaints may be about local authority management—I have many complaints about Southwark's management of its housing stock, the largest in London, which is often very poor—at least local authority housing is democratically managed. Every four years, people vote for those who will run the council and the local authority has neighbourhood committees and neighbourhood forums. Tenants' representatives go to a central housing forum, they express their views and they are consulted on council policy. The council may not take the blindest bit of notice of what the tenants say and the tenants may get frustrated, but the process has often changed what happens for the better. In my experience, the idea of democratic accountability in social housing is still in its early infancy. I do not think that that is good enough, and my constituents who are tenants in housing association properties agree.

Some housing management associations, such as Peabody, are based in my constituency. It tries to do a good job, and it is certainly not the worst offender, but many others need a kick up the backside and to be told that they must become democratic bodies. I would go further than the Government would ever go in democratising social housing, but we must be careful not to create a two-tier, self-perpetuating management structure. I serve on a management committee, and plead guilty to playing my part in the system, but we must be careful that social housing is not managed by people who, effectively, appoint themselves. All those involved come up for rotating elections which—unless we are careful—can result in the same people being re-elected for another four years. When someone dies or retires, provision for tenant representation may be introduced, but that can be pretty thin.

The situation is worse in large housing associations. I cannot recall the relative positions in the league table, according to the number of properties that each owns, of social housing landlords. Some landlords—such as North British—have about 28,000 properties, while those at the bottom of the league have perhaps a dozen. Many now have bigger stocks than most local authorities. My local authority has 56,000 properties, which is the largest stock in London. There are few larger housing stocks in England—Birmingham, Liverpool and Manchester may provide examples.

5.30 pm

Many social housing landlords have expanded. For example, the South London Family housing association was a small association that moved from one borough to another, although its focus has remained in south London. Many similar associations can now be found all over the country. I am proposing the new clause with the utmost sincerity because I believe that something is rotten in the state of housing association democratic management, and I speak with more than 13 years' constituency experience of dealing with the issue.

I have not sought to be a technical purist about the way in which the new clause is drafted. That was not my intention. I did not serve on the Committee, but I have read some of the debates. I do not claim to have read every word—that would not be believed—but I have read the key parts. The Government amendment in this group shows that they have conceded some of the points made in Committee and in and out of the House. I want to see whether we can push the Minister to go further.

The Minister may say that we must not be over-prescriptive in the Bill and that there are many things that the Government can do by secondary or delegated

powers. We are discussing the part of the Bill that says that the Housing Corporation "may issue guidance". That is a good wheeze by the Government—they delegate the guidance to someone else to issue, or do so themselves. I want to know whether the Housing Corporation will provide adequate guidance and—more important—whether that is mandatory. I understand how the Housing Corporation works. We must have a procedure that has teeth. We do not want a procedure that takes so long to implement, and which involves so much negotiation, that it becomes nothing that housing associations need be afraid of.

I have included the word "guarantees" in the new clause for a reason. I should like the law to state that the Housing Corporation

"shall ensure that every registered social landlord at all times guarantees—

(a) the maximum democratisation of the management of the landlord's property required by the tenants."

It is not for me to say what tenants should have, but if they want to be consulted and to have an input on the allocations policy and the next type of property to be built, they should be able to do so.

I went to a meeting the other day called by the community worker for Hyde housing association—one of six associations developing the old Bricklayer's Arms goods yard, one end of which is outside my home in Bermondsey. We were discussing community facilities and youth facilities on the estate. At the meeting, the woman worker handed around a document inviting tenants to take part in a consultative structure for tenants. It looked as enticing as running from here to John O'Groats on the worst day of the year. The document had been duplicated, contained no detailed thought and did not look as if those involved were keen to receive a response—but it was an effort to provide some form of tenant participation.

A lot of effort has been made to try to interest people on the estate in community action. It is hard work. We must require housing associations to have structures that allow tenants to have their say. As in every form of democratic management—whether it be Parliament or housing associations—the fact that some people do not want to have their say is not a reason for preventing the rest from doing so. A third of the British electorate and half of the American electorate do not vote in general elections, but that does not mean that we should not have elections. If 10 per cent. of people participate, that is 10 per cent. more than in many places at the moment.

If housing associations are given more responsibility, they will continue in that way—whatever my hon. Friend the Member for Christchurch and I may want—for the next few years. It is not possible to turn the housing policy of Britain around in two seconds.

Mr. Raynsford: We can try.

Mr. Simon Hughes: It does not take two seconds—it takes a Parliament at least. If the hon. Member for Greenwich (Mr. Raynsford) were responsible for the matter, he would find that out. The policy can be changed over five years, and I would expect the policy to be aimed in a radically different direction within that time under a new Government. I hope that my hon. Friend the Member for Christchurch and I will end up on the winning side of the argument, probably in collaboration with others. Whereas in the past the majority of social housing has been council property, housing associations are now an equally large player. There is no reason why associations should not have the same sort of democratic accountability as councils.

Many people who become tenants of housing associations do not positively elect to become such tenants—they are nominated by the local authority from the waiting list. They do not opt into something they think will have less management because that is what they want—they simply want a home—but once they are in their home, they want to have a say in how it is run.

I have been a private tenant. It was a frustrating experience because I had a remote landlord who operated through a managing agent. To get anything done was a nightmare. That was neither the worst managing agent nor the worst landlord by any means. All people in social housing ought to be treated alike in terms of opportunities to influence what goes on.

Another issue is the level at which accountability should be based. I have tried to be fairly precise. The new clause says:

"a democratic and accountable structure of the management of the landlord's property shall at all times exist at least at the level of the local housing authority in which the property is based."

I shall give the example that I cited earlier. One of the large players in the social housing market in my constituency is the South London Family housing association. London and Quadrant is another. The offices of the South London Family housing association are on the other side of Crystal Palace, over the top of the hill. They are not in Southwark. When I had occasion, with one of my councillor colleagues from Surrey docks, to argue the case of a shared-ownership occupant who faced repossession, we had to go to Crystal Palace to see the director of the housing association. That was fine for me—I have a vehicle and I could organise it—but it would not have been fine for a single parent with two children who relied on public transport or for a family out of work who would have had to hike around south London.

The management must be at least in the borough or district where the housing is—and I really mean management, not a letter box. Nor do I mean an office at which the housing officer is in attendance once a week. Even if the housing association has only 20 properties in Southwark, Lewisham or Greenwich—or in any other district, such as Hereford, Christchurch, North Devon or Huntingdon—people should not have to go outside the borough boundaries to get to the forum in which they can talk with other tenants about what is going on. That is the issue.

You will know perfectly well from your city, Madam Deputy Speaker, that even if the offices are within the city boundary, they may still be a long way away. They could be half an hour or an hour's journey each way. In rural areas, it could be a real hike. There should be access to management within each local authority area. Some districts are small, but the boroughs in metropolitan England and London and the Welsh unitary authorities are very big. They should be the minimum management areas, although I hope that it will be possible to go further. I hope that the Minister can be encouraging about that.

New clause 23 makes two points, one of which the Government have to a certain extent accepted in their amendment. I am grateful for that. The Government have

[Mr. Simon Hughes]

argued—I have supported them—that there should be national and independently recognisable standards; people should be able to complain about public authorities, have their complaints dealt with and have their cases adjudicated independently. Amendment No. 29 would require the Housing Corporation to bring forward

"the procedures to be adopted to deal with complaints by tenants against a landlord"

that are nationally recognised. It is important that tenants should know the procedures.

It has been argued that people may end up in a place where they did not intend to be. They should not be disadvantaged when they complain about where they end up. We must have a citizens charter-type standard for tenants' right to complain, whether the complaint is about delays in repairs or about a housing officer not doing his job properly—although I do not say that that is a regular occurrence. The tenant must know that the complaints procedure will work.

The Government have not responded to the second point made in new clause 23. I have tabled another amendment, which relates to local authority housing. Social landlords and local authorities can take categorical and definitive decisions which can have fairly conclusive effects on people's lives. A few weeks ago, I went with a councillor colleague to see a housing association director about some constituents of mine. They were a young couple with a youngster and they could not keep up the payments on a shared ownership property—part buy, part rent. If they managed to pay the rent, the building society threatened repossession and if they managed to pay the mortgage the housing association pressed them for the rent. The husband had lost his job, so the expected income had not been sustained.

5.45 pm

There came a time when the housing association told the couple that they had to go. That was understandable. Before people get into costly litigation, sometimes without legal aid—although not in this case—there must be a chance for someone to ask whether the decision was justified and reasonable. That should happen independent of the landlord. There is a strong case, which applies equally to local authorities, for saying that the person who makes the decision should not be the person to whom the appeal is made.

One of the most frequent complaints—it is made more strongly about councils than about social landlords—is that, when people appeal against a decision, they have to appeal to the same officers who made the original decision. People do not feel that their appeal has been properly heard. They may be offered a property that is not suitable for them. The two most obvious complaints are made to me every week at my surgery. For 13 years, at no surgery have I not had those complaints. Goodness knows how many surgeries that is, but it is an enormous amount.

One complaint is, "I have been offered a property and it is not in a fit state for me to move into. It needs work done so I have turned it down and I have been told that that is an unreasonable refusal. I have appealed, but it has gone to an internal committee and the decision has been upheld."

The other complaint is related to personal circumstances. Someone may say, "It is a lovely flat, but it is six miles away from where my children have just settled in primary school." Someone else may say, "It is a lovely flat, but I am a carer for my mother-in-law and she lives half a mile from where I now live and she would be two or three bus journeys away from where I am being offered a place." Someone else may say, "It is a lovely flat, but it is round the corner from my ex-husband, against whom I had an order when the marriage was coming to an end." The Minister knows that such real issues arise.

What may be a subjective view may not be upheld by the landlord. The landlord has the job of letting the property. The appeal may not go to the allocations officer, but to the manager, the deputy manager or even to a few people. Even so, it does not look fair and people do not believe that it is fair. Appeals have to be heard by someone outside the management. Independent appeals procedures exist for everything else, including police complaints, insurance, banking and the ombudsman service. On behalf of hundreds, probably thousands, of past, present and prospective tenants in my constituency alone and, I am sure, in every other constituency in England and Wales, I am asking for an independent procedure for appeals against decisions made by the registered social landlord.

It follows from what I have said that the amendment in the name of the Secretary of State is welcome. I shall support it, as will my hon. Friends. It meets part of new clause 23, but not the other part. I hope that I shall receive a sympathetic response to both new clause 22 and new clause 23 and that the Minister will see fit to give tenants the democratic rights that some of them may want and many do not have. I hope that he will give the Housing Corporation, the housing associations and all registered social landlords a kick up the backside in the direction of democracy and make sure that we have an independent complaints and appeals procedure.

Mr. Curry: Amendment No. 29 gives effect to the commitment given in Committee to broaden the list of topics on which the Housing Corporation may issue guidance to tenants of registered social landlords. The amendment will enable guidance to be issued on the services that may be provided to tenants and in relation to the landlord complaints procedures.

The hon. Member for Southwark and Bermondsey (Mr. Hughes) has pointed out that his constituency is dominated by council housing, not by social housing, and that problems occur in his constituency that may not occur with quite the same intensity elsewhere. The hon. Gentleman wished to draw the attention of hon. Members to the problems that arise in an area that has those characteristics—and he has done us a service in doing so. The Government are concerned—as is the hon. Gentleman—that there should be effective consultation within the context of effective management.

There is nothing worse than a local authority that does not carry out the necessary management tasks effectively—such as filling in the voids, ensuring that there is a proper turnover of social housing and responding to complaints about what happens on the estates. No doubt the hon. Gentleman followed the debates about anti-social tenants and the problems that arise on estates. As we will discuss tomorrow, this has become one of the prime concerns of social landlords.

New clause 22 seeks to establish in statute the guarantee that every registered landlord has a framework in place whereby all decisions affecting the management of the landlord properties reflect the views and the wishes of the tenants. It also requires that accountability structures be introduced at the same level as the local authority in whose area the homes are based. I have some difficulty with the wording of the new clause, and the hon. Gentleman has said that he would not go to the stake over the wording.

The concept is open to several interpretations, which indicates that it is a difficult one with which to grapple. However, we must pin it down to some form of legislative language—we have no choice. One of the things that united the Committee was the feeling that lawyers should not be given unnecessary work—and even my hon. Friends who are lawyers subscribed to that view, no doubt out of solidarity. I would not wish to go down a course that is too complicated.

I share a lot of the sentiment that is behind the proposal. Tenants have an important part to play in the management of their homes. However, the degree to which they will want to get involved will vary—some people wish to be consulted rather than to be involved in the day-to-day management; it is a question of different habits and traditions. To some degree, it is a reflection of the sorts of problems that emerge and the size of the estate.

We have supported this concept and we have tried to take it forward for many years. Tenants should be able to make their views known and ensure that they are reflected in the decisions that affect their properties. As the hon. Member for Southwark and Bermondsey recognised, there are many ways in which this can be achieved. We cannot draw up a blueprint because arrangements will need to reflect local and wider circumstances. The Housing Corporation is committed to tenant participation, and I have emphasised that matter in my meetings with it.

The tenants' guarantee requires registered social landlords to keep tenants fully informed on all aspects of the management of their homes. It also requires landlords to seek the views of tenants and to give them the fullest consideration when taking decisions on the management of their homes. Landlords have been actively encouraged to establish forums through which tenants can express their views and can comment on housing management policies and practices.

Many landlords have gone further than that and they have appointed tenants to their management committees, which has been welcomed. Tenants have an opportunity to influence decisions. They are represented on the boards of all large-scale voluntary transfer associations and I am sure that the new local housing companies will wish to follow that practice. Tenants are an important group whose requirements need to be recognised and whose views must be taken into account.

Hon. Members on the Committee who went through the tergivisations of the funding of housing associations will know that they are not the only interest group. The funders, be they private or public, need to be satisfied that their investment is being protected. The wider local community and prospective tenants also have an interest to ensure that their needs are protected. Given these wide-ranging interests, it is important that no single group should be in the majority in the management of registered social landlord stock. The hon. Gentleman is not pushing in that direction—he is concerned about the general experience of consultation.

The clause talks about the maximum democratisation of the management. As I have said, it would be difficult to enshrine this in legislation. The important point is that tenants should be encouraged and able to see that their views are taken into account when decisions are taken. One way of doing this is by enabling them to have a positive input to local management decisions, and the arrangements that we are encouraging will do that.

The second part of the clause calls for a democratic and an accountable structure—at least at the level of the local authority in whose area the property is based. This is open to a number of interpretations. If it means that registered social landlords should have tenant consultation schemes equivalent to local authorities, it assumes that all local authorities have such schemes in the first place. Some local authorities may have such schemes—and they may provide a framework to follow—but other local authorities may not. There are still a number of local authorities with a poor track record in this regard.

If that means that the management arrangement should be tailored to fit local authority areas, it would be difficult for housing associations whose stock straddles local authority boundaries. The hon. Gentleman referred to the Peabody Trust which, as it is one of the largest housing associations, would experience precisely that circumstance.

Mr. Simon Hughes: I referred to the fact that the Peabody Trust and other housing associations straddle many boroughs. Therefore, it is unfair and unrealistic to expect people to participate with people who have no commonality of interest, other than the fact that they have the same landlord. It would be the same as asking people who are Barratt's homes purchasers, but at the opposite end of the kingdom, to be in the same group. It is about having people in a sense of community, where the landlord is the same and where they are within a boundary that they understand and recognise.

Mr. Curry: I recognise the point that the hon. Member for Southwark and Bermondsey is making. As he would acknowledge, it is a difficult concept to enshrine in legislation. I am quite willing to draw the attention of the Housing Corporation to the need to get a level of consultation that reflects a commonality of interests—a focus on things that matter to a group of people and that is not dissipated by being so general that it loses any practical purpose and becomes a token institutionalised process rather than something that means something.

The question of accountability for a registered social landlord is a different concept from that for a local authority—the hon. Gentleman will accept that point because he is widely experienced in this field. The management needs to be accountable, it needs to listen to the different interest groups to find out their views and it needs to explain the reasons behind its decisions. It also has to consider all the interest groups.

While I agree with the sentiments in the amendment—and I am grateful that we have narrowed down the purpose behind it—I find it difficult to accept that the concept should be put into law in this way. If the hon. Gentleman does not persist with the amendment, I shall

[Mr. Curry]

undertake to discuss with the Housing Corporation how it can try to incorporate his message in the discussions it has with the housing associations.

Mr. Hughes: Does the Minister happen to have on him, or could he lay his hands on, figures that show the percentage of associations that have the forms of consultation to which he referred—such as tenants on their management committees or regular constitutional forums that tenants attend? If the Minister does not have that information to hand, will he acquire it and let us have it in due course?

Mr. Curry: I do not have that information on me, but I shall do my best to acquire it and let the hon. Gentleman have it in due course.

I believe that new clause 23 is unnecessary. Under the tenants guarantee—which was issued under section 36A of the Housing Associations Act 1985—the corporation already requires landlords to operate and publicise fair and accessible complaints procedures for tenants and applicants. Procedures are also in place to provide for appeals to the landlord committee of management or a group of members not involved in the complaint.

I understand the hon. Gentleman's point about wishing to have some completely independent recourse, and that is why we will provide in the Bill for complainants to have access to a statutory independent housing ombudsman. We are filling a deficit. It is a final recourse that will be utterly independent and beyond reproach. It is therefore sensible to try to get the complaints dealt with independently and in-house, and to provide for there to be a further appeal beyond that if it does not work. I suggest that, in those circumstances, the hon. Gentleman might not have to persist with his amendment.

Mr. Simon Hughes *rose—*

Madam Deputy Speaker: Order. I thought that the Minister had finished his speech. Is that correct, or is he giving way?

Mr. Curry: If it would help the hon. Member for Southwark and Bermondsey, I am sure that I could construct a further sentence that would mean that I had given way.

Mr. Hughes: I am grateful for the Minister's co-operation.

The one problem with the ombudsman procedure is that it might reasonably be expected to take so long that it was too late to influence the decision. Someone might complain about the allocation of a property, for instance, and by the time the ombudsman had ruled in that person's favour the property might have been allocated to someone else, making the complaint a lost cause. I hope that the Minister will reflect on that again.

6 pm

Mr. Curry: I will certainly do so, but the hon. Gentleman will know that we are currently reviewing the ombudsman's service to local authorities generally, and one aspect that we wish to consider is the time that it takes to obtain results for people. When we have established the arrangements, our priority will be to ensure a rapid service. The complaints that are raised in this context, being more specific, may be susceptible of more rapid treatment than the more general matters dealt with by the local authority ombudsman. I hope that the hon. Gentleman will be content with that.

I commend the Government amendment, which fulfils the commitment given to the Standing Committee.

Mr. Gerry Sutcliffe (Bradford, South): The Minister always sounds plausible. He tells us eloquently that everything is all right, that we should not worry, that matters are developing in the way that we want and that everyone will be happy; but the Government are making a major change in their housing policy.

I should like more councils to be able to build social housing. I am a product of a council estate. The rent collector would come along and make sure that everything was fine, and if we had any problems we could tell him about them. Those who were not happy with his response could go to the tenants' association, which would consider the issues that had been raised; if that did not work, people could go to their local councillor. We had democratic accountability. The Government, however, are moving towards the private rented sector, and into realms into which the pendulum swings in favour of the private landlord and against the tenant. Tenants may well be fully informed of their rights, but will often be very fearful because of the time scale applying to some tenancies.

There is a difference between being informed and being involved. I am glad that we are having this debate, and I accept that the Government amendment deals with the position in some small respects, but tenants feel vulnerable none the less. No choice is involved in the move from local authorities to housing associations. They need to feel that they have the same rights as they would have if they had been with a local authority—the same ability to make their voices heard in regard to the development of their community.

Although there has been a move from local authorities to housing associations, there has been a cut in housing association grant. Because of that, some of the smaller associations have had to become part of the larger ones, and that has removed the point of accountability. As has been said, if people are to be involved, they must be close to the decision-making level. Democracy works only if it is meaningful and enables tenants to be involved.

I do not think that the parameters set by the Government will help private tenants, and I want stronger guarantees to ensure that they are involved. Many enlightened local authorities have devolved tenants' rights to estate offices and local tenants' associations, and are well versed in the development of policy to secure greater involvement; but we are now seeing a shift towards a body that has no such experience. Safeguards should be built into the legislation. We are talking not about increasing the regulation of private landlords, but about trying to create the environment that the Government say they want to create—an environment in which people are involved in democratic institutions, and taking responsibility for their lives in the neighbourhoods that they will inhabit. We have already observed the democratic deficit caused by the number of people who do not become involved in either local or general elections. How will a move to the private rented sector secure the greater involvement that we want?

The Government would not support what I consider to be the ideal solution. What is wrong with returning the main aspect of housing policy to local authorities, and enabling them to build more houses? There are more than 9,000 names on the waiting list in Bradford, and there is no guarantee that the private rented sector will meet that need, particularly through the Bill. I am not entirely satisfied that the Government's proposals meet the requirements in new clause 22. I do not think that tenants will be able to participate fully, although they can be involved to an extent. They will feel more isolated than they did before.

Mr. Raynsford: I broadly agree with the thrust of the argument of the hon. Member for Southwark and Bermondsey (Mr. Hughes), who tabled new clauses 22 and 23. I do not agree with every point that he made, but he probably would not expect me to. He is right to highlight the case for increasing tenant involvement.

Let me correct an earlier omission by declaring an interest that appears in the Register of Members' Interests and which I declared at the beginning of the Committee stage. I am a consultant to HACAS, the social housing agency.

The case for increasing tenant involvement is obvious. It is based on justice—on the assumption that those occupying homes have every right to be consulted and involved in key decisions about how their homes are designed, built, maintained and managed. It is also based on efficiency, however. There is considerable evidence, developed over recent years by the many organisations that work with tenant groups, that active tenant participation can achieve a better-managed, more efficient performance in many areas—including some where there have been huge problems—than more traditional housing management structures. For those reasons, it is in everyone's interests for us to try to promote the case for more active tenant involvement and participation. We should give tenants more opportunities to participate to the degree that they wish in decisions affecting their homes. To that extent, I agree whole-heartedly with what the Minister said.

This is where I part company with the Minister. The Government have acted in a way that entirely contradicts those principles in rejecting, in Committee, an amendment that we tabled to make it clear that tenant-led organisations would not be debarred from being registered as social landlords under the new regime that the Bill would introduce. I find it extraordinary that the Government should take such a stance. There are a number of examples of tenant-led organisations that have been registered as social landlords, and have proved highly successful.

There is an obvious example north of the border. I am not one of those who believe that we can concentrate on a hermetically sealed part of the United Kingdom, and ignore what goes on elsewhere. I believe that there is a great deal of good practice in Scotland, from which we should seek to learn. The Glasgow housing co-ops are a fine example of such good practice: they are tenant-led, tenant-managed organisations that have taken over housing stock and are running it well. Closer to home, in the constituency represented by the right hon. Member for the City and Westminster—who was an assiduous member of the Committee—is the example of the Walterton and Elgin community housing project.

Mr. Brooke: I thank the hon. Gentleman for his felicitations, but that housing association is in the constituency of Westminster, North.

Mr. Raynsford: I am grateful for that correction. It is in the borough that the right hon. Gentleman represents. It took over the management of some 900 properties from Westminster city council. It is a successful tenant-led organisation.

Across the border in Kensington and Chelsea, the Government have recently given their blessing to the proposal to pass responsibility for housing management to a tenant management association covering that borough's housing stock. There are many other illustrations from all over London and the whole country. The hon. Member for Southwark and Bermondsey knows of the activities of several housing co-ops in south-east London with which he has been associated and with which I am associated. They are fine examples of tenant-led organisations doing an excellent job.

It is extraordinary that a Government who pay lip service to tenant participation should have voted down an amendment that said that nothing should prevent an organisation that is controlled by a majority of tenants from being registered as an approved social landlord. We do not say that every organisation must be so constituted, or even that that should be the norm, but that such bodies should eligible to be registered. Of course, the Housing Corporation will want to examine them to find whether they are efficiently run and properly constituted before deciding whether to register them, but they should not be ineligible for registration simply because they have a majority of tenants on their committees. That was the effect of the Government's vote against our amendment in Committee.

We were given several specious arguments. We were told that because new social landlords set up under the Bill would be predominantly bodies interested in taking over local authority housing, it would be inappropriate for them to be tenant-led. Walterton and Elgin community homes, which is tenant-led, took over Westminster city council's housing. There is no reason why others should not do the same.

We were told that there needed to be a balance of different interests on management committees. There was even a hint that tenants would not be able to take responsibility for all the finances. What nonsense; lenders would not lend money to organisations in which they did not have confidence. They would consider them closely to find whether they have proper business plans and sound managements in place. The Housing Corporation, the regulatory body, is also there to ensure that such bodies are properly run. There are lots of safeguards. The inference that tenant-led organisations cannot be trusted is unfortunate and we wholly repudiate it. It is wrong and a mistake. The Government have made a serious error of judgment in taking that line.

The Minister told the hon. Member for Southwark and Bermondsey that he would discuss with the Housing Corporation ways in which good practice could be encouraged. The problem is that the Housing Corporation

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is constrained by the Government, who are refusing to let it register tenant-led bodies. On the one hand, the Minister offers consultation with the Housing Corporation to solve the problem, but, on the other, he is creating a problem by not allowing it to register tenant-led organisations.

Mr. Curry: When I suggested that the hon. Member for Southwark and Bermondsey was not focusing on tenant-led organisations, he nodded his agreement. He is more concerned about the consultation of tenants and their landlords in general and about local authorities in particular. In respect of the Housing Corporation, we would obviously want to consult the local authority associations.

6.15 pm

Mr. Raynsford: I take that point, but if the Minister articulates, as he did earlier to the hon. Member for Southwark and Bermondsey, the view that there should be an option for tenants to participate to the degree that they choose and that they should be free to decide and not constrained within rigid patterns—that is my understanding of what he said—why is he not prepared to allow tenant-led organisations to be registered? We are not saying that that would become the norm or that it will happen very often, but where tenants wish it, have the ability and commitment to do so, and where lenders are happy to lend, why should not such bodies be eligible to be registered?

That is significantly inconsistent with other Government approaches. They gave council tenants the right to manage. If they believe that council tenants should have the right to manage—I have mentioned already the Kensington and Chelsea tenants who were enabled to take over the management of their council housing under this arrangement—why is it inconceivable that a tenant-led organisation should be able to own its homes? What is the distinction? The Government's position on the right to manage is profoundly suspect because while they support in theory a right to manage for council tenants, as we will point out tomorrow when we discuss leasehold, Ministers are seeking to take away the right to manage that we gave leaseholders in Committee.

Irrespective of whether tenants are in charge or in a majority on the committee, we need to increase their opportunities to play a role in the management of their homes and to influence the practices and policies of the organisations that provide their housing. The hon. Member for Southwark and Bermondsey mentioned housing associations in south-east London. He referred to some by name and I hope that he was not referring to them when he said that he thought that there were a lot of problems and that something was rotten in the management of some housing associations. My experience of those that he mentioned in south-east London—the London and Quadrant, Hyde, and South London Family housing associations—is that they are highly responsible, well-run organisations that are, in general, responsive. I do not claim that they get everything right; every big organisation makes mistakes. They are good examples of reputable organisations trying to do an excellent job. However, the key point is that they are getting large—some very large. It is important that they should always be thinking about ways of listening more carefully to the views and concerns of their tenants so that they keep in touch.

Mr. Simon Hughes: The rottenness is in the fact that in the sector that is growing most quickly, there are no guarantees of democratic representation. It is still a patrician system that depends on the housing association concerned deciding to do it. It is led from the top down rather than from the bottom up. That is why it is down to legislation and the policy of the Housing Corporation to set the rules with which, I am sure, housing associations would willingly comply.

Mr. Raynsford: I am grateful for that clarification. I am sure that it is his experience, as it has been mine, that the associations that he mentioned have been in many ways exemplary in their operation. They are getting larger and it is important that they should always be thinking of ways in which they can ensure that they remain responsive to their customers.

I received a splendid testimonial for Hyde housing association when I was visiting Southampton, which is some 70 miles from its headquarters in south-east London on the edge of my constituency. I got positive feedback about its work because it has an effective local committee and takes consulting and involving tenants locally seriously. There is no reason why size should be a bar to good tenant involvement. It is a question of good practice and it is important that we should encourage that. We should ensure that social housing agents of whatever size or sort are, wherever possible, reminded of the need to be as responsive as possible to the aspirations and hopes of their tenants.

The Minister briefly referred to Government amendment No. 29 as responding to concerns expressed in Committee. We raised in Committee the importance of the Housing Corporation giving good guidance to housing associations on the standard of housing management, not least in relation to tenants with special needs. We were talking especially of vulnerable tenants and those who are housed under the care in the community policy. We had quite a debate on the subject in Committee and the Minister agreed to take it away, think about it and come back to us. He has come back with an amendment that refers to management and services to tenants. I hope that he will confirm that those services will cover the whole range, including those necessary to help some of the most vulnerable tenants who require support and care, as well as simply a home over their head in the sense of the normal housing management service.

Mr. Curry: Yes.

Mr. Raynsford: I am grateful for that confirmation, which resolves the dilemma. I welcome the Government's response to our amendment and the Minister's confirmation that it will have as broad a remit as we intended.

Mr. Simon Hughes: The Minister was helpful and conciliatory in what he said. I shall take him up on the more explicit offer that he made and ask him to talk matters through with the Housing Corporation. I will also pursue that route separately and, with the leave of my hon. Friend the Member for Christchurch (Mrs. Maddock),

I will come with her to talk through the ways in which we can make practical differences. The best way to proceed would be for the Minister to do what Ministers are always willing to do and keep the matter under review. Ministers are willing to do that because it is not normally a party problem as they are not in the same job at the end of the period to which they commit themselves.

The test is whether housing associations respond to the mood clearly expressed in all corners of the House. They must set standards that allow the maximum participation, the maximum good practice and the maximum belief on the part of the tenants that the system is, independently, in their interests and in their favour.

On that basis, I shall not put my new clauses to the vote, although I anticipate that the Minister will want to put his amendment to the vote, when I shall vote for it.

Question put and negatived.

Clause 2

ELIGIBILITY FOR REGISTRATION

Mr. Curry: I beg to move amendment No. 60, in page 2, line 1, leave out

'does not trade for profit'

and insert

'is non–profit–making'.

Madam Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 61 and 62.

Mr. Curry: We now embark on a marathon of Government amendments that fulfil commitments made in Committee. I shall give the basic bones of what we propose.

Amendments Nos. 60 and 62 provide a clear definition of non-profit-making bodies for the purposes of eligibility for registration with the corporation. Amendment No. 61 is a minor drafting change.

Amendment No. 62 re-enacts the provisions in the Housing Associations Act 1985, which defines a body as non profit-making if it does not trade for profit, or its constitution or rules prohibit the issue of capital with interest or dividend exceeding the rate prescribed by the Treasury. The amendment was tabled to provide cover for any existing registered association that may have the power to pay interest or dividend at the rate prescribed by the Treasury. I am sure that the amendments will find favour with the House.

Mr. Raynsford: As the Minister said, the amendment responds to suggestions proposed in Committee. It confirms that organisations providing social housing should be non profit-making organisations.

We welcome the amendment and think it is appropriate. We are pleased that the Government have not proceeded with the ill-considered plans contained in their White Paper published last summer, allowing profit-making organisations to compete with housing associations and other social landlords for social housing grant—as we must come to know what was previously known as housing association grant. I shall not risk your wrath, Madam Deputy Speaker, by venturing my thoughts on those titles.

The key issue is that social housing should be provided by non-profit-making organisations. We have a wealth of good housing associations and other social landlords in this country, and others are likely to be created in future—hopefully, some of them will have active tenant involvement. There is no need to jumble up their role with that of the perfectly legitimate, but different, role of profit-making organisations, which should rightly provide what is known as privately rented housing.

We want to see more private investment in good-quality, private rented housing. It is not appropriate to confuse that with the provision of social housing, which should be undertaken by organisations that are clearly non-profit-making. The amendments make that clear—we strongly support them and trust that they are confirmation that the Government have finally abandoned their ill-conceived plans to extend social housing grant to profit-making bodies.

Amendment agreed to.

Amendments made: No. 61, in page 2, line 10, leave out 'the following' and insert

'those specified in subsection (3)'.

No. 62, in line 10, at end insert—

'( ) For the purposes of this section a body is non–profit–making if—

(a) it does not trade for profit, or

(b) its constitution or rules prohibit the issue of capital with interest or dividend exceeding the rate prescribed by the Treasury for the purposes of section 1(1)(b) of the Housing Associations Act 1985.'.—*[Mr. Curry.]*

Mr. Curry: I beg to move amendment No. 63, in page 2, line 38, leave out from 'after' to end of line 40 and insert

'a disposal by the landlord to the tenants by way of sale or lease or on shared ownership terms;'.

Madam Deputy Speaker: With this, it will be convenient to discuss also Government amendment No. 64.

Mr. Curry: The amendments bring the permissible purposes of registered social landlords—a concept with which we became familiar in Committee—into line with the right-to-acquire provisions. They ensure that permissible purposes—which sound more exciting than they are—are consistent with the provisions elsewhere in the Bill.

We made it clear in Committee that we do not want to make significant further changes to the permissible purposes of registered social landlords. We would, however, be prepared to listen to well-defined and well-justified extensions that could be included in subsequent secondary legislation. We discussed what would happen if there were a launderette in a block of flats, and I said that we would take a sensible and pragmatic view on the subject. The amendment fulfils our commitment to do so.

Mr. Raynsford: We accept the spirit in which the Minister moved the amendment. We highlighted specific issues, such as the ability of registered social landlords to carry out ancillary operations that might be described as commercial—for example, a launderette or a charity shop. In his letter to me on the subject, the Minister said that

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he was content that those points were covered by the legislation. On that understanding, I am happy to support the amendments.

Amendment agreed to.

Amendment made: No. 64, in page 2, line 41, leave out from beginning to end of line 43.—*[Mr. Curry.]*

Clause 3

REGISTRATION

Amendment made: No. 65, in page 3, line 17, leave out from 'registration' to end of line 20.—*[Mr. Curry.]*

Clause 4

REMOVAL FROM THE REGISTER

Amendments made: No. 66, in page 4, line 8, leave out from beginning to end of line 12.

No. 67, in line 12, at end insert—

'( ) Before removing a body from the register of social landlords under subsection (4) the Corporation shall consult the local authorities in whose area the body operates; and the Corporation shall also inform those authorities of its decision.'.—*[Mr. Curry.]*

Clause 5

APPEAL AGAINST DECISION ON REMOVAL

Mr. Curry: I beg to move amendment No. 68, in page 4, line 22, after 'Corporation' insert

'—

(a) not to register it as a social landlord, or

(b)''.

Madam Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 69 and 70.

Mr. Curry: Clause 5 permits an organisation to appeal to the High Court against a decision by the corporation to remove it or not to remove it from the register of social landlords. The amendments extend that right of appeal to cases in which an application for registration has been refused by the corporation.

Amendment No. 68 amends clause 5(1) to include the extended right of appeal.

Amendments Nos. 69 and 70 are technical: they amend subsections (2) and (3) of clause 5 respectively to ensure that their meaning is not inadvertently changed following the introduction of amendment No. 68.

Clause 5 provides a right to appeal to the High Court, where a registered social landlord is aggrieved at a decision to remove it, or refuse to remove it, from the register of social landlords. The amendments extend that right of appeal where an organisation is aggrieved at a decision not to include it on the register. The amendments reflect the commitment given in Committee.

6.30 pm

Mrs. Maddock: I support the Government's amendments, as they are identical, in all but phrasing, to those that I moved in Committee. I assure those hon. Members who were not present for the Committee's deliberations that we had very interesting and mostly amicable and sensible discussions. However, we never knew what the Government's response would be. The Minister often said that he agreed with us in principle, and that perhaps he would have the provisions in question rewritten. Occasionally, he shocked us—the first time it happened, I almost fell off my chair—and accepted an amendment as written.

The Minister agreed to consider these matters and to return to discuss them with hon. Members. I am very pleased that he has done so. The amendment gives a body that has been refused registration as a social landlord the right to appeal to the High Court. The Bill confers the same right on any body that is threatened with removal from the register. I am pleased that the Minister has introduced the measure, which has my whole-hearted support.

Mr. Curry: I merely wish to remark that the spectacle of the hon. Lady threatening to fall off her chair was so distressing that I sought to limit to the absolute minimum the number of future occasions upon which I would agree with her amendments, so as to ensure that she did not suffer any irreparable damage. As she has said, I undertook to consider the spirit of the amendments proposed in Committee and to reintroduce them in a form that was consistent with the phraseology and the purpose of the Bill. I hope that the group of amendments achieves that aim.

Amendment agreed to.

Amendments made: No. 69, in page 4, line 25, after 'brought' insert

'against a decision relating to the removal of a body from the register'.

No. 70, in page 4, line 28, after 'brought' insert

'against a decision relating to the removal of a body from the register'.—*[Mr. Curry.]*

Schedule 1

REGISTERED SOCIAL LANDLORDS: REGULATION

Mr. Curry: I beg to move amendment No. 127, in page 111, line 41, after first 'of' insert 'remuneration or'.

Mr. Deputy Speaker (Mr. Michael Morris): With this, it will be convenient to discuss also Government amendment No. 128.

Mr. Curry: Paragraphs 2 and 3 of schedule 1 govern the payment of benefits by a registered social landlord to its officers and employees. The amendments clarify the position for a registered social landlord to pay remuneration, including loss of earnings, to its committee members.

We are anxious to ensure that the quality of people who serve on the committees of housing associations and now of social registered landlords is high. We draw people from different walks of life with different expertise. In order to attract better qualified people with particular expertise, we must look at the possibility of their not being unduly penalised by their willingness to serve on committees of housing associations or of registered social landlords. That is the purpose of the amendment.

Mr. Raynsford: This will not be a simple matter of my thanking the Minister for moving an amendment that

we proposed in slightly different terms in Committee. The amendment raises a serious policy issue regarding the future of what was known traditionally as the voluntary housing movement. It was known by that name because housing associations were governed by voluntary committees comprising people who served unpaid. They believed in the activities of the organisation, in the same way as members of local authorities did, and believed that it was in the public interest to serve in that manner.

The Minister's comments imply that the amendment opens the door to the payment of remuneration—including, in his words, the reimbursement of expenses to such people. That is a major policy departure, and I do not believe that he should be presenting it as a small technical amendment at Report stage if he envisages a framework in which housing associations and social landlords will be empowered to pay remuneration to their committee members in future.

There has been considerable debate about the issue within the housing association movement in the past two years, when issues of governance were at the forefront of its deliberations. Although there were strong advocates of remuneration for members, there has been an overwhelming response from voluntary committee members all over the country who oppose the concept of payment. A number of people have spoken to me in extremely strong terms about how insulted they would feel if payment were introduced. They believe strongly in the voluntary principle: they give their time voluntarily out of a sense of public obligation.

We should not confuse such people with those who are appointed to quangos because they think that they can make a little bit on the side while helping the party. Many housing association committee members are particularly concerned about the measure, because they believe that it is part of an attempted "quangocratisation" of the housing association movement. The Minister will be well aware that the Nolan committee has examined housing associations, and they have every reason to believe that that sort of scrutiny is being applied to their activities. That is all the more reason for them to want to stick to the well-established principle that their work is undertaken voluntarily, for the public good and in the public interest.

The wording of amendment No. 127 is somewhat curious. It simply inserts the words "remuneration or" into a rather detailed schedule that spells out what can or cannot be paid to officers and other members of housing associations and of social landlords. As I said earlier, if it is a major new departure—which is what it appears to be—it should have been introduced at an earlier stage. It should have been discussed in Committee, and the Government should have spelt out why they were seeking to make that policy departure.

The Minister may say that the amendment is simply about compensating people for loss of earnings. However, he referred to remuneration, including compensation for loss of earnings. If that is so, he is presenting a serious policy change to the House. I think that we are owed a full explanation of why the Government have made that change. It is not in line with the views expressed by the majority of people in the housing association movement, and it certainly does not accord with the views of the National Federation of Housing Associations.

I am very surprised that the Minister has brought the measure before the House in this curious manner. I hope that he will explain it fully, and, hopefully, confirm that he does not intend to change the long-established and well respected policy of people serving as members of housing association committees in a voluntary, unpaid capacity.

Mrs. Maddock: I share some of the concerns expressed by the hon. Member for Greenwich (Mr. Raynsford). I am surprised that we are considering the amendment in this context, when it is part of a much wider debate about how people are remunerated for their services.

I think that it is important that people are able to take part in the democratic process and in decisions regarding the distribution of public money whatever their means. That is a very broad issue, and the Government intend to deal with it in only five minutes in the context of the amendment. People receive no remuneration for being school governors, although council members sometimes receive payment. People who are members of health boards, working one day a week, receive £5,000 a year. We must examine that policy issue, but we should not necessarily do so today via the amendment.

I do not agree totally with the hon. Member for Greenwich that people should serve on housing associations in a voluntary, unpaid capacity. I am sure that there are people who serve on a voluntary basis and who lose financially as a result. If people are to participate in the democratic process and to make decisions about how public money is spent, they must have the freedom to do so whatever their means.

Although I do not agree totally with the hon. Gentleman, I shall be interested to hear the Minister's response. He has ventured into an area that is much wider than remuneration for those who volunteer to work for housing association committees.

Mr. Curry: I think that the hon. Member for Greenwich is making a meal out of a snack. The amendment has no sinister purpose: we are not trying to change the ethos of the housing association movement. I constantly meet housing association committee members. I recognise their valuable work, and the fact that they perform that work voluntarily. Such people come from all walks of life, and are of all political persuasions. I have met merchant bankers who are just as heavily involved as those who work in social services, the probation service or other community-based activities.

The amendment seeks simply to make it clear that housing associations would not be acting illegally if they were to make payments for certain purposes. The proposal to pay for loss of earnings came from the National Federation of Housing Associations, although we thought it sensible to extend that somewhat.

The amendment makes remuneration possible; it requires no obligation. It is not an encouragement to pay. I would not wish to do that. Like the hon. Member for Greenwich, I value the spirit of co-operation that animates the housing association movement. However, we are trying to encourage people who may not be earning major salaries to become involved. It is not the merchant bankers who will need remuneration, but those who earn relatively small sums of money and who may find it difficult to give up their time without being paid. The amendment seeks to ensure that people in those circumstances should not be discouraged from taking an active role in the housing association movement.

[Mr. Curry]

The amendment is discretionary, not obligatory. It intends no ethos change, but simply to ensure that certain actions by housing associations would not be illegal if they were necessary. It is not expected to change the modus operandi of a valuable movement that is based on voluntary service.

Amendment agreed to.

Amendment made: No. 128, in page 112, line 20, after first 'of' insert 'remuneration or'.—*[Mr. Curry.]*

Mr. Curry: I beg to move amendment No. 129, in page 121, line 1, leave out from beginning to end of line 4 and insert—

'( ) Any such inquiry shall be conducted by one or more persons appointed by the Corporation.

( ) If one person is appointed he must be a person who is not a member or an employee of the Corporation and has not been such a member or employee within the previous five years; and if more than one person is appointed at least one of them must be such a person.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 130 to 133 and 74 to 76.

Mr. Curry: We now come to a more lengthy group of amendments, which none the less fulfils the obligation that I gave in Committee to reflect upon certain commitments.

Paragraphs (20) and (21) of schedule 1 enable the corporation to appoint a person to conduct an inquiry into the affairs of a registered social landlord or carry out such an inquiry. Amendment No. 129 amends paragraphs (20) and (21) to provide that the corporation cannot conduct the inquiry itself or appoint an employee to conduct it by himself. As I said in Committee, due to the curiosities of parliamentary draftsmanship, that could mean himself or herself. I would not wish the wording of the amendment to offend any feminist sentiment.

When the corporation appoints more than one person to conduct an inquiry, one person may be an employee or ex-employee of the corporation. Amendments Nos. 130 to 132 cover the arrangements to be followed when more than one person is appointed, particularly with regard to the provision of reports.

Amendment No. 133 extends the enforcement power covering requests for information under clause 30 to include the provision of information requested by a person conducting an inquiry.

Clause 29 gives the corporation power to serve a notice requiring a registered social landlord, or subsidiary, to provide information for any purpose connected with the discharge of its functions.

Amendments Nos. 74 and 76 are technical amendments, which are necessary to ensure that the corporation, or the person conducting an inquiry on its behalf, can obtain information or documents.

Amendment No. 75, which replaces clause 29(5), seeks to clarify the limits in the powers of the corporation to obtain information held by solicitors and bankers of registered social landlords.

In a nutshell, paragraphs (20) and (21) of schedule 1 currently enable the corporation to conduct an inquiry into a registered social landlord. In Committee, I agreed to introduce an amendment requiring the corporation to appoint at least one person who was not one of its own employees. Amendments Nos. 129 to 132 honour that commitment, and make some consequential changes to their powers.

Amendment No. 133 extends the enforcement power when someone resists a request for information, under clause 30, to cover requests by a person conducting an inquiry, to ensure that they can obtain information and documents relating to the inquiry.

Mr. Raynsford: As the Minister said, the amendments honour commitments given in Committee. In Committee, we moved an amendment to provide that the Housing Corporation

"shall appoint one or more persons to conduct the inquiry."

At the time, the Minister found it impossible to accept our wording. I notice that he has moved an amendment worded as follows:

"Any such inquiry shall be conducted by one or more persons appointed by the Corporation."

Clearly, his officials and the Clerks have had an immensely complicated time reversing the sequence of that wording to justify the Minister's claim that our wording was typically untidy.

Mr. Curry: The hon. Gentleman will know that the music and cadence of the clause also matter. He struck a lumpy note in Committee, and we have tried to turn it into something more melodious.

6.45 pm

Mr. Raynsford: I shall not challenge the Minister by testing his knowledge of the skills of inversion in musical composition. We are pleased that the principle in the amendment has now found its way on to the Bill. It will ensure that the person appointed by the Housing Corporation to carry out an inquiry will be independent, and that, if any such inquiry involves more than one person, at least one will be independent. We are pleased that the Government have accepted that important principle, and we welcome the amendment.

Mr. Brooke: In support of my hon. Friend the Minister I remind the House of the occasion when Sir Edward Marsh—Eddie Marsh—said to Winston Churchill, to whom he was private secretary, "We know that Shelley was a great poet because, whereas an ordinary poet would have written 'And roses wild and ivy serpentine', he wrote 'And wild roses, and ivy serpentine,'" to which Winston replied, "And I suppose he would have been the greatest poet of all time if he had written, 'And wild roses and serpentine ivy'."

Mr. Curry: There is something worse. The second line of

"Hail to thee, blithe Spirit!

Bird thou never wert,"

seems to me to strike the lowest point in English poetry.

Amendment agreed to.

Amendments made: No. 130, in page 121, line 13, at end insert—

'( ) Where the inquiry is conducted by more than one appointed person, then, if they do not agree on any matter relating to the conduct of the inquiry, including whether the inquiry should be extended, the view of the majority shall prevail; but they may each make interim reports, and shall each make a final report, and may do so jointly or separately.'.

No. 131, in page 121, line 16, after first 'inquiry' insert

'(or, if more than one person is so appointed, each of those persons)'.

No. 132, in page 121, line 19, leave out 'the appointed person, he' and insert

'any person, the person to whom they are produced'.

No. 133, in page 121, line 21, leave out from beginning to end of line 24 and insert—

'( ) Section 30 (enforcement of notice to provide information, &c.) applies in relation to a notice given under this paragraph by an appointed person as it applies in relation to a notice given under section 29 by the Corporation.'.—*[Mr. Curry.]*

Clause 8

CONSENT REQUIRED FOR DISPOSAL OF LAND BY REGISTERED SOCIAL LANDLORD

Amendment made: No. 71, in page 5, line 25, at end insert—

'( ) Before giving any consent other than a consent in relation to a particular landlord or particular land, the Corporation shall consult such bodies representative of registered social landlords as it thinks fit.'.—*[Mr. Curry.]*

Clause 9

LETTINGS AND OTHER DISPOSALS NOT REQUIRING CONSENT OF CORPORATION

Mr. Curry: I beg to move amendment No. 72, in page 6, line 5, after '8' insert ', or paragraph 12(1)(h),'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 73, 85 and 86.

Mr. Curry: Amendments Nos. 72, 73, 85 and 86 are technical amendments that correct minor omissions from the original Bill. Amendment No. 72 extends the range of lettings and other disposals not requiring corporation consent as listed in clause 9 by including tenancies granted to tenants of fully mutual co-ops.

Amendment No. 73 to clause 12 deals with disposals of registered social landlords' properties that are made under a consent in clause 8. It re-enacts schedule 2(3) of the Housing Associations Act 1985 and provides that, where a property is sold in national parks and areas of outstanding natural beauty, the association may include a covenant limiting the freedom of a purchaser to dispose of it, typically restricting sale to someone who has lived in the area for at least three years.

Amendment No. 73, which is required to ensure consistency with schedule 3 of the Housing Associations Act 1985, clarifies that the provision applies to voluntary sales made under clause 8. Sales under statutory schemes such as the existing right to buy as well as the new purchase grant scheme are subject to separate statutory arrangements in relation to rural areas.

Amendments Nos. 85 and 86 amend clauses 61 and 62 respectively to add a necessary definition of local authority as used in part I of the Bill.

Amendments Nos. 72, 73, 85 and 86 are technical and correct minor omissions, and amendment No. 72 extends the range of lettings and other disposals not requiring corporation consent as listed in clause 9, by including tenancies granted to tenants of fully mutual co-operatives. Amendment No. 73 clarifies that the provisions relating to restrictions on onward sales in clause 12 apply to voluntary disposals under clause 7. Both clauses re-enact existing provisions in the Housing Associations Act 1985. Amendment No. 85 adds the term "local authority" to the list in clause 61 of minor definitions used in part I. Those matters are so important that they bore some repetition.

Amendment agreed to.

Clause 12

RESTRICTION ON DISPOSAL OF HOUSES IN NATIONALS PARKS, &C.

Amendment made: No. 73, in page 8, line 9, after 'landlord' insert

', in accordance with a consent given by the Corporation under section 8,'.—*[Mr. Curry.]*

Clause 16

RIGHTS OF TENANT TO ACQUIRE DWELLING: SUPPLEMENTARY PROVISIONS

Amendment proposed: No. 10, in page 11, line 2, at end insert—

'(c) designate dwellings or descriptions of dwellings subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 created in pursuance of the affordable housing policy in a local authority's local plan, to which the right conferred by that section does not arise.'.—*[Mr. Raynsford.]*

Question put, That the amendment be made:—

The House divided: Ayes 223, Noes 274.

Division No. 112] **[18.50 pm**

AYES

Abbott, Ms Diane
Alton, David
Anderson, Donald *(Swansea E)*
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Austin-Walker, John
Banks, Tony *(Newham NW)*
Barron, Kevin
Battle, John
Bayley, Hugh
Beith, Rt Hon A J
Bell, Stuart
Bennett, Andrew F
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blair, Rt Hon Tony
Blunkett, David
Boateng, Paul
Bray, Dr Jeremy
Brown, N *(N'c'tle upon Tyne E)*
Bruce, Malcolm *(Gordon)*
Burden, Richard
Byers, Stephen
Callaghan, Jim
Campbell, Menzies *(Fife NE)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Chidgey, David
Chisholm, Malcolm
Church, Judith
Clapham, Michael

Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Tom *(Monklands W)*
Clelland, David
Clwyd, Mrs Ann
Cohen, Harry
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cox, Tom
Cunliffe, Lawrence
Cunningham, Jim *(Covy SE)*
Dafis, Cynog
Dalyell, Tam
Darling, Alistair
Davidson, Ian
Davies, Bryan *(Oldham C'tral)*
Davies, Chris *(L'Boro & S'worth)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Ron *(Caerphilly)*
Davis, Terry *(B'ham, H'dge H'l)*
Denham, John
Dewar, Donald
Dixon, Don
Dobson, Frank
Donohoe, Brian H
Dowd, Jim
Dunwoody, Mrs Gwyneth
Eagle, Ms Angela
Eastham, Ken
Etherington, Bill
Evans, John *(St Helens N)*
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Foster, Don *(Bath)*
Foulkes, George
Fraser, John
Galloway, George
Gapes, Mike
Garrett, John
George, Bruce
Gerrard, Neil
Gilbert, Rt Hon Dr John
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mildred
Graham, Thomas
Grant, Bernie *(Tottenham)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike
Harman, Ms Harriet
Harvey, Nick
Henderson, Doug
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Howarth, Alan *(Strat'rd-on-A)*
Howarth, George *(Knowsley North)*
Howells, Dr Kim *(Pontypridd)*
Hoyle, Doug
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport E)*
Hughes, Simon *(Southwark)*
Hutton, John
Ingram, Adam
Jackson, Helen *(Shef'ld, H)*
Jamieson, David
Janner, Greville
Jenkins, Brian *(SE Staff)*
Johnston, Sir Russell
Jones, Barry *(Alyn and D'side)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Kaufman, Rt Hon Gerald
Keen, Alan
Kennedy, Charles *(Ross,C&S)*
Khabra, Piara S
Kilfoyle, Peter
Kirkwood, Archy
Lestor, Joan *(Eccles)*
Lewis, Terry
Litherland, Robert
Livingstone, Ken
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Lynne, Ms Liz
McAvoy, Thomas
Macdonald, Calum
McKelvey, William
Mackinlay, Andrew
McMaster, Gordon
MacShane, Denis
Madden, Max
Maddock, Diana
Mahon, Alice
Mandelson, Peter
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester, S)*
Martin, Michael J *(Springburn)*
Maxton, John
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mowlam, Marjorie
Mudie, George
Mullin, Chris
Murphy, Paul
Nicholson, Emma *(Devon West)*
Oakes, Rt Hon Gordon
O'Brien, Mike *(N W'kshire)*
O'Brien, William *(Normanton)*
O'Hara, Edward
O'Neill, Martin
Parry, Robert
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Pope, Greg
Powell, Ray *(Ogmore)*
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Randall, Stuart
Raynsford, Nick
Reid, Dr John
Rendel, David
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruddock, Joan
Sedgemore, Brian
Sheldon, Rt Hon Robert
Shore, Rt Hon Peter
Simpson, Alan
Skinner, Dennis
Smith, Andrew *(Oxford E)*
Smith, Chris *(Isl'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Spellar, John
Squire, Rachel *(Dunfermline W)*
Steel, Rt Hon Sir David
Steinberg, Gerry
Strang, Dr. Gavin
Sutcliffe, Gerry
Taylor, Matthew *(Truro)*
Thompson, Jack *(Wansbeck)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Trickett, Jon
Turner, Dennis
Tyler, Paul
Vaz, Keith
Walley, Joan
Wareing, Robert N
Watson, Mike
Wicks, Malcolm
Wigley, Dafydd
Williams, Alan W *(Carmarthen)*
Wise, Audrey
Worthington, Tony
Wray, Jimmy
Wright, Dr Tony
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mrs. Jane Kennedy and
Mr. Robert Ainsworth.

NOES

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alexander, Richard
Alison, Rt Hon Michael *(Selby)*
Allason, Rupert *(Torbay)*
Amess, David
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkins, Rt Hon Robert
Atkinson, David *(Bour'mouth E)*
Atkinson, Peter *(Hexham)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Banks, Matthew *(Southport)*
Banks, Robert *(Harrogate)*
Bates, Michael
Batiste, Spencer
Bendall, Vivian
Beresford, Sir Paul
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & C'thorpes)*
Browning, Mrs Angela
Budgen, Nicholas
Burt, Alistair
Butler, Peter
Butterfill, John
Carlisle, John *(Luton North)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Channon, Rt Hon Paul
Chapman, Sir Sydney
Churchill, Mr
Clappison, James
Clark, Dr Michael *(Rochford)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Cope, Rt Hon Sir John
Cormack, Sir Patrick
Couchman, James
Cran, James
Currie, Mrs Edwina *(S D'by'shire)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Devlin, Tim
Dicks, Terry
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Duncan Smith, Iain
Dunn, Bob
Durant, Sir Anthony
Elletson, Harold
Emery, Rt Hon Sir Peter
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fabricant, Michael
Fenner, Dame Peggy
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gill, Christopher
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*

Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hanley, Rt Hon Jeremy
Hannam, Sir John
Hargreaves, Andrew
Haselhurst, Sir Alan
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hendry, Charles
Higgins, Rt Hon Sir Terence
Hill, James *(Southampton Test)*
Horam, John
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howell, Rt Hon David *(G'dford)*
Howell, Sir Ralph *(N Norfolk)*
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Hunt, Sir John *(Ravensbourne)*
Hunter, Andrew
Jack, Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
Key, Robert
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maitland, Lady Olga
Major, Rt Hon John
Malone, Gerald
Mans, Keith
Marland, Paul
Marshall, John *(Hendon S)*
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Mawhinney, Rt Hon Dr Brian
Mellor, Rt Hon David
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Moate, Sir Roger
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Needham, Rt Hon Richard
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Patnick, Sir Irvine
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Porter, David *(Waveney)*
Powell, William *(Corby)*
Rathbone, Tim
Redwood, Rt Hon John
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Rifkind, Rt Hon Malcolm
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Shepherd, Richard *(Aldridge)*
Shersby, Sir Michael
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Speed, Sir Keith
Spencer, Sir Derek
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stephen, Michael
Stern, Michael
Stewart, Allan
Streeter, Gary
Sumberg, David
Sweeney, Walter
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Thomason, Roy
Thompson, Sir Donald *(C'er V)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Townend, John *(Bridlington)*
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Tredinnick, David
Trend, Michael
Twinn, Dr Ian
Vaughan, Sir Gerard
Viggers, Peter
Waldegrave, Rt Hon William
Walden, George
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wilkinson, John
Willetts, David
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Simon Burns and
Mr. Giles Brandreth.

Question accordingly negatived.

Clause 27

GRANTS UNDER SS. 50 TO 55 OF THE HOUSING ACT 1988

Mr. Curry: I beg to move amendment No. 27, in page 17, line 3, leave out from 'association' to end of line 4 and insert

'which had such a deficit as is mentioned in that section for any of the years beginning 1st April 1994, 1st April 1995 or 1st April 1996.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 151 and 28.

Mr. Curry: The amendments give effect to the commitments given in Committee. Amendment No. 27 provides for the period for associations to make applications for revenue deficit grant to be extended to cover associations that incurred a deficit in any of the three years prior to commencement.

Amendment No. 28 excludes from the rent surplus fund stock provided with the aid of grant under section 50 of the Housing Act 1988.

Amendment No. 151 allows the corporation to direct a registered social landlord to use any unrecovered housing association grant paid under earlier legislation for a specific purpose instead of directing repayment to the corporation. A similar power covering grant that will be paid under the Bill is contained in clause 26.

Mr. Raynsford: The amendment gives effect to an undertaking given in Committee to enable a claim for revenue deficit grant to be made by an association that had been receiving such a grant in any one of the three years preceding the commencement of the Act. Those are the words that the Minister used when moving the amendment, and those were the words used in our amendment in Committee. We were told that the words were insufficient and inadequate. The Minister has, therefore, chosen clearly to spell out the specific years in the Bill's phraseology. I am only astonished that, for the sake of consistency, he did not use the same terminology when moving the amendment. We welcome this amendment and we support it.

Amendment agreed to.

Amendments made: No. 151, in page 17, line 4, at end insert—

'( ) In section 52(2) of that Act (recovery, &c. of grants: powers of Corporation), in paragraph (c) after "to pay to it" insert ", or to apply or appropriate for such purposes as it may specify,".'.

No. 28, in page 17, line 10, at end insert—

'( ) In section 55(1) of that Act (surplus rental income: cases in which section applies), omit paragraph (a).'.—*[Mr. Curry.]*

Clause 29

GENERAL POWER TO OBTAIN INFORMATION

Amendments made: No. 74, in page 17, line 42, after second 'to' insert 'the Corporation or'.

No. 75, in page 18, line 17, leave out from beginning to end of line 19 and insert—

'( ) Nothing in this section requires the disclosure—

(a) by a solicitor, of a privileged communication made to him in his capacity as solicitor, or

(b) by a registered social landlord's banker, of information as to the affairs of any of his other customers.'.

No. 76, in page 18, line 20, leave out

'a person authorised by the Corporation'

and insert 'any person'.—*[Mr. Curry.]*

Clause 35

ISSUE OF GUIDANCE BY THE CORPORATION

Amendment made: No. 29, in page 21, line 9, at end insert—

'( ) the services to be provided to tenants;

( ) the procedures to be adopted to deal with complaints by tenants against a landlord;'.—*[Mr. Curry.]*

Clause 36

POWERS OF ENTRY

Mr. Curry: I beg to move amendment No. 77, in page 21, line 36, leave out 'seven' and insert 'not less than 28'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 78 to 81.

Mr. Curry: In Committee, I offered to look again at the way in which the corporation might use the powers of entry contained in clauses 36 and 37. I have concluded that the period of notice that landlords should receive before the corporation uses those powers should be extended from seven to not fewer than 28 days. Amendment No. 77 achieves that aim.

Amendments Nos. 78 and 79 provide the quid pro quo, which is that the landlord, rather than the corporation, should then be responsible for informing tenants that a survey is to take place. That means that the landlord rather than the corporation would communicate with individual tenants, which is a more sensible arrangement.

The penalty clause contained in amendment No. 79 is necessary because a failure by the landlord to give due notice could frustrate the carrying out of the survey. We have built in a penalty clause equivalent to that contained in clause 37, which deals with obstruction of the surveyor by the landlord.

Amendments Nos. 80 and 81 are drafting amendments to the penalty provisions in clause 37.

Mr. Raynsford: We welcome the amendments, which again give effect to undertakings given by the Minister in Committee, arising from amendments that were moved by Labour Members and by Liberal Democrat Members. Under the Bill as originally drafted before it was considered in Committee, it seemed possible that tenants could have been guilty of an offence if they refused to allow access to someone seeking to enter their premises under the powers contained in this clause. Clearly that would have been an entirely unsatisfactory arrangement. We therefore welcome the clarification that the liability for an offence does not extend to a tenant.

We also moved the extension of the period from seven to 28 days to give proper notice of the use of such powers. That is an equally welcome clarification. We support those sensible and welcome amendments.

Mrs. Maddock: As the hon. Member for Greenwich said, in Committee we discussed the sensitive issue of powers of entry into a person's home. I therefore welcome amendment No. 77, which is in line with amendment No. 137, which I proposed in Committee. I greatly welcome the Minister's comments about giving a duty to a landlord to inform a tenant of entry into that person's home. If I am honest, however, I am slightly disappointed that a tenant will not be given 28 days' notice of that event, but the Minister has honoured his commitment to reconsider the matter. He has come back with some sensible amendments which, with the small proviso that I have expressed, I welcome.

Amendment agreed to.

Amendments made: No. 78, in page 21, line 36, leave out 'to the occupier, and'.

No. 79, in page 21, line 38, at end insert—

'( ) Where such notice is given to the landlord, the landlord shall give the occupier or occupiers of the premises not less than seven days' notice of the proposed survey and examination.

A landlord who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.'.—*[Mr. Curry.]*

Clause 37

PENALTY FOR OBSTRUCTION OF PERSON EXERCISING POWER OF ENTRY

Amendments made: No. 80, in page 22, line 1, leave out 'a summary' and insert 'an'.

No. 81, in page 22, line 5, after 'on' insert 'summary'.—*[Mr. Curry.]*

Schedule 2

SOCIAL RENTED SECTOR:HOUSING COMPLAINTS

Mr. Curry: I beg to move amendment No. 30, in page 125, line 48, leave out

', if the complaint is not withdrawn,'

and insert

'not withdrawn, and a power to investigate any complaint duly made but withdrawn, and where he investigates'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 31 and 32.

Mr. Curry: The amendments are intended to clarify and simplify the arrangements by which the housing ombudsman may investigate complaints and make determinations.

Amendment agreed to.

Amendments made: No. 31, in page 128, line 3, leave out from first 'complaint' to 'by' in line 4 and insert

'duly made to him and not withdrawn, and may investigate any complaint duly made but withdrawn, and where he investigates a complaint he shall determine it'.

No. 32, in page 128, line 22, leave out from 'may' to end of line 24 and insert

'take such steps as he thinks appropriate to publish what the member ought to have published and recover from the member the costs of doing so.'.—*[Mr. Curry.]*

Clause 53

MINOR AND CONSEQUENTIAL AMENDMENTS: PART I

Mr. Curry: I beg to move amendment No. 82, in page 31, line 5, at end insert 'minor'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 83, 84, 139, 142 and 126A.

Mr. Curry: These technical amendments concern the location in the Bill of consequential amendments and repeals. Most of those will now be contained in an order made under clause 53.

Mr. Raynsford: Amendment No. 139 deletes 11 pages of the Bill, from page 131 to page 142. Amendment No. 142, which substitutes for that deletion, is just half a page long. On the surface, that would appear to be a welcome reduction in unnecessary legislation; perhaps the Minister would describe it as deregulation, but it is difficult to be sure that nothing has been lost on the way. I seek some assurance from the Minister that there is no policy effect from such major surgery to his own legislation.

Mr. Curry: I am happy to give the hon. Gentleman that assurance.

Amendment agreed to.

Amendments made: No. 83, in page 31, line 7, leave out from beginning to end of line 8.

No. 84, in page 31, line 9, leave out 'other amendments' and insert 'amendments or repeals'.—*[Mr. Curry.]*

Schedule 3

SOCIAL RENTED SECTOR:MINOR AND CONSEQUENTIAL AMENDMENTS

Mr. Curry: I beg to move amendment No. 33, in page 129, line 41, at end insert—

'Finance Act 1981 (c.35)

.—(1) Section 107 of the Finance Act 1981 (stamp duty payable upon sale of houses at a discount) is amended as follows.

(2) After subsection (3)(e) insert—

"(ea) a registered social landlord within the meaning of Part I of the Housing Act 1996;".

(3) In subsection (3)(f) for the words from "registered" to the end substitute "registered—

(i) in Scotland, under the Housing Associations Act 1985, or

(ii) in Northern Ireland, under Part II of the Housing (Northern Ireland) Order 1992;".

(4) In subsection (3A) (exclusion of certain sub-sales), for "subsection (3)(f)" substitute "subsection (3)(ea) or (f)".

(5) After subsection (3B) insert—

"(3C) A grant under section 19 or 20 of the Housing Act 1996 (purchase grants in respect of disposals at a discount by registered social landlords) shall not be treated as part of the consideration for a conveyance or transfer to which this section applies made by a body falling within subsection (3)(ea) above.".'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 134 to 138.

Mr. Curry: This is a mixed group of amendments on various issues relating to the housing corporations and the new registered social landlords. Amendment No. 33 extends the provisions of section 107 of the Finance Act 1981 to registered social landlords. I would draw hon. Members' attention in particular to subsection (5), which ensures that tenants buying their home under the new right to acquire will pay stamp duty only on the discounted price, rather than on the full market value. That is in line with the existing right to buy.

Amendments Nos. 134 and 135 will enable the Audit Commission to provide specialist advice to the Housing Corporation on audit matters. The current provisions in the Bill give the corporations power to sell their loans to the private sector, but they contain possible ambiguities. Amendment No. 136 puts the responsibility for the sale on the Secretaries of State for the Environment and for Wales, and provides them with a power to direct the corporations to sell their loans on terms which they approve. Amendment No. 137 provides a similar power for the Secretary of State for Scotland in relation to Scottish Homes' loans. That puts the sale of the portfolios on to a secure legal footing.

Amendment No. 138 would repeal the scheme known as home ownership for tenants of charitable housing associations, HOTCHA for short, which has now been superseded by the tenants incentive scheme and the do-it-yourself shared ownership scheme. The purchase grant scheme will also allow tenants to buy their homes at a discount.

Mr. Raynsford: Do the terms of amendment No. 33, which exempts tenants from payment of stamp duty on the full price of properties sold to them under the right to buy, also extend to the voluntary purchase grant? From my reading of the amendment, I assume that it does, but I would welcome some clarification from the Minister.

Mr. Curry: The answer is yes.

Mr. Raynsford: I am grateful to the Minister. Amendment No. 134 refers to consultancy services of the Audit Commission offered to the Housing Corporation. I would be most grateful for some suggestion from the Minister as to which services he envisages the Audit Commission offering and in what circumstances. The Minister elegantly explained the purpose of amendment No. 138, and I am surprised that he did not introduce it as the "gotcha HOTCHAs" amendment.

Mrs. Maddock: I should like to comment on amendment No. 136, which gives the Secretary of State another power. On numerous occasions in Committee, I

[Mrs. Maddock]

expressed my view about giving too many powers to individual people. Some of us have a sneaking suspicion that the amendment may be one route by which the Government will try to find some money for their tax cuts before the general election. I do not know whether the Minister would care to comment on when he will demand that the Housing Corporation should sell off its portfolio.

7.15 pm

Mr. Curry: If the hon. Member for Greenwich will permit me, I will write to him with details of the sort of matters about which the Audit Commission might wish to give assistance to the Housing Corporation. We are in the business of appointing specialist advisers on the loan portfolios, and, of course, our actions would follow the advice given to us in those circumstances. The timetable is determined by the nature of the advice that we give and the practicality of the proposition.

Amendment agreed to.

Amendments made: No. 134, in page 130, line 46, leave out from beginning to 'above' and insert—

'Functions of Commission in relation to audit of accounts of registered social landlords

28D.—(1) The Commission may provide the Corporation with consultancy services relating to the audit of accounts of registered social landlords.

(2) The Commission may recover from the Corporation such costs incurred in providing the services as may be agreed by the Corporation.

Meaning of "the Corporation" and "registered social landlord"

28E. In sections 28B to 28D'.

No. 135, in page 130, line 53, at end insert—

'(ab) its functions under section 28D relating to such landlords;'.

No. 136, in page 131, line 6, leave out from 'section' to end of line 13 and insert

'76 (general power of Secretary of State to give directions to Corporation) insert—

"Direction for sale of Corporation's loans portfolio

76A.—(1) The Secretary of State may direct the Corporation to assign or otherwise transfer to another person, on terms approved by the Secretary of State, all or any of the Corporation's rights and obligations in relation to any loan and any related security.

(2) A direction under this section may be varied or revoked by a further direction.

(3) Nothing in this section affects the generality of the Secretary of State's power to give directions under section 76.'.

No. 137, in page 131, line 35, at end insert—

'Housing (Scotland) Act 1988 (c.43)

In section 2 of the Housing (Scotland) Act 1988, after subsection (7) insert—

"(7A) Without prejudice to the power of the Secretary of State to give directions under subsection (10) below, the Secretary of State may direct Scottish Homes to assign or otherwise transfer to another person, on terms approved by the Secretary of State, all or any of its rights and obligations in relation to any loan or related security; and it shall be the duty of Scottish Homes to comply with any such direction.

(7B) A direction under subsection (7A) above may be varied or revoked by a subsequent direction given by the Secretary of State.".

No. 138, in page 131, line 35, at end insert—

'Housing Act 1988 (c.50)

Section 58 of the Housing Act 1988 (application of Housing Acts to certain transactions) shall cease to have effect.'.

No. 139, in page 131, line 36, leave out from beginning to end of line 18 on page 142.—*[Mr. Curry.]*

Clause 61

MINOR DEFINITIONS:PART I

Amendment made: No. 85, in page 34, line 7, at end insert—

' "local authority" has the same meaning as in the Housing Associations Act 1985;'.—*[Mr. Curry.]*

Clause 62

INDEX OF DEFINED EXPRESSIONS:PART I

Amendment made: No. 86, in page 35, line 10, at end insert—

'local authority Section 61'.—*[Mr. Curry.]*

New clause 4

DUTY TO PROVIDE GAS SAFETY CERTIFICATES

'1.— After section 353 of the Housing Act 1985 insert—

"353A.–(1) It is the duty of the person having control of a house in multiple occupation, and of the person managing it, where the house contains a gas appliance or any installation pipework, chimney or flue, to ensure that a certificate showing safe installation, maintenance and chimney and flue cleaning shall be given to the tenant a reasonable time before he signs the tenancy agreement and every twelve months thereafter during the term of that tenancy.

(2) The aforesaid certificate shall specify the name, address and, where it is gas work, the CORGI registration number of the person who did the relevant work and the date the work was done.".'.—*[Mrs. Maddock.]*

Brought up, and read the First time.

Mrs. Maddock: I beg to move, That the clause be read a Second time.

The new clause would impose a duty on landlords of houses in multiple occupation to ensure that any gas appliances in properties let by them are safely installed and annually maintained. The clause would also apply to other appliances which use any fuels that are liable to produce carbon monoxide. It would also impose a duty on landlords to ensure that pipework, chimneys, flues and so on are maintained safely.

The tragic consequences of unsafe gas heaters were highlighted just last week, when a landlord from Hull was convicted of manslaughter for failing to deal with dangerous appliances which eventually caused the death of his tenant. Some people are concerned that landlords merely pay a fine when they are responsible for the death of their tenants. Officially, nearly 30 people a year in the

United Kingdom die of carbon monoxide poisoning, but most experts agree that the true figure is much higher—perhaps hundreds or even thousands.

Part of the problem is the difficulty of recognising carbon monoxide poisoning for what it is. Even general practitioners find diagnosis difficult, and have sometimes treated victims and then sent them home, where they have subsequently died because the faulty appliance in question continues to give off its poison. That is why we need to highlight the problem and make sure that more people know more about it. Most incidents happen in the home, and not just in houses in multiple occupation, but this legislation gives us an opportunity to look at what happens in HMOs as a result of poorly maintained and installed gas cookers, boilers, heating appliances and associated fittings.

Since 1994, landlords have been obliged by law to have annual safety checks carried out by gas installers registered with the Council of Registered Gas Installers. The evidence shows, however, that tenants are not aware of that requirement; and that many landlords are not fulfilling their responsibilities. Twelve months after the requirement was introduced, *Which?* magazine surveyed 103 tenants in privately rented properties containing gas appliances, and found that almost two thirds of them said that no servicing or inspection had been done, a third of them having been resident in the properties for more than 12 months. As the magazine observed,

"These figures suggest that many private landlords are ignoring—or are unaware of—the new gas-safety check laws, and a significant number of tenants are being put at risk".

A particularly vulnerable group are students, many of whom live in the private rented sector. They tend to move in and out of it fairly often, and perhaps do not have the time to check with their landlords whether their gas fires have been inspected. It is therefore important to put the onus on landlords to provide a certificate, and to renew it every 12 months. That is the purpose of the new clause. Tenants are already legally entitled to ask for evidence of inspection, but we should require landlords to give the evidence to the tenants anyway. Many tenants are understandably reluctant to press landlords for these certificates, which is why the new clause is so important.

I realise that this may prove tricky for the Government, and I know that they are looking into the whole matter to find ways of improving the current legislation. This Bill, however, gives us a golden opportunity to ensure that more people know about the problem, to improve tenants' rights and to make landlords face up to their responsibilities. A great deal of publicity attended the case of Tracy Murphy who died in Hull. Prosecutions are often brought by the Health and Safety Executive, and only fines are imposed—sometimes written off as business expenses. But human lives are at stake and we owe it to those who have lost their lives to ensure that it does not happen again.

I have figures to show how often the problem arises in houses in multiple occupation. Gas was responsible for seven deaths last year; solid fuel, also covered by the new clause, caused four deaths. Butane caused one, and another was attributed to an unknown cause. Of those fatalities, three took place in people's own homes, four probably did, but three were in rented accommodation. Meanwhile, 47 per cent. of near misses were connected with gas, and there were far more such incidents in rented accommodation than in homes lived in by the owners. Now we have a real chance to do something about that.

I realise that the Minister may not be in a position to give us a commitment today. I know that he is consulting on the matter, but I hope that he will at least look at ways of incorporating in housing legislation and legislation covering HMOs a provision that will make it the responsibility of landlords to provide a certificate. He would find support on both sides of the House for such a proposal. I look forward to hearing his comments on what I believe is a useful way of dealing with a problem that has given rise to so many tragic reports in the press in recent weeks.

Mr. David Martin (Portsmouth, South): I have some sympathy with the remarks of the hon. Member for Christchurch (Mrs. Maddock) and with her new clause. Those of us with constituencies which include many people living in multi-occupation property—especially students—well know the fears surrounding this issue. Those fears are well known to me, as a parent whose oldest child will in due course go off to university and find herself in such accommodation. Students are particularly vulnerable because their occupation is short term and because of their high turnover rate. That means that they cannot know when the appliance that they are using, or the fuse that serves it, was last inspected and passed as safe.

The hon. Member for Christchurch is therefore right, at a time when the Government are examining the matter, to urge the Minister to say something about the state of play. How are the Government's investigations going? What action do they propose to take to allay some of these fears?

A certificate on its own is not enough. There should be a notice attached or near to an appliance stating when it was last checked and found safe. There should be a sign near a flue stating when it was last swept and rendered safe. After all, the same has been required for fire appliances over the years. Fire appliances can remain in the same place for ages, which is why there must be written notices near them saying when they were last inspected to the satisfaction of the relevant expert. Gas appliances, flues and their fittings should definitely be the subject of a requirement to produce evidence of their continuing safety, to protect those whose short-term occupation of such accommodation puts them at risk.

Mr. Sutcliffe: I concur with the last two contributions, although I am slightly surprised at the need to introduce this idea in this format. Admittedly, the Government are looking into the issue, but it has been with us for quite some time.

I know that British Gas produced a video about carbon monoxide poisoning which was aimed particularly at students. I hope that the Minister will include universities in his investigation as accommodation officers often encourage private landlords to house some of their student population. That applies particularly to students from abroad—at Bradford university, for instance. Many of the houses in which students find themselves contain appliances that have not been properly checked. Before any tenancy agreement is signed, it should be a prerequisite that satisfactory certificates of safety be produced; that is only common sense. Furthermore, that requirement should be included on the face of the Bill.

In my authority, environmental health officers cannot get around all the houses in multiple occupation for checks because there are simply too many. The problem

[Mr. Sutcliffe]

is addressed only when a tragedy happens, such as that in Hull. That case involved a negligent landlord who was imprisoned, but many people feel aggrieved that he had committed offence after offence. How long will it be before we can put such matters right? The Government push people towards the private rented sector, so they have a responsibility to ensure that people are in a safe environment. British Gas is aware of the position and, as I mentioned, it has made a video.

I hope that the Minister will not take too much time to investigate the problem. New clause 4 sets out an easy and straightforward way to deal with the issue in the short term and I hope that we shall see some quick action. Concern has been expressed not only by student unions, but by other vulnerable groups. For example, single-parent families move into accommodation because of the low cost and the appliances have not been checked. I hope that the Minister has listened to what has been said and will support the spirit of new clause 4.

7.30 pm

Mr. Richard Burden (Birmingham, Northfield): I will not detain the House for long. I wish to thank the Minister because when we discussed fire regulations and other areas covered by new clause 4 I raised the question of the means of escape order and whether the Bill would introduce an inconsistency on means of escape orders. That point is relevant to our debate today. The Minister promised to write to me about that subject and I am grateful that he did so.

I wish to clarify with the Minister what he said in that letter, because it is important that we get it on the record. As I understand it, the Minister has said that there will still be an exclusion in the means of escape orders for houses with fewer than three storeys. I have some reservations about that, but I wish to clarify the position. Beyond that, the good news—if I understand the Minister's comments correctly—is that there will be less disparity between the two schemes in the criteria governing the inclusion of houses than was originally proposed.

The Minister's letter stated:

"our proposal at present is to cover all HMOs which might be subject to registration as described in clause 62".

I wish to clarify that he means that there will be no contradiction between regulations relating to means of escape orders and those relating to houses in multiple occupation covered by the Bill.

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Gentleman, but I having a little difficulty relating his comments to new clause 4. They seem more relevant to new clause 9. Perhaps I have misunderstood the hon. Gentleman.

Mr. Burden: I might have been able to raise the point on both new clauses, Mr. Deputy Speaker. I raised it at this point because new clause 4 deals with the safety of gas fires. The means of escape order specifically relates to fire regulations—

Mrs. Maddock: Will the hon. Gentleman give way?

Mr. Burden: I should like to answer you first, Mr. Deputy Speaker. When we discuss new clause 9, I intend to raise other issues about licensing schemes. The means of escape order is specifically about fire regulations. I do not know whether that clarification will help.

Mrs. Maddock: The hon. Gentleman could raise the point on Government amendment No. 56 when we come to it. I tabled an amendment to take out the word "knowingly". The Government agreed to take my amendment away and rewrite it. They have brought it back exactly the same and I commend their rewriting.

Mr. Burden: The point on which I seek clarification is essentially simple. I think that the Minister has clarified it in writing, but I wish to put it on the record. My point is that if a house is covered by the registration criteria in the Bill, the same property should be covered by means of escape orders; there should be no contradiction between the two schemes. If the Minister can give that clarification I shall be content.

The Parliamentary Under-Secretary of State for the Environment (Mr. James Clappison): I will deal later, if I may, with the point raised by the hon. Member for Birmingham, Northfield (Mr. Burden) about fire escapes. I wish to deal first with the important contribution by the hon. Member for Christchurch (Mrs. Maddock).

Gas safety is a very important subject and I have much sympathy with the underlying concern expressed by the hon. Lady about promoting safety. I also understand the concerns expressed by other hon. Members in the course of the debate, which has been good, if short. I understand the concerns about students felt by parents of children going to university. My hon. Friend the Member for Portsmouth, South (Mr. Martin) made an important point, which was echoed by the hon. Member for Bradford, South (Mr. Sutcliffe) as it affects his constituency, Bradford university and Bradford students.

I believe that it will be helpful if I deal in a little detail with the regulations that concern gas safety, to which the hon. Member for Christchurch adverted. Duties on landlords to provide safe gas installations in rented accommodation are properly matters for the Gas Safety (Installation and Use) Regulations 1994. Those regulations require landlords, including landlords of houses in multiple occupation, to maintain gas appliances, flues and installation pipework in a safe condition; to arrange annual safety checks of appliances and flues using a CORGI-registered gas installer; and to provide records of those checks when tenants ask for them. The record must include the date of an inspection, the defects identified and any remedial action taken. Those requirements are compulsory for all landlords who rent property that comes within the scope of the regulations.

Managers of HMOs are also required by the management regulations to keep gas supply installations, and those for space and water heating, in good repair and working order. Environmental health officers, who enforce the management regulations, have been told to inform the Health and Safety Executive if they suspect that the gas safety regulations have been breached.

I naturally share the desire of the hon. Member for Christchurch to give tenants the information that they need to avoid potential death traps. The primary aim of

the regulations is to reduce gas-related carbon monoxide poisoning from dangerous gas fittings and blocked flues which, as the hon. Lady said, account for nearly 30 tragic deaths every year.

The hon. Member for Christchurch mentioned the recent, tragic case in Hull. I believe that the landlord in question had earlier been prosecuted by the Health and Safety Commission and he was also prosecuted by the Crown Prosecution Service. I understand that he was convicted of manslaughter—a criminal conviction, of course—and received a suspended sentence of 18 months imprisonment. The judge gave reasons why the sentence was suspended and said that an immediate term of imprisonment would be the likely outcome in other cases. That illustrates the serious manner in which the courts regard what is a serious offence. I am sure that anyone who has listened to the debate will have heard that serious approach echoed by the hon. Members who have contributed.

Many of the deaths have occurred in rented accommodation, such as HMOs, and I recognise the pressure, reflected in new clause 4, for a change in the law so that landlords are either required to supply evidence of annual safety checks without tenants first asking for it, or are required to display such evidence prominently in rented accommodation.

As I have indicated, the 1994 regulations already require information about checks to be produced to tenants on request, and the Health and Safety Commission has gone to great lengths to publicise how the law protects tenants and to ensure that they are aware of their rights. I understand that the Health and Safety Commission has also been in touch with the Government's chief medical officer, who has issued a circular to all general practitioners about the symptoms of carbon monoxide poisoning. The Health and Safety Commission is very aware of the importance of the subject.

Changes to the rights that I have described are properly matters on which the Commission would first need to advise Ministers. I am pleased to be able to tell the hon. Member for Christchurch that the Commission has a review of the 1994 regulations in hand and that that review will consider the case for a possible new duty on landlords requiring them to display evidence of an annual gas safety check in a prominent position.

Mr. Andrew F. Bennett (Denton and Reddish): What is the time scale for the review?

Mr. Clappison: That was to be my next point. I understand that the HSC will be producing a consultative document by March 1997 and that it intends to produce new regulations possibly by May or June 1997.

Mr. David Martin: Will my hon. Friend speed up that process? Talking about consultative documents makes it sound like next year or the year after that. Perhaps he will give the commission a kick where it hurts.

Mr. Clappison: My hon. Friend, too, has the happy knack of anticipating my next remark. I was about to assure the House that in view of the concern expressed in the debate I intend to contact the commission to draw its attention, first, to the seriousness with which the House regards the subject and the requirement that an advertisement be introduced and, secondly, to the concern that has been expressed about the time scale. I will draw the commission's attention to the debate. Indeed, I am sure that it would want to be aware of it. I shall ensure that the points made in the debate are reflected upon by the commission.

I hope that on the basis of my assurances the hon. Member for Christchurch will find it possible to consider seeking leave to withdraw the motion.

Mrs. Maddock: I am grateful to the Minister for his comments. I was slightly more patient than some hon. Members in letting him respond to the debate. I hope that he will push the Health and Safety Commission to quicken its response.

Carbon monoxide poisoning is extremely sinister. We know that carbon monoxide is odourless and colourless, so it cannot be seen. There is a great lack of knowledge. I could go into the reasons why that is so, not least the shortcomings of science education, but I am sure that I would be ruled out of order.

The new clause is simple, but its implementation would solve many problems. I understand that if a review is taking place it is only right that we should wait until we hear what has happened, but I should not have been happy to wait until 1997. Too many people would be lost between now and then.

Mr. Bennett: Does the hon. Lady accept that if the Government had any concern about these matters they could complete the process by September before students sign on for the next term?

Mrs. Maddock: The hon. Gentleman makes a good point, and one that I hope the Minister will take on board.

It is important to help those tenants who may not want to push their landlords on these safety measures. The landlord may have told them, "It's all right." I regret that we are moving towards a time when more people will be living in temporary accommodation. They will be moving from time to time. When people do not have direct responsibility and they do not want aggravation with the landlord, they may not be happy to take action. It is important to understand that aspect and to ensure that it is the landlord's duty to provide a certificate.

Nevertheless, having listened carefully to the Minister, I do not intend to press the new clause to a Division.

Mr. Deputy Speaker: Does the hon. Lady wish to withdraw the new clause?

Mrs. Maddock: If it makes the procedure of the House easier, I beg to ask leave to withdraw the motion.

Mr. Deputy Speaker: The choice rests with the hon. Member.

Motion and clause, by leave, withdrawn.

New clause 9

NATIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION

'.—(1) The Secretary of State may by order replace the provisions of sections 63 to 67 with a national, mandatory licensing scheme for houses in multiple occupation.

[Mr. Deputy Speaker]

(2) Any order under subsection (1) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.'—*[Mr. Raynsford.]*

Brought up, and read the First time.

Mr. Raynsford: I beg to move, That the clause be read a Second time.

We come to the extremely important issue of the licensing of multi-occupied houses. The purpose behind the new clause is to give the Secretary of State power by order to replace the provisions of clauses 63 to 67 with a national mandatory licensing scheme for houses in multiple occupation.

The Bill would replace the provisions of sections 346 to 349 of the Housing Act 1985 for registering houses in multiple occupation. These are schemes of registration that can be set up by local authorities. In summary, the Bill would leave a registration scheme for multi-occupied houses to local authorities' discretion. Secondly, it would shackle authorities' discretion in operating such a scheme. On the basis of the Bill's provisions—I accept that the Government are to move an amendment to remove one of the elements to which I have referred, but we do not know yet what will take its place—well over half of multi-occupied houses would be excluded from the proposed licensing scheme. Our alternative is to give the Secretary of State a reserve power to replace the proposed provisions with a national licensing scheme.

7.45 pm

Let us consider the scale of the problem. We know from research findings that the Government have published that there are about 638,000 multi-occupied houses in Britain. There are different types of such houses, and only about 111,000 are what we would describe as traditional HMOs. By that I mean houses that have been converted into bed-sits. There are about 100,000 shared houses and flats, 41,000 households with lodgers, 17,000 purpose-built multi-occupied houses, about 17,000 hostels, guest houses, boarding houses and bed-and-breakfast hotels, and about 352,000 buildings converted into self-contained flats. That makes a total of 638,000.

It is recognised that multi-occupied houses contain some of the worst housing and life-threatening conditions of any accommodation. The Government's consultation paper—I use no other source because no one, I hope, will dispute what it contains—was issued in November 1994. It made that very point. It stated that

"estimates from the English House Condition Survey suggest that the privately rented HMO stock contains a significantly greater proportionate share of dwellings in poor condition than other forms of housing."

It continued:

"There is little dispute that HMOs represent a significantly higher fire risk than single family homes."

Let us put some flesh and blood on those relatively cautious official comments. According to the house condition survey, two fifths of houses in multiple occupation—traditional HMOs—are unfit for human habitation. Anyone living in one of those properties has a four in 10 chance of occupying a property that is unfit for human habitation.

Research undertaken by the Joseph Rowntree Foundation last year—it was undertaken by Geoffrey Randall, a very experienced researcher—revealed the risk of death from fire to be 28 times higher in a multi-occupied house than in the housing stock as a whole. That clearly explains the continuing high death toll in multi-occupied houses. The highest proportion of deaths from carbon monoxide poisoning—the issue was rightly highlighted by the hon. Member for Christchurch in moving new clause 4—is to be found in privately rented multi-occupied houses. There is, therefore, a concentration of severe problems.

Let us consider some of the human consequences. The hon. Member for Christchurch referred to the tragic case of Tracy Murphy, a 19-year-old student who was gassed by a defective appliance in the bed-sit that she was occupying in Hull in November 1993. She had lived in the flat, with her fiancé, for between only four and five weeks. She usually telephoned her family every day. After members of her family had not heard from her for three days, they visited her, only to find her dead. Her fiancé was away on business. Her blood had a 75 per cent. saturation level of carbon monoxide.

The landlord was subsequently found guilty of breaking the HMO management regulations in not maintaining the gas fire safely. As we all know, he was prosecuted. Tracy's parents, Trevor and Anita Murphy, have had to fight all the way for two and a half years to get the Crown Prosecution Service to proceed with a charge of manslaughter. On 22 April, the charge was confirmed, and the landlord was sentenced to 18 months' imprisonment, suspended for two years, and ordered to pay £4,000 towards the Murphys' costs.

After the trial, Tracy's father Trevor said:

"Our only child's death will not be in vain if mandatory licensing of landlords is introduced. You need a licence for a TV and an MOT for a car, yet you do not have to have a licence for something that can kill people."

We in the House owe it to the memory of Tracy Murphy, and to her parents who have campaigned so vigorously since her death, to try to get something from her death. We owe it to them to take more effective action, in the form of a national licensing scheme for multi-occupied houses, to stop the hideous, unnecessary and senseless death of young people on the scale that we have seen in recent years.

The problem is not just one of deaths through carbon monoxide poisoning. As I mentioned, the risk of death from fire is far greater in a multi-occupied house than in any other type of housing. Let us consider the case of 20-year-old Matt Cohn. He died in the early hours of Wednesday 28 July 1993 when fire ripped through the semi-detached multi-occupied house in Harrow in which he lived. I stress the fact—this is an important point—that I am talking about a two-storey house in Wealdstone. Matt lived in a converted attic into which he had moved only two weeks earlier. It was his first independent home away from his family.

Access to and from the attic was by means of a wooden ladder. The house had no fire protection and, as the subsequent inquest established, the fire probably started in a rubbish bin near the kitchen on the floor below the attic. There was a fire alarm, but it failed to go off because the batteries had not been replaced. The landlord did not live on the premises; he lived in Cumbria. Despite that,

he had allowed the property to be run without adequate arrangements for its management and maintenance and without proper safety protection for his tenants.

According to one of the ex-tenants,

"Matt didn't stand a chance. If there had been a back way out, he might have survived. It could have been all of us. I will never forget that night. Matt was just a young boy, happy-go-lucky with so many friends. He had his whole life in front of him and now it's all gone. The only way up or down was by the main stairs. There was no fire escape. We'd been told by the electricity board the wiring was unsafe."

Claire Jackson, who lived in the attic flat for a year and moved out just a week before Matt moved in, commented:

"It makes me go hot and cold just thinking about it. It was just a matter of time, I suppose, but you never think it will actually happen. Everything was done on the cheap and the wiring was so dodgy that even when the electricity meter ran out, my bedroom lights stayed on. It could so easily have been me."

At the time of the fire, the London borough of Harrow was unaware that that semi-detached house in a tree-lined road was a multi-occupied house. That is an issue of which we should be mindful. Under the provisions to which I have referred, two-storey properties would be excluded from any registration scheme. A local authority would not only not have to do anything about such properties, but it would be prevented, because of the nature and size of the house, from taking any action to register such premises. That is the case under the Bill.

I accept, as I mentioned earlier, that the Government propose to remove the relevant clauses. I hope to hear in detail what they intend to put in their place. The Minister owes it to us to tell us whether two-storey properties of that nature will be included in the Government's proposed registration scheme.

Sir Teddy Taylor (Southend, East): Arising out the tragic case in Harrow, of which many of us are aware, what would the hon. Gentleman's definition be of an HMO for the purposes of national registration?

Mr. Raynsford: I am grateful to the hon. Gentleman for that important question. When I began my speech, I outlined the different categories of multi-occupied houses. The definition that seems most appropriate to me is one that includes a number of separate households living under the same roof. The actual number can be defined in different ways. The Government proposed a series of different tests depending, first, on whether the household had lodgers, secondly, on whether the landlord was resident in the premises and, thirdly, on whether the premises were self-contained accommodation. I do not think that we have to go to a precise figure. I will tell the hon. Gentleman why, because I understand exactly why he asked his question.

For properly self-contained accommodation, which may be purpose built, different standards apply from those that apply to the bed-sit property that the hon. Gentleman and I know only too well and which we normally think of when we use the letters HMO. If, in the traditional type of HMO that the hon. Gentleman is describing, there are two or more households, it is an HMO that should be separately registered. If we are dealing with self-contained properties, especially if they are owner-occupied as is quite often the case, one can accept the exclusion of properties with three entirely self-contained flats within the premises. That is why I do not think that we can fix an arbitrary figure. We have to look at the different categories of dwelling, but ensure that all properties at risk are brought within a licensing scheme. That is the crucial point to which I shall return in a moment.

I should like now to refer to evidence I obtained in Ipswich last week. I was visiting the town and I talked to the local authority there. It was conscious not only of the publicity concerning the Murphy case last week, but of the fact that the matter was due to be considered in the House this week. The authority brought to my attention a further sad fatality in a multi-occupied house in Ipswich.

The authority's letter to me says:

"On 24 February the fire brigade and police were called to break into a bedsit in Ipswich, following an emergency call from another tenant. On gaining access they found a nineteen year old man dead on his bed with a gas fire on.

Subsequent investigations by the Police, local Environmental Health Officers, the Health and Safety Executive and CORGI revealed that:—

1. Death was due to carbon monoxide poisoning.

2. The fire was found to be spilling carbon monoxide into the room and the flue was found to be capped off at roof level, therefore all flue gases spilled back into the room.

3. The property had three other gas fires, two of these had similar faults, including flues capped at roof level.

4. The property had a current CORGI gas safety certificate".

That is, perhaps, the most disturbing of all the comments.

The authority continues:

"5. Inspection of the landlord's entire portfolio of twenty five properties revealed serious defects at sixteen addresses.

Emergency disconnections of appliances and/or supply at all of these properties were necessary. Defects found included capped off flues, undersize supply pipework and various faulty appliances. The majority of appliances appeared to be secondhand.

6. Disconcertingly the majority of the properties were covered by current CORGI gas safety certificates.

7. The Council served Statutory Notices in respect of all sixteen properties.

8. The landlord has now complied with the majority of the Notices."

I have mentioned that case to raise the question whether reliance simply on CORGI—the Confederation of Registered Gas Installers—certificates is adequate. It is clear that, in that case, it was not. Proper inspection by the local authority environmental health officers resulting in notices being served has now led to action on that property.

Those tragedies are the background to the case, which is widely accepted on both sides, for the need for more urgent action. The Government published a consultation paper, as I mentioned, in November 1994. I want to be fair to the House and to set out the reasons given in that consultation paper in favour of a national licensing scheme, which we support, and the reasons that the Government spell out for opposing a national licensing scheme, which is their current position. I shall then invite hon. Members to conclude whether the Opposition or the Government are correct.

The Government spelt out the following arguments in favour of a national licensing scheme. First, it would

"secure high standards throughout the licensed HMO sector. As with current HMO powers there would be an emphasis on the more consistent enforcement of fire safety standards, both the provision of basic amenities to ensure minimum health and hygiene standards would also be included".

[Mr. Raynsford]

Secondly, it would

"prevent the undesirable proliferation of hostels catering primarily for benefit recipients in resort areas".

Thirdly, it would

"focus any regulatory regime on those areas and types of housing with the worst problems, and hence make possible the removal of planning controls which apply uniformly nationally".

Fourthly, it would

"clarify the regulatory regime so that landlords and tenants know as far as possible which properties need to be licensed and what standards are acceptable".

Finally, it would

"ensure a more consistent approach to the HMO sector, which recognises the value of HMOs in meeting a particular housing need and which is reflected in local housing and planning strategies."

Those were the arguments in favour.

8 pm

The Government made three arguments against such a scheme. First, such a scheme

"would add little to the powers already available to local authorities. These can be exercised flexibly and tackle those properties which represent the greatest risk. Licensing would reduce this degree of flexibility by requiring local authorities to deal with all HMOs, so making it more difficult to concentrate on those properties most at risk".

Secondly,

"as with current registration schemes it would create excessive bureaucracy which would have to be paid for. Only the better landlords would agree to register and the remaining landlords would, as now, refuse to come forward. There would therefore be no significant improvement in the condition of standards of HMO properties as a direct result of licensing".

Thirdly, the Government said that

"licensing would be introducing too high a degree of regulation into a market where both landlord and tenant are willing to agree on a reasonable standard of accommodation, particularly in relation to matters not directly affecting fire safety. Raising standards to an unrealistically high level in all cases would mean that either the landlord would withdraw accommodation from the market or the tenants would be unable to afford the higher rents that higher standards could imply."

Let us consider those arguments. First, the Government said that licensing would add little to the powers already available to local authorities. By introducing part II of the Bill, the Government have destroyed that argument. They would not be introducing further powers and they would not include the special control provisions in part II if they believed that the current powers were adequate. There is clearly a need to do more. We are all aware of the appalling examples of lives that have been needlessly sacrificed, and they emphasise that the appalling safety risks require more urgent responses than are currently available.

The second implication of the Government's first objection is that licensing would somehow reduce flexibility by requiring authorities to deal with all HMOs, so making it difficult to concentrate on those properties that are most at risk. That argument does not hold water. We all agree that a risk assessment approach is needed in the introduction of a licensing scheme, as in a registration scheme. The worst properties must be given priority, and there is no difference between the parties on that. Our only difference is that we believe that a national licensing scheme would oblige all local authorities to do that, whereas the Government's voluntary scheme—some may and some may not register—will result in very little happening.

The Government's second objection was that licensing would create excessive bureaucracy which would have to be paid for, and that only the better landlords would register. There are two separate issues here. The national registration scheme that the Government are introducing increases bureaucracy—there is no question about that. Additional notices will have to be served, and additional inspections and measures will have to be taken to ensure compliance. That is implicit in such a scheme. The question is whether we want an effective scheme to justify the bureaucracy or only a partially effective scheme.

The problem is that the Government are arguing for more powers—they would not otherwise be introducing part II. They accept that their scheme will involve bureaucracy, but it is justified because they recognise—as do we—that there is a huge problem about the safety of the people who live in such accommodation. An overall national licensing scheme is more likely to be effective, because the standards will be known everywhere. Landlords who hold their housing stock in more than one local authority area—some have properties in a number of areas—would know what standards had to be met in every area of the country. If schemes vary from area to area, those landlords will be uncertain as to what standards apply in different areas. It would be far more bureaucratic for them to have to pursue the environmental health departments in each area to find out what is required. From the landlord's point of view, there will be less bureaucracy in a single standard national licensing scheme than in the multiplicity of schemes that the Government are allowing for in their registration arrangements.

The argument that only the better landlords will agree to register is fallacious, because the obligation would be on the local authority to ensure that all premises were registered. That would ensure an approach based on risk assessment, and that authorities dealt first with properties in the worst condition. We envisage a scheme in which there would be more regular visits, inspections and enforcement in respect of properties identified as risks, and relatively long periods between registration and re-registration of properties that are clearly satisfactory.

The study by Geoffrey Randall estimated that it would be possible to introduce a mandatory national licensing scheme along the lines that we advocate at a cost of £30 per room registered. That is a modest cost in relation to the appalling loss of life—perhaps 100 people a year—as a result of fire and gas accidents in properties and the appalling conditions that prevail in so many of them, some four out of 10 of which are unfit for human habitation. That is what we must put in the balance.

That leads me to the third argument against licensing in the Government's consultation paper—that it would introduce too much regulation in a market where both landlord and tenant are willing to agree on a reasonable standard of accommodation. We have no problem with a reasonable standard of accommodation, but we have a serious problem with squalid, sub-standard and dangerous places in which people die because the proper standards are not properly enforced. We cannot justify doing

nothing on the grounds that the current position is reasonable—it is not. The Government know that something must be done, and the argument between us is whether there should be a mandatory national scheme or the partial and—in our view—ineffective registration arrangements that the Government are proposing.

There is extremely wide support for a national mandatory licensing scheme. Some 76 per cent. of those who responded to the consultation paper on licensing in 1994 indicated that they favoured a new national licensing system. The reasons for their support were straightforward. First, the current law is complex and confusing. In its evidence, Birmingham city council listed 17 different Acts of Parliament and regulations that sought to control conditions in the private rented sector. Secondly, the complexity is multiplied by the different policies and enforcement practices employed by different local authorities. Landlords who own properties in different boroughs were confused by the different requirements and regimes in different areas.

There is a great deal to be said for a standard national framework enforced in a comparable way everywhere so that everybody knows the position and whether the standards in their properties are adequate. The absence of a clear national framework makes it difficult for landlords who are thinking about opening new properties. How are they to approach the problem? Will they look at different areas and see in which one they can get away with least control? Will they say, "In this area we do not have to register, so we can get away with poor conditions; we will open a new house here and not go into that area because the local authority is tougher"? All that that will do is encourage poor standards and discourage the vigilant and conscientious authorities from pursuing proper licensing arrangements.

Let us take the parallel of motor cars. We know exactly what the consequences would be if licensing applied in some counties, but not in others. Motorists would decide to register in the county that did not have a licensing scheme, the purpose of the scheme would be defeated and it would become a nonsense.

The other problem with the current scheme is that it is inherently inefficient because it depends on tenants' making a complaint and on the local authority tracking down each substandard property. Hon. Members will recall the case in Harrow, in which the local authority was not aware that the property was an HMO. That is, sadly, a consequence of the present arrangements. Depending solely on tenants' complaints is inevitably an inefficient way of ensuring that all the properties that need to be checked are identified and made subject to the licensing arrangements. Some tenants will inevitably be nervous about making a complaint, especially if they have an insecure letting and the landlord says to them, "If you complain, you can leave. You need not expect to be able to stay here."

All the reasons that I have given make an overwhelming case for a national licensing scheme. Licensing is supported by a wide range of national, local, voluntary and statutory organisations including the Chartered Institute of Environmental Health, the Chartered Institute of Housing, the Association of District Councils, the Association of Metropolitan Authorities, the Association of London Government, Shelter, the Campaign for Bedsit Rights—which has a remarkable record for campaigning tirelessly over many years to tackle the scandal of poor conditions in multi-occupied houses—the Refugee Council, the National Union of Students, the National Association of Probation Officers and the National Consumer Council.

On 5 March, we held a housing policy conference, at which a number of people spoke. I shall quote not a Labour party spokesman, because the House would expect me to do that, but the chairman of Quality Street, a private sector landlord. Paul Mugnaioni said openly that he saw no reason why private landlords should not have to be licensed before renting out homes. He said that it would cause no problems for responsible landlords. Richard Best, the director of the Joseph Rowntree Foundation, added that the research conducted for the Campaign for Bedsit Rights showed that a national licensing scheme could pay for itself after five years.

There are overwhelming reasons for going for such a scheme to provide an effective and consistent regulatory framework throughout the country. The scheme would cover all the key factors that are necessary for the proper management and maintenance of multi-occupied houses. It would cover the fitness of the dwelling under the fitness standard; it would cover the safety of the dwelling in relation to means of escape in the event of fire; it would cover the safety of the electrical and gas appliances in the premises; and it would cover the arrangements for the management of the property.

Three or four members of the Committee spoke with great knowledge and concern. Hon. Members representing seaside towns, in particular the hon. Members for Scarborough (Mr. Sykes) and for Blackpool, North (Mr. Elletson), highlighted the serious problems of poor management, which allowed a concentration of people in properties in very poor conditions which were essentially benefit hostels. All manner of problems were caused to neighbours as a result of poor management. We need to check to ensure that such properties are managed and that the people who run them are competent.

8.15 pm

I have outlined the elements of a scheme. We are not talking about an unduly rigorous or bureaucratic framework. The elements are a check on the condition of the property and measures to ensure the safety of the residents and the competence of the people managing the property. The landlord would then qualify for a licence. The scheme would probably be based on risk assessment to ensure that properties that were licensed but nevertheless problematic were subject to more frequent visits than properties of a good standard where a licence could run for a good period before it needed to be renewed. That is a matter of detail, but it is wrong to suggest that a national licensing scheme would place an onerous obligation on every landlord, including those who let good property, simply for the sake of complying with licensing requirements.

Instead of responding to all the evidence and all the people who were in favour of a national licensing scheme with a national mandatory scheme, the Government have introduced a revised form of registration of HMOs. Their proposals are inadequate for two main reasons. First, it will be up to each local authority to decide whether it will have a scheme. That will leave the uncertainty, the variations in practice between areas and the unfairness in

[Mr. Raynsford]

the current legislative framework. It will be a thoroughly unsatisfactory framework which will be bad news for tenants and for landlords.

The second reason is that, on the basis of what is in the Bill, significantly more than half of the HMOs in the country will be excluded from the registration provisions. The current provisions exclude, first, houses occupied by persons who form only two households, secondly, houses occupied by no more than four persons who form more than two households, thirdly, houses occupied by no more than four persons in addition to the person managing or having control of the property and any other members of his household and, fourthly, houses where the living accommodation consists entirely of self-contained flats.

We moved a series of amendments in Committee. We did not insist that every one of those categories be included. As I said in response to the intervention by the hon. Member for Southend, East (Sir T. Taylor), self-contained owner-occupied property would not necessarily have to be subject to a licensing scheme. However, a property in which a number of self-contained properties were let almost certainly would, not only because of the conditions but because of fire and gas safety. That is where some distinction needs to be made between the different categories. There is an overwhelming case for ensuring that many of the categories excluded are subject to a licensing scheme and that the restrictive parts of the Bill are amended.

I welcome the Government's decision to withdraw the clause that contains the exclusions and look forward to hearing from the Minister how they intend the scheme should operate and which categories will be covered. Will there be a restriction on properties of two storeys or fewer? If such properties are excluded, horrendous fires such as occurred in the property in Harrow would not necessarily be prevented. What about houses occupied by fewer than four persons apart from the person managing the property? Many HMOs contain only three or four individuals as well as the owner or manager of the property, and in many of them conditions are very poor. Would they be excluded or would there be a risk assessment approach to ensure that all properties likely to be a serious risk would be subject to registration?

The Government undertook to consider the matter, and we look forward to hearing exactly what their conclusions are. Having said that, even if the scope is widened and the restrictions that I have described are no longer in place, the Government have still missed the historic opportunity presented by the Bill to introduce a mandatory national licensing scheme that makes clear our determination as a country to tackle this scandal of poor conditions in multi-occupied houses. I refer to the terrible, needless death of people from fire and from gas poisoning, and to the squalor and utterly disgraceful conditions in which people are forced to live.

Often, landlords are taking large amounts of money from the public purse in the form of housing benefit for those properties. I do not begrudge landlords a fair return, but I do begrudge their profiteering at public expense and not offering decent conditions. We have to ensure that we get value for money. Housing benefit should be paid for a decent standard of accommodation, where people can live with dignity and in safety.

A mandatory national licensing scheme would allow that to happen. New clause 9 gives the Secretary of State the power to introduce such a scheme. I put it to the Minister that, even if the Government do not want to do so, they should still put the new clause on the face of the Bill so that another Government, on coming to power, can take action more speedily than would be possible if they had to go down the legislative route. The new clause does not require the present Government to act if they do not want to, but we hope that they will be persuaded that it is necessary. We think that this is a scandal that is crying out for action.

We believe that new clause 9 is a pragmatic and sensible amendment that would allow the inadequate registration scheme that the Government are proposing to be replaced with a proper, mandatory national scheme that applies to every area at a consistent standard to ensure that people who live in HMOs are properly protected and to ensure that landlords are clear about their obligations and the regime with which they have to comply.

Sir Teddy Taylor: We should be grateful for the opportunity to discuss this issue. It gives me the opportunity to remind the Government that this is a serious and urgent problem that is causing a great deal of concern, resentment and worry. The only thing that we have to decide tonight—it is very important—is whether the issue is best tackled by allowing each local authority to have its system of rules that may be tougher in one area than in another or whether it would be better to have a national system of registration.

Having listened to the very able and coherent speech of the hon. Member for Greenwich (Mr. Raynsford), I am worried about the danger that we will give the public the impression that the problem—which currently exists and which will remain—will somehow be resolved by national registration and by more bureaucracy, and that the sins, failures and ails of society will disappear if we have a new management system. I hope that the Opposition will bear it in mind—they may be in government before long—that social problems cannot always be resolved by bureaucracy.

I have been in this place for far too many years—31, in fact—and I can remember when people in my area in Glasgow found it impossible to get a rented house. We had strict rules on the renting of property and the result was that people could not get a house to rent. The Government changed the rules and houses are now more readily available.

We should also think through the nightmares that some of our residential homes for the elderly are going through at the present time. We have rightly introduced new rules and regulations, some of which are costly and some of which are rather irrelevant. Some of the pleasant and acceptable residential homes are now facing closure, so we will have the growth of much larger institutions where the same care and personal relationships may not exist.

I think that the Government's proposal of a voluntary regulation by individual local authorities, bearing in mind the special needs of the area, is probably the better option. On the other hand, it might reassure some of us who are worried about the situation, and particularly worried about some local authorities, that if by chance it turns out that local authorities prove to be irresponsible or neglectful in not applying for registration the Government would not

close their mind and may consider the need to have national registration if local registration does not work—the Conservative Government may choose to do this perhaps five years from now, if they still exist. Perhaps the Minister can address this issue in his reply.

As the Minister may be aware, I have been in consultation with my local authority for a considerable amount of time in relation to the current limited voluntary scheme—so far without success. I do not want to make any political points in this regard because, irrespective of who is in power in Southend, I try to get on well with them. I know that the officials try extremely hard to resolve real problems. The Minister must be aware that there is a danger that some local authorities—controlled by all the parties—may say, "There is no urgency here and we are managing very well so we will not put forward for a scheme".

The Government—who have greater faith in local government than I have—may say that I am incorrect. If by any remote chance I am correct, and if there is a shortage in the number of applications for local management schemes, I hope that the Government will not close their mind to some kind of national registration. I accept that this would not be the best option—clearly, the best option is to have a scheme that allows for as much flexibility as possible, bearing in mind the special needs of the locality.

The second point that I wish to make is that there is a great danger in the Government responding to what they believe to be public opinion. Houses in multiple occupation are the kinds of institutions that every single individual, in every locality, would like to see abolished almost immediately. Wherever one has HMOs, one certainly has damage to the value of property and social problems. In the delightful area of Southend there are glorious large houses that are ideal for the location of HMOs. Local residents complain that when milk is delivered in the morning, it suddenly disappears—and that is only one, small problem. There are many others.

In an avenue near the sea front there are three HMOs together. Local residents rightly complain about the problem of noise pollution. There is also appalling neglect. There was a case where an individual had been dead for a considerable amount of time in a room that was meant to be attended to daily. However, it was some considerable time before the unfortunate chap was discovered. We also have unfortunate landlords. I would like to take the Minister to one particular HMO—the landlord is not present because he is in gaol for drug trafficking. It is difficult to chase him at the present time.

The Government, in their local plans, have made provision for unacceptable individuals not to get licences. However, it is not terribly clear what happens if a person gets a licence but then goes to prison for drug trafficking. Would the licence then be removed? I accept that what the Government are proposing is a major step forward. If taken advantage of by local authorities, it could improve the situation. I hope that the Government will seek to get the message across. There is a real danger of inadequacies. Even though I accept that the Government are extremely competent, exciting and effective, they occasionally have inadequacies. One of those inadequacies is in getting the message across.

My fear is that following tonight's debate—after the superb and exciting speech of the hon. Member for Greenwich—the general public may conclude that the Labour party wants to do something about HMOs and that the Tories rejected its interesting idea. That is not the case at all. I hope that the Government will get across the message to local authorities and to local communities that what they are proposing in the legislation is something rather important that could give substantial powers to local authorities.

The third thing that I want to say—I hope that it will not make me too unpopular where I live—is that we should have some regard to the individuals who live in HMOs. I have a weekly surgery, my phone number is in the phone book and I speak to a lot of people. Therefore, I am well aware of the situation facing people who live in HMOs. Quite frankly, the conditions that people endure in HMOs—whether they are adequate or inadequate—are pretty dreadful.

Although the Government very kindly arrange for the housing benefit to be available, the nasty landlords usually shove an extra £5 on the charge on top of what is allowed by the housing benefit authorities simply to get what they regard as reasonable. It means that what is regarded as the minimum living standard under the income support rules is usually that less £5 and it is not a very pleasant situation.

I hope that the Government will accept the need for standards to be maintained. The only additional concession that I will make is to ask for extra action to be taken if, by chance, local authorities prove inadequate in applying for, and enforcing, licences. In Mr. Barker we have an excellent director of environmental health—the department has subsequently changed its name to the department of consumer services and goodness knows what else; the name seems to change nearly every day—and I am sure that, given the extra power, he would use it very satisfactorily.

8.30 pm

I want to mention two problems to my hon. Friend the Minister. I am not saying that there are easy solutions, but I hope that something can be done. I think that the majority of the public in Southend-on-Sea are sickened by those two problems. First, it is abundantly clear that individuals with problems are being dumped on Southend, simply because some authorities do not have HMOs, do not want them and do not want them to be encouraged. Southend contains many large properties that would be suitable for conversion to HMOs. It is a real problem; authorities are passing their social problems to us.

I have heard that Labour authorities, and even a Conservative authority not far from here, thought that they could solve their problems by dumping them elsewhere. I am sure that the Government disapprove of such action, whether it is taken by a Labour or a Conservative authority. I hope that they will realise that the problem has a serious impact on areas such as Westcliff-on-Sea, and the Milton ward in particular. Do they believe that local authorities—all of which must deal with individuals with special needs—will have an obligation to provide accommodation for those people? Unfortunately, two boroughs in particular that have no HMOs, or an inadequate number, cannot provide accommodation there. It can only be provided in Southend, and that is unfair to us.

The second point that I hope that my hon. Friend the Minister will bear in mind is this. Some areas, whether or not there is dumping, are attractive to people looking for

[Sir Teddy Taylor]

HMO accommodation, because they contain many large houses that are suitable for conversion. Southend suffers from that a great deal, as do other seaside resorts. I hope that, in the allocation of funds, the Government will remember that some areas have special problems. Southend is certainly one of them.

If we talk too much about special problems, we are in danger of giving the impression that the place concerned should be avoided. I have lived in Southend for many years, and it is a delightful borough, but we have specific problems in certain areas, and something needs to be done.

Irrespective of what we do tonight, I hope that the House will not give the impression that there is an easy solution. It appears to me that there are more people looking for such accommodation now than there have ever been in the past, for all sorts of reasons. Some may stem from unemployment, some from family break-up and some from the consequences of such break-up; others relate to the personal problems of individuals. Moreover, many of the authorities involved have not applied even for the basic rights that they could have under the existing licensing scheme. I hope that the Government will take firm action, on an urgent basis, to convey to authorities that new, strong powers exist to help proper management of their affairs, and also that they have an obligation to act.

Why on earth do not local authorities apply? I hope that my hon. Friend the Minister will think about that carefully. Is it because they do not want the bother of applying, or because they think that the powers are a waste of time? I have the impression that some authorities regard the existing powers as inadequate; the powers in the Bill are much stronger and more precise. Could the Government perhaps send the simple message that, under the new powers, individuals who break the rules can have their licences removed and, consequently, their properties closed, and may end up with a serious court conviction?

I also have the impression that many people living in certain local authority areas who have suffered from the consequences of HMOs feel that no one is doing anything. I believe that, if it is made clear that those who do not apply for the appropriate licences can have the licences that they have been given revoked, and that those who have not applied may be subjected to fines and imprisonment, the Government's proposals will make a substantial difference. I certainly hope so. We must ensure that local authorities realise that tough new powers are available if, and only if, they apply for them.

I hope that the Government will give some thought to the "dumping" problem, and the undue attraction of individuals to such accommodation. I hope that they will see a case for doing something very simple. I have mentioned Southend, and the Milton ward in Westcliff. Is it unreasonable to ask the Government to consider asking an individual—or part of the Minister's Department—to consider what action might be appropriate in the area, in terms of the Bill? Nowadays, there is a terrible danger that the Government will produce an enormous number of reports, employing huge numbers of consultants, holding huge numbers of seminars and spending huge amounts of money, while no attention is being given to real problems. I have mentioned the problem in Southend and Westcliff's Milton ward. The council would be very pleased if the Government thought it appropriate to consider how the problem has arisen and what further steps could be taken, perhaps in consultation with the council and all those involved with it.

As most hon. Members probably know, Southend is in an interesting political position. The majority of our councillors happen to be Liberal Democrats. I am involved with Southend, West—which I do not represent—where there are a good many Liberals, no doubt for good reasons. However, we have a Conservative party, and also a Labour party. I believe that we will probably still have three parties after Thursday's elections; but, irrespective of who is in charge, it is desperately important for everyone to work together to try to solve the problems.

In Southend—unlike Glasgow, where everyone seemed to regard political discussion as almost a recurrence of the civil war—I have the impression that, by and large, the parties work together if there is a real problem that they feel can be resolved. Does the Minister think that it might be appropriate for his representatives to discuss Southend's problem with representatives of all its parties? Could they say, "Here is a real problem; this is what the new legislation can do", and ask whether there is a way in which they can work together to improve the lifestyle of those living in HMOs and try to resolve the general difficulties?

The Minister should be aware that there are appalling cases of neglect, some of which I have mentioned. Individuals have been exploited, and property has been found to be in an appalling state. I had the pleasure of visiting one property with local authority officials, and what I saw appalled me. In fairness, it was years ago, but I saw no fewer than 14 people sleeping in one room—and it was not really a room; it was at the top of some stairs, in a sort of hallway. The local official involved was so appalled that he somehow managed to get the place closed. Of course, all the people there went somewhere else. I do not know where they went, but it is quite possible that they went to another place with serious problems. Such problems have to be faced. The Government are giving local authorities the opportunity of solving them with the exciting new powers in the Bill. I hope that authorities will respond to that by taking advantage of the opportunities provided by the Government, but I also hope that the Government will say that if, by any remote chance, it does not work as successfully as it should, they will not close their mind to a national registration scheme. It would be a second best, but it may be the only alternative.

Mr. Betts: The issue is not simply one of technicalities, models or schemes but of the rights of individuals who live in houses in multiple occupation to be protected from landlords who need to be controlled by the sort of scheme that my hon. Friend the Member for Greenwich (Mr. Raynsford) proposed. The need for control is clear from the weight of evidence of our observations in our areas and from what he said about the tragedies that have shown the failures of the current system.

Instead of giving tenants rights to ensure that they get protection from a control system in each local authority, the Government have given local authorities the right to apply for a registration scheme if they wish. That is our fundamental disagreement with the Government. In giving local authorities that right, there is an assumption

that they may not take it up. Tenants in some parts of the country may lose the right to have their homes properly regulated and to be properly protected from the excesses of landlords who may not behave in a fit and proper manner.

My hon. Friend the Member for Greenwich spelled out the danger of fires to residents of such properties. People are 28 times more likely to die in them than in ordinary rented property. Such properties are twice as likely to be unfit. We examined that evidence in great depth in Committee. The Government had no substantive argument against the fact that they are more dangerous to their occupants than other private rented properties.

Most Opposition Members would instinctively want to argue for freedom for local authorities to take decisions that reflect the needs of their areas. In many respects, it is right that local authorities should be free to choose priorities related to the requirements of their areas. In this case, however, we are talking about what are issues of health and safety at the very least and which have on several tragic occasions been issues of life and death, as was mentioned by my hon. Friend the Member for Greenwich. In those circumstances, there should not be a right for local authorities to decide whether to introduce the aspects of the Bill that could enable them to prevent lives from being so wastefully expended, so tragically lost. Local authorities should have a duty placed on them to ensure that they take all appropriate action under the legislation available to give protection to people in such circumstances.

The people who live in HMOs are often there not through their choice but because of their desperate needs. They are often families that have been made homeless from other properties and are in HMOs because that was all that was available. They are often the poorest and most vulnerable people. Often they are students or young people who do not always think of the problems and difficulties that can result from inadequate fire safety provision or gas fires and gas equipment that has not been properly serviced. Such considerations are not the first things that come into young people's minds when they set off full of hope and expectation to university. After two or three weeks of desperate struggle looking around, they find somewhere to put down their heads at night. They deserve and must have full protection from the Government.

Young and transient people have other things on their minds. At their age, they are rightly thinking of their studies, their futures and of social activities at university. People in such properties have often come from being homeless. They may be vulnerable people of other sorts such as people struggling desperately to bring up families on low incomes. They do not easily make a strong pressure group to push local authorities into applying for registration schemes as one of their top priorities. Local authorities are under pressure in a variety of different ways and from different people and groups in their communities. However, the residents of HMOs are not likely to form the strongest pressure groups. There should be a national mandatory scheme because of the sort of people who live in such properties, the nature of the properties, the record of many of the landlords and because, in the end, there may not be any pressure from such individuals as a group to ensure that their voice is loudly heard.

8.45 pm

Opposition Members would champion the case for local authority freedom on many issues. In Committee, we had some moments of humour. The issue that caused the greatest collective hilarity among Opposition members was the Minister's conclusion that we could not have a national mandatory licensing scheme because we had to give local authorities the freedom and choice to act on behalf of their residents as they thought fit. From a Government who have imposed so many extra duties on local councils in the past few years, taken so many responsibilities and powers away in other respects, and controlled their expenditure absolutely, that came a bit rich. That argument cannot be meaningfully sustained.

The lie to the suggestion that the Minister was a champion of local authority freedom and local democracy was given by the wording of his model registration schemes. Local authorities have the freedom to act only in so far as they can apply to have such a scheme. They can have any scheme they want, as long as it is the Minister's scheme. They can have a different scheme as long as they get approval from the Minister for it. That is nothing to do with local authority freedom. The Government are apparently not willing to stand up to certain pressure groups that are forcing them away from imposing a duty on all local authorities to have a proper licensing scheme for HMOs.

There is no real argument for local authority freedom in this respect. Local authorities are not making one. As my hon. Friend the Member for Greenwich said, when the Government consulted, the local authorities associations unanimously said that they wanted a mandatory national licensing scheme. The only organisations that appeared not to want such an arrangement were the landlords and the fire officers. The latter had a peculiar view about who should be responsible for the enforcement of the schemes and wanted more authority for themselves rather than directly for local authorities. Apart from that, the Government chose to side with the landlords.

Perhaps the Minister could tell us about the results of the consultation. The Government started by considering both a national mandatory scheme and one that local authorities could choose whether to adopt. What single factor in the consultation responses decided the Government in favour of an optional scheme? Which single organisation or group of organisations gave such powerful evidence to the Minister that the Government were persuaded of that point of view? Why did the Government, who said that they were neutral and had an open mind when they set out on the consultation process, come down for an optional scheme rather than a mandatory one? Was it the pressure of landlord power? Apparently, no other group seriously argued for the course of action that the Government have decided upon.

The hon. Member for Southend, East (Sir T. Taylor) seemed to be arguing that the Government were right to have a scheme that local authorities could choose to adopt if they so wished but that the Government—and I agree with him on this—should do everything that they can to bring the availability of the scheme with its enhancements to the attention of local authorities and to encourage them to take it up because it was a good idea that it should be extended across the country. But he then seemed to say that if local authorities relax and do not take up the offer and the Government's suggestions, the Government

[Mr. Betts]

should consider a national licensing scheme. If the result that the hon. Gentleman is trying to achieve is that the registration licensing scheme that is available for local authorities to take up if they so choose should be taken up by all local authorities and applied on a national basis, why not begin from that position and place that duty on local authorities? We shall then achieve much more quickly the end that the hon. Gentleman apparently desires.

Sir Teddy Taylor: The basic reason why I prefer the voluntary scheme is that authorities have different problems and the schemes will not all be the same; they will vary according to the applications put forward by the different councils. I think that my hon. Friend the Minister will confirm that the legislation makes it clear that it would not merely be a matter of applying for a licence and getting a stamp on it. The licence for Southend-on-Sea would be simpler than those for other areas. I would prefer that, but I agree that if councils do not apply, we should consider a national scheme, which would be uniform.

Mr. Betts: I think that the hon. Gentleman may have slightly misunderstood the possibilities that will be available to the Secretary of State under a national mandatory licensing scheme. I take the hon. Gentleman's point that different HMOs pose different problems in different parts of the country. In response to an intervention, my hon. Friend the Member for Greenwich explained the different aspects of HMOs and how they might be treated differently under any system.

While a national licensing scheme would place an obligation on every local authority to license HMOs in their areas, it could contain slight differences of approach—as the Government suggest may be available to local authorities under their model arrangements. But, under a national licensing scheme, every local authority would have to have a scheme and apply it. Under the Government's proposals, a scheme is taken up only if a local authority so chooses—that is an important difference. There could be variations in individual schemes and variations in the way in which different HMOs are treated, even under a national licensing scheme. The essential difference is that every local authority would be required to have a scheme. The universal application of a scheme would be that much quicker if the Secretary of State were given powers to introduce one—as my hon. Friend the Member for Greenwich suggests.

I wish to raise one further issue that I hope my hon. Friend and, in particular, the Minister, will address. I raised the issue in Committee, and it remains important. When I moved an amendment in Committee I accepted that its wording was not necessarily correct—and I accept that it is difficult to draft the correct form of words.

We have discussed in the debate the difficult and sometimes complicated issue of defining multiple occupation. There is another difficult issue—which may seem simple at first sight, but can prove to be more complicated—and that is the definition of household. There has been a difficult case in the courts involving Sheffield council. The issues involved in the Barnes case, which we talked about in Committee, still need to be addressed as part of any national scheme.

In the Barnes case, the landlord was able to avoid being affected by the local authority exercising its powers through a local control scheme by claiming that the students who occupied the property were living as one household. Without going into the details of the scheme, when students occupy houses, even if they are individuals leading individual lives and not sharing many of the household duties in the home, they may well turn up on the doorstep of the property as a group. They may have been sent there by the local students union or whatever body organises accommodation for new students arriving at university. If four, five or six people arrive at the property, they may collectively be required to find a replacement if one of them leaves.

In the Sheffield case, such issues meant that the court found that it was dealing with one household, which could not be controlled by the local authority scheme dealing with houses in multiple occupation. That is worrying and puts many students at risk. Other local authorities are already encountering problems as a result of the system and I hope that we can resolve the problem of definition—if not under the Government's current proposals, certainly under the national mandatory licensing scheme that the next Government will surely introduce.

The problem has been recognised; the need for a scheme has been recognised in the sense that the Government accept that they will draw up model schemes for local authorities to follow—that is hardly an issue between us. Our argument involves the need to replicate that scheme so that all local authorities run such a scheme in their area. We do not disagree on the nature of the scheme, but on the extent of its application. Even a national scheme could reflect slight differences in different areas.

As my hon. Friend the Member for Greenwich said, the problem is not even—as the Government have tried to claim—that a national mandatory scheme would be more difficult to enforce or more bureaucratic. If it is a good idea to have control schemes for houses in multiple occupation, it is a universally good idea and should be universally applicable. If it is recognised that it is necessary to deal with the problems of houses in multiple occupation and the activities of some landlords, that need should be recognised everywhere. If it is recognised that it is necessary to protect tenants and to uphold their rights, it is necessary to protect tenants throughout the country. If it is necessary for some houses in multiple occupation to be registered, why not register all houses through a national mandatory licensing scheme?

One cannot argue against the logic of such a scheme; we did not hear a convincing argument from the Government in Committee and I am not sure that the Minister will do much better tonight. I hope that he might keep an open mind on the subject—that is probably too much to expect. The Government should recognise that this is a serious matter and tenants are at risk everywhere. That is why the protection provided by a licensing scheme should be available to tenants everywhere.

Mr. Chris Davies (Littleborough and Saddleworth): The Government deserve credit for recognising the importance of the issue, and for ensuring that provision is made in the Bill for raising its profile and trying to tackle some of the worst problems. I listened with great interest to the hon. Member for Southend, East (Sir T. Taylor), who clearly showed that concerns are felt on both sides

of the Chamber. That said, the plans for a voluntary registration scheme strike me as convoluted, confused and a cop-out. At worst, they seem designed to limit the effectiveness of real attempts to tackle the problem. I suspect that, if the proposals had been suggested by the Labour party, the Government would be pouring scorn on the details.

Houses in multiple occupation come in different shapes and sizes. They have different uses, ranging from bed-and-breakfast accommodation to hostels and flats with shared facilities. A common factor is that they often tend to be older properties—perhaps Edwardian, Victorian or even Georgian—and are usually substantial. The average Wimpey or Barratt box that one finds on modern housing estates is unlikely to be the perfect accommodation for a landlord who is seeking to make money by filling every room with tenants.

9 pm

As a councillor, I recall visiting a property in Canning street in Toxteth, Liverpool, some 12 or 14 years ago. It was perhaps typical of the impression that is created by the acronym "HMO". It was a grand four-storey Georgian property, with a magnificent classical frontage. However, as one reached it, one realised that the building's structure had decayed. At the side of the door was a block of nine bells, of which some worked and some did not—a few were simply wires hanging out of the wooden frame. One would eventually find a bell that worked, and someone would come and open the door.

One would then enter the gloomy interior of what was once a magnificent and prestigious house, which probably belonged to a merchant. However, the lighting now came from a single bulb hanging from an extended cable, and the plaster was rotting on the walls. The electrical wiring clearly needed to be redone, as one could see stretches of cable protruding from the plasterwork. The carpet on the once magnificent staircase was threadbare, and people could easily trip if they were to walk down the stairs in the dark.

One eventually reached the top landing, where a separate toilet had been provided behind a 6-ft high containment of hardboard, which reached nowhere near the top of the 12-ft. ceiling. That was unfortunate, as one of the tenants had a disorder which meant that odours emanated from the landing throughout the day, which were unpleasant for all residents and visitors.

The once magnificent rooms had been converted by dividing walls into relatively small bedsits. They had very high ceilings and minimal heating, and were very cold in winter. The washing and kitchen facilities were scarcely adequate, being of the most primitive kind; and I have already described the toilet. To be fair, that property was hardly a seething mass of human beings—it was semi-derelict.

It was occupied by only a handful of people: a teacher, a student, a council employee and several unemployed people. If the property had been exploited to capacity—if it had been in a fit condition to do that—it could have accommodated five or six times as many people in conditions which might be regarded as unacceptable, but which would have allowed each person a fair amount of space.

It is all very well for single people to live in such circumstances, so long as they choose to do so—as was probably the case with the five tenants ih that property. However, it would be unacceptable for a property such as that to be occupied by those such as the elderly, who had no alternative but to live in such premises. It would be particularly unacceptable for families with children to occupy such a property.

To be fair to the landlord, the cost of renovating such a property and making it fit for habitation was completely unrealistic. That property—a listed building—has now been restored, at public expense, at a cost of more than a third of a million pounds. There is no way in which a private landlord would ever spend that amount on a property, as he could never achieve that sort of return.

Despite the difficulties that all local authorities face in trying to raise the standard of houses in multiple occupation owned by private landlords—for the very real reason that the money is not available to carry out a substantial programme of improvement—it is essential that Parliament lays down minimum standards. During the debate today—and many times in Committee—we heard about the risks associated with HMOs compared with smaller, privately rented accommodation that is let to perhaps one family. The risk of a serious fire is 28 times greater in HMOs. For those reasons, the Liberal Democrats support the amendment calling for mandatory licensing.

It seems odd that the Government are posing as the friend of local authority freedom. After all, most Opposition Members condemn them as the most centralising Government in British history. It is strange that they now advocate that local authorities should have the freedom of choice in these matters. Those of us of a cynical nature would suggest that Government give freedom to local authorities only when it suits them.

I wonder why the Government advocated the proposals in the Bill. It cannot be because a national scheme would be difficult to enforce, yet that was one of the preposterous arguments that were put in Committee. We can imagine a director of housing facing the publicity of a fire such as the one in Harrow that was mentioned by the hon. Member for Greenwich (Mr. Raynsford), and being exposed to the full scrutiny of the press and his own councillors, and then finding that there was a mandatory scheme but that the local authority and the officers under his direct control had not enforced it properly. At best he could kiss his career prospects goodbye.

The idea that a mandatory scheme would not be enforced properly is ludicrous. It is more likely that it would help the Government to ensure that local authorities received no further support from the Department of the Environment to carry out the obligations that such an amendment would place upon them. Perhaps it would be convenient for the Chancellor to say that local authorities had the freedom to choose whether to take on the additional responsibility; and, if they chose to do so, they would have to decide whether or not to pay the money. Such measures involve costs, and I fear that the new clause represents one way to avoid any burden falling upon the Exchequer.

I wonder whether—I suspect that it is most likely—there are those within the Conservative party—perhaps on its right wing, or perhaps they are now regarded as part of mainstream Conservative thinking—who believe that imposing further regulations on landlords is somehow unacceptable. Some years ago, my hon. Friend the Member for Liverpool, Mossley Hill (Mr. Alton) said that

[Mr. Chris Davies]

all landlords were cast in the same mould, but some were more mouldy than others. It was a difficult time for him, as, in a blaze of publicity, he had just dealt with a particularly notorious Rachman landlord.

If we are to solve our housing problems and provide choice and flexibility for those seeking accommodation, it is important to encourage the private sector, but we should not forget that encouragement to private landlords and the freedom for them to earn money in that way involves responsibilities. The Opposition do not avoid that.

In practice, the Bill is concerned more with the appearance than the reality of dealing with HMOs. The hon. Member for Southend, East was concerned that the Government would not reap the full benefits of the initiative that they were attempting to take, and that they would not gain advantage from their proposals. I fear that his words were prophetic. Although the Government are making a gesture towards dealing with the problem, they will not gain the blessing of the housing associations involved, because of the way in which they are promoting the registration scheme, which I fear will not do the job.

In Rochdale, some 180 HMOs are known to the local authority, but the officers there say that there exist probably half as many again that are not known to the local authority. In neighbouring Oldham, the local authority is aware of about 140 HMOs. It is likely that there are another 140 that are not known to the local authority. The scheme proposed by Minister places the onus upon the local authority through the need to publicise the arrangements and ensure proper enforcement, yet many of the landlords who avoid their legal obligations by not making their presence known to the local authority will continue to slip through the net.

Although the proposals contain methods of enforcement, and place obligations on the landlord, and although it may be argued in law that ignorance is no defence, in practice, if a local authority takes to court an HMO landlord who has not previously made himself known, I fear that the court will deal with him leniently if he pleads ignorance. The landlord will receive a rap over the knuckles, and only then will the enforcement procedure commence. It is in the interests of landlords who do not care about their responsibilities or about tenants to find ways of circumventing the Government's schemes, even if local authorities decide to implement them.

A mandatory licensing scheme introduced nationwide would place the obligation firmly on the landlord to declare his properties and their condition; it would make available tough penalties to enforce the Bill's provisions, and would bring into line landlords who might not otherwise comply. Such a scheme would still allow local authorities freedom and flexibility to determine their assessment criteria above the minimum to meet the regulatory standards.

I imagine that local authorities would draw up their own five-star schemes. The basic requirement for one star would be to pass the minimum test laid down by statute to gain registration. A two-star property would still not be considered ideal, but would be deemed suitable for single persons having the freedom to make that choice. It would take five stars for a local authority to say that a property was acceptable as long-term bed-sit accommodation for a family with children. The local authority would have flexibility to determine the arrangements most appropriate for its own circumstances.

Such a scheme acknowledges reality, but the House must deal with the rogues who seek to circumvent regulations, and with slum landlords.

New clause 9 is supported by local government associations, because it would create a national framework and require landlords to face their responsibilities and take action. It would also give local authorities a firm base on which to build. I cannot say that I am particularly sympathetic to the exact wording of the new clause, which seems to give the Secretary of State the right to say yea or nay—something that we have criticised over the years, because that power is not to be given lightly.

I hope that it is not suggested that the blue centralisation of decision taking of the past 17 years will shortly be replaced by red centralisation, but I will give the hon. Member for Greenwich the benefit of the doubt, despite his argument that the Minister should accept the new clause so that a Labour Government could immediately implement the procedures. I like that argument, but I do not think that it will persuade the Minister to change his approach. I assume that the hon. Member for Greenwich tabled his new clause as a way of presenting something different from the proposals debated in Committee. Therefore, the Liberal Democrats will be supporting new clause 9.

Mr. Burden: Some powerful speeches have been made in support of new clause 9. Some extremely ambiguous messages have come from the Government about a national licensing scheme and registration. To give credit where it is due, the Government have indicated to some extent a willingness to do something. As the hon. Member for Southend, East (Sir T. Taylor) said, the Government have made certain proposals, although I disagree with the hon. Gentleman about their potential effectiveness. I acknowledge that Ministers feel the need to do something—hence the proposal for a registration scheme.

I find it odd that Ministers have undermined their proposals' effectiveness by making the scheme voluntary, which seems to be contradictory. That ambiguity has been present throughout the Bill's passage, and it even predates the Bill's publication. We had quite a long discussion in Committee about some of the consultation documents that preceded the Bill's publication. An odd contradiction and ambiguity was pointed out then, because a lengthy and very good consultation paper was published by the Department of the Environment in November 1994, entitled "Consultation Paper on the Case for Licensing". A rather thinner, two-page document was published by the Welsh Office.

9.15 pm

The DOE paper was very balanced and very clear, and, on its first page, stated that there was a problem that needed to be dealt with. The fact that there was a problem was widely recognised. Paragraph 3—under "secondly", which is odd—of the consultation paper stated:

"there is widespread concern that in many HMOs, physical and management standards are often poor and fire safety precautions inadequate. Although most local authorities are addressing these problems, the proponents of licensing claim that their current powers are too weak or progress in raising standards is too slow."

It is absolutely fair to say that that paragraph does not come out and say, "Therefore, there shall be a licensing scheme." It recognises that there is a problem, and that a large body of opinion recognises that something substantial must be done.

The two-sided letter that came out in Wales also had a third paragraph. It stated:

"There has been some criticism about HMOs which appear to be at a higher risk from fire and in a poorer state of repair. However, providing these homes are in good condition and are safe and well managed, they can successfully meet particular housing needs."

The tone of those two documents was very different, and some of us wonder whether the fact that the right hon. Member for Wokingham (Mr. Redwood) was at the Welsh Office at that time had anything to do with it.

Despite the contradiction in the tone of the two documents, both—I shall deal with the DOE document in particular, because it seems to be rather more substantial—made as a substantial argument against a national licensing scheme, in addition to many arguments in favour of one, the fact that it would require primary legislation. That seems odd, because, a short while later, we are now discussing primary legislation on housing. Ministers had every opportunity to insert such a scheme in primary legislation, but have chosen not to do so.

Ministers may have their own reasons for not doing so, which I shall explore in a moment. I should tell the Minister that, if the Government are worried about introducing primary legislation on a national licensing scheme, this new clause will obviate the need for it. It provides a reserve power. Labour Members cannot understand how Ministers believe that their voluntary scheme will be effective. We cannot understand how there can be consistency in standards for accommodation for all tenants across the country, and yet make the scheme voluntary.

I accept that Ministers believe that that can be done. Why are they then removing the option of bringing in a national licensing scheme if the voluntary scheme is unsuccessful? Let us remember what they said before—that the big problem with a national licensing scheme is that it would require primary legislation, that a long process would have to be gone through to introduce it, and that it might be better to take a different route. They do not have to do that now.

The Government should use primary legislation to insert those reserve powers—then, fine, if the voluntary scheme works and all the local authorities opt for an effective scheme, no one is going to say, "Let's have a national scheme just for the sake of it." If those schemes do not work, Ministers should have the power to do something about it.

The consultation papers triggered a response. As my hon. Friend the Member for Greenwich (Mr. Raynsford) has already said, local authority associations were unanimous in their belief that a national licensing scheme was the right option. Apart from those associations, the clear majority of respondents were in favour of a mandatory licensing scheme. The DOE chose, however, to opt for a voluntary registration scheme.

What was odd, however, was that the DOE press notice, which was published on 22 November 1995 and which explained the Government's response, said that the majority of respondents to the 1995 consultation paper welcomed the proposals in principle

"with a variety of opinion on detail."

Sixty per cent. of the respondents called for the Government to consider mandatory licensing for HMOs.

The Government seemed to say in their press release that the majority of respondents supported a voluntary registration scheme, when the respondents to their consultation document patently said the opposite: the majority supported a national licensing scheme.

Hon. Members have already said that fire risk in HMOs is a serious problem. According to the 1991 English house condition survey, 40 per cent. of HMOs are unfit for human habitation; 80 per cent. of them lack an adequate means of escape from fire, and 98 per cent. of local authorities rate the lack of fire safety as the most prevalent problem. Hon. Members have already said that the risk of fire in HMOs is 28 times greater than that in self-contained housing, as is the appalling problem of carbon monoxide poisoning, which we discussed when we considered new clause 4.

In my area of Birmingham, there are about 5,000 HMOs. We know that some of those are in good condition, and that some are run by responsible landlords who would have no problem with a national licensing scheme. There are far too many other HMOs that are in a dangerous condition and a poor state of repair. In my part of the country, as in others, far too many are accidents waiting to happen. In my constituency, 80 per cent. of the young people who are helped by the south Birmingham young homeless project end up in hostel accommodation, which suffer from the precise problems that I have described. Those youngsters have ended up potentially vulnerable as a result.

On Second Reading and in Committee, and even before the Bill was published, hon. Members on both sides of the House did a lot of good work to alert people to the problem. The hon. Members for Scarborough (Mr. Sykes) and for Blackpool, North (Mr. Elletson) spoke eloquently in Committee about the need to do something about the appalling conditions in HMOs.

I must ask those hon. Members and the Government whether we are solely concerned about HMOs and the risks they pose to safety. Surely not. The Labour party accepts that standards and the extent of the problem may vary around the country, but is anyone seriously suggesting that standards of accommodation and safety should vary between one part of the country and another? No one has suggested, either in Committee or tonight, that standards should differ. Unless that was argued, surely there is every reason to provide at least reserve powers for a national licensing scheme.

In Committee, we were pressed about the need to respect the freedom of local authorities in this matter—no doubt we will hear the same argument tonight. As my hon. Friends have already said, we take that with a rather large bucketful of salt, given the Government's actions on local authority freedoms. Let them remember that their scheme does not provide local authorities with freedom. The only freedom it gives them is the freedom to have a scheme or not to have one. As soon as authorities decide

[Mr. Burden]

to have a scheme, their freedoms disappear because at that point the contents of the scheme become subject to central control.

Let us explore the freedom not to have a registration scheme at all. It means the freedom to allow an accident to happen in a local authority's area without doing anything about it. No local authority that I know would welcome such a freedom.

Let us think, too, about the people who are arguably more important than local authorities or Members of this House—the tenants. They are the ones who will end up suffering the consequences—the fatalities described by my hon. Friend the Member for Greenwich —of inadequate conditions in houses in multiple occupation. The Government are giving local authorities the right to opt into registration schemes. Where is the right of the tenants to opt into such schemes? They will not be consulted when it comes to bringing a registration scheme into operation.

Labour Members have made it clear that we want a national licensing system, and we see no reason for delay: we want the proposal included in this Bill. Ministers say that they do not think that that is the right approach; they want a voluntary system. We do not think that adequate. But even if Ministers feel as they do, why are they disallowing the suggestion of beefing up this legislation, which would involve no extra parliamentary manoeuvres at all and which could be put into effect if these regulations, as we believe they will, prove inadequate? There is no reason to refuse the reserve power for which we are calling.

I ask Ministers even at this late stage to consider the tenants—the ones who matter—who will suffer without such a scheme, and to agree to the new clause.

Mr. Stephen Timms (Newham, North–East): It has been clear in this debate that there is widespread support for a national mandatory licensing scheme for HMOs. There is, for instance, support from organisations such as the Campaign for Bedsit Rights and Shelter, and from organisations representing tenants and would-be tenants. I suppose that no one will find that surprising.

There is also support from the regulatory sector, from the local government associations. The Association of London Government has written to me about this, and I know that other local authority associations take the same view. There is also support from specialists in local government. The head of environmental health in the borough of Newham has drawn my attention to the view of the Chartered Institute of Environmental Health, expressed when it learned that the Government were not proposing to go ahead with mandatory licensing—contrary to what appeared likely at one stage. The institute said:

"The Chartered Institute has supported the concept of licensing for HMOs since at least 1985; it considers that licensing would have a number of unique benefits . . . we still believe that a national, uniform, mandatory licensing scheme is necessary, that its benefits cannot all be achieved otherwise, and we are disappointed, not least given the overwhelming weight of opinion behind our views, that the Government does not accept these arguments."

The Government should take note of that well-expressed professional view.

There would be important benefits as well for the landlord sector, the other major player. My hon. Friend the Member for Greenwich (Mr. Raynsford) quoted the chairman of Quality Street, who said that he saw no objection to a licensing scheme. One reason for advancing such a scheme is to make life more straightforward for landlords. Current law is extremely complex and confusing; that problem is exacerbated by the differing policies and enforcement practices employed by local authorities, and sometimes by officers and departments within authorities. Both those can make it extremely difficult for landlords to know what standards are regarded as acceptable. They often experience the law and the way that it is implemented as arbitrary and there is a disincentive for them to enter or remain in the market. The uncertainty also makes it difficult for landlords to plan expenditure on properties. A scheme of the kind we suggest would therefore have significant benefits for landlords as well.

9.30 pm

The large contingent of Blackpool hoteliers who attended the sitting of the Committee when we discussed this issue made a great impression on me. Those hoteliers felt very strongly that the Government needed to take a much stronger line on HMOs and they were concerned about the effect of badly run HMOs on their businesses. The hon. Member for Blackpool, North (Mr. Elletson), who is not in his place this evening, said—rightly, in my view—that

"the problem is not just the effect of houses in multiple occupation on those who live in them but, in many cases—particularly in seaside resorts, as my hon. Friend the Member for Scarborough and I well know—the effect that badly run HMOs have on businesses and local residents in the surrounding area".—[*Official Report, Standing Committee G*, 20 February 1996; c. 231.]

The hoteliers were present for the whole sitting of the Committee that discussed the issue and they were anxious that the Committee took a firm line. They wanted a national mandatory licensing scheme and they were very disappointed that the Committee did not support that. I emphasise the point that there is wide support for the proposal from tenants and local authorities, and from landlords. I hope that the Minister will take that into account when he responds to the debate.

I hope that the Minister will focus his attention on the following questions. Why is it right that HMOs in some parts of the country should not be registered? What are the characteristics—for example, housing or environmental characteristics—that prevail in some parts of the country which lead the Government to conclude that registration and licensing would not be appropriate in those areas? The Government may be able to advance reasons why registration would not be appropriate in some parts of the country, but we have not heard them yet. I have no idea what they might be; if the Government are not able to give us those reasons, new clause 9 should be accepted. I await the Minister's answer with interest, because that point is at the heart of the debate.

The Under–Secretary of State for Wales, the hon. Member for Cardiff, North (Mr. Jones), who participated in the debate on this subject in Committee, went so far as to suggest that the councils that did not introduce licensing schemes would fall into the category of rogue councils. If it is the Government's view that the only people who would not introduce licensing schemes would be rogues and lunatics, surely it should be a mandatory national scheme.

Why the Government have not come forward with a national mandatory licensing scheme is something of a mystery to all of us. It appeared from the initial consultation paper that that was in the Government's mind. We know that responses to the consultation paper were overwhelmingly in favour of a national mandatory scheme. It appears to many of us—as my hon. Friend the Member for Birmingham, Northfield (Mr. Burden) suggested a few moments ago—that the views of the right hon. Member for Wokingham (Mr. Redwood), the previous Secretary of State for Wales, may have had something to do with the change of heart, as may the lurch to the right that was occurring in the Conservative party at that time. That dispute in the Conservative party may be the reason why the Government have not come forward with proposals, but we need to know.

My hon. Friend the Member for Greenwich mentioned a couple of tragic cases in which people have died as a result of conditions in HMOs. Tracy Murphy, who lived in Hull, was one of those people. The other was Matt Cohn, who died in a fire in a two-storey house in Christchurch gardens in Wealdstone. I wish to mention a couple of other cases. Angela Stickland was two weeks short of her 21st birthday when she died in a bed-sit fire in Chesham in Buckinghamshire in November 1989. The South Buckinghamshire coroner recorded a verdict of accidental death in that case, but said that such houses are quite clearly an added fire risk. That happened in the area covered by Chiltern district council. Another case involved Michael Tighe, who died aged 30 in hospital as a result of burns sustained in an horrific bed-sit fire on Outercircle green, Lincoln.

The locations are Hull, Chiltern district, Harrow Wealdstone and Lincoln. There is nothing obvious that these areas have in common. There are no areas where controls are not needed. Controls are needed everywhere. There should be a national scheme. I hope that the Minister will accept that argument, or set out the circumstances in which he believes that registration would not be helpful.

Only a reserve power is proposed. That appeared to be what the hon. Member for Southend, East (Sir T. Taylor) was arguing for. He said that, if the arrangements set out in the Bill are unsuccessful, a national mandatory scheme should be introduced. That is exactly what implementation of the new clause would provide.

It is widely recognised that the present arrangements are inappropriate. The Government have set out the case for licensing and registration. The question before the House is, what importance do we attach to local authorities taking up the powers that the Bill would make available to them? Are we talking about something that it would merely be nice to have, or is it essential, as Opposition Members argued in Committee and again in the Chamber this evening, that the proposed powers are used so that tragedies can be brought to an end?

Mr. Sutcliffe: This has been a detailed debate. My hon. Friends have put the issues well and truly before the House, as they did in Committee. They have based their evidence on the thousands of people who contributed to the consultation document.

It would be unfortunate if all the evidence was pushed to one side because of political dogma that causes the Government to say, "We shall not regulate any more." It would be especially unfortunate because safety regulations are so important in this instance. It seems that the Government want vulnerable people to take the route of private rented accommodation. Vulnerable people include the single homeless, single parents with young children and families generally. They find themselves on short-term tenancies. Society must ensure that they are protected. In effect, the Government direct such people into private rented accommodation because they do not allow local authorities to build houses.

The Government are taking the gamble that is represented by houses in multiple occupation. They are gambling with other people's lives. A mandatory national licensing scheme would cut the risks that face the vulnerable. It ill becomes the Government to say, "Let's leave it to local authorities. They will sort it all out." The Government have done everything they can to remove powers and resources from local authorities.

The indictment against the Government is that they are not prepared, given all the evidence produced by my hon. Friends and the problems that are to be found in the private rented sector, with the high number of 638,000 dwellings used for multiple occupation that are in a state of disrepair, to be consistent by introducing a national registration scheme. Such a scheme would enable people in HMOs to feel safe and secure while paying an affordable rent.

Local authorities could assist if they had sufficient resources. Local authorities throughout the country tell us that they cannot respond adequately to the massive number of regulations that face them, given their lack of resources. Yet the Government continue to move people into HMOs. They are prepared to exempt certain buildings. We have heard this evening of many terrible tragedies. In many areas, HMOs are death traps.

I hope that the Minister will reconsider even at this late stage. The debate has taken some time, and people have looked at the matter in terms of the evidence from professionals who work in the sector and have tried to ensure that they convince the Government that a national mandatory scheme is the only way forward. The voluntary scheme that the Government propose is not acceptable because it may not operate in the areas where it needs to operate. I hope that the Minister will reflect on the matter.

People will lay the fault at the Minister's door if there are further tragedies. They will blame the Minister's failure to be consistent in this matter, especially when the Government have pointed people in the direction of multi-occupied housing as a means of providing social housing. I hope that, even at this late stage, the Minister will reconsider.

Mr. Clappison: This is an important subject. The hon. Member for Bradford, South (Mr. Sutcliffe) was right on at least one point when he said that we had had a detailed debate. I am not sure that I go along with the rest of his contribution. It has been a detailed debate, and I listened carefully to the contribution by the hon. Member for Greenwich (Mr. Raynsford). I hope that I shall not offend the hon. Gentleman too much if I say that I also listened carefully to his speech in Committee and I now feel that I am something of a veteran in terms of the points he raises.

Notwithstanding some of the expressions that the hon. Gentleman used, there is a large measure of agreement on several points connected with houses in multiple

[Mr. Clappison]

occupation. I do not dissent from what he said about this being a big issue affecting many properties and, therefore, many tenants. I do not disagree with him when he says that, in some circumstances, standards are unsatisfactory and need to be addressed. I particularly do not disagree with him when he implies that there is a need for appropriate powers to deal adequately with those problems.

The hon. Gentleman was right when he said that there were two differences between the Government and the Opposition; I put it to the hon. Gentleman that the differences have narrowed to two. First, there is the question whether there should be a national licensing scheme, which is the subject of the new clause, and, secondly, there is the question of which types of houses in multiple occupation should be excluded from the scheme.

In one of the less immediately transparent and direct passages in the hon. Gentleman's speech, he dwelt at some length on that point, but then added that, of course, the Government were prepared to listen on that point and had tabled amendments. I shall come to what the Government propose when I turn to those amendments. The hon. Gentleman can see that the Government have thought about the matter carefully and have taken the exclusions from the Bill. We do have proposals, which I shall outline when we come to the relevant amendments. I am sure that the hon. Gentleman agrees that, when deciding which types of property should be included in the scheme, we have to judge the degree of risk. I think that that was implicit in what he said.

I take issue with the hon. Gentleman on a national licensing scheme. What he said throughout his speech was undermined by the fact that he put his case rather too high. He certainly put it too high when he suggested that the Government's proposals were ineffective because they did not include national licensing. He confused licensing and powers, and he underestimated the significant and important powers that the Bill will put in place which will allow local authorities to tackle the problem of houses in multiple occupation—powers that will, most importantly, differ in different circumstances. The hon. Gentleman is aware of the differences that will occur between local authorities that adopt powers under the control provisions and local authorities that adopt the special control provisions that they feel are needed to deal with their local circumstances.

It will assist the House if I take it briefly through the effects of some of the powers. My hon. Friend the Member for Southend, East (Sir T. Taylor) was absolutely right when he said, in an excellent speech, that the powers were stronger, clearer and more precise, and would make a substantial difference; he said that they were an important step forward. Those powers will be of benefit to residents in the Milton ward in Southend-on-Sea, which my hon. Friend mentioned, and in Westcliff-on-Sea, as they will assist other local authorities in similar circumstances, possibly in coastal resorts. Local authorities throughout the country will have the opportunity to adopt the powers which, in many cases, are tailored to meet their needs. They certainly reflect concerns that local authorities and residents have expressed.

It is important for the House to concentrate on the control provisions and their effectiveness for the local authorities that choose to adopt them. When the control provisions have been adopted by local authorities as part of a registration scheme, the authorities will have the opportunity to refuse to register HMOs when they fall below standard in a number of important respects—for example, when a house is unsuitable and incapable of being made suitable for occupation; where the person having control of the house or the person intended to be the person managing the house is not a fit and proper person; and where the house needs work to be brought up to scratch. Those important provisions place power in the hands of local authorities.

9.45 pm

I hope that all those who are aware of the tragic cases referred to in the debate will reflect on those powers, which are significant and address the problems of HMOs. The powers go further for local authorities that feel that they have a particular need because of the effect of HMOs on their area as a result of the way in which those houses are managed. Such authorities can go further and adopt the special control provisions, which provide a further tightening of the powers concerned. These important powers will enable local authorities—including those in coastal resorts—to bring to an end the state of affairs that is causing problems to residents.

We heard in Committee from my hon. Friends the Members for Scarborough (Mr. Sykes) and for Blackpool, North (Mr. Elletson), and today the hon. Member for Newham, North-East (Mr. Timms) referred to the close interest being shown by Blackpool hoteliers in this issue. The hon. Gentleman may not know that my hon. Friend the Member for Blackpool, North has been in contact with me both today and in the past about the matter. I believe that he is in the Chamber now, and that he has brought a delegation of hoteliers from Blackpool to talk about the problems. [HON. MEMBERS: "Where is he?"] My hon. Friend has certainly been here during the debate. My hon. Friend the Member for Bournemouth, East (Mr. Atkinson), who is here, has taken a great interest in the matter, and he is well aware of the problems in his constituency.

The Government have listened to all the representations, and the argument comes down to this: the special control provisions that are in place in the legislation will give authorities in coastal resorts the opportunity and the discretion to deal with the sort of problems that they are telling us about. Authorities can refuse to register the properties in question, or can issue an occupancy direction that will curtail the state of affairs about which the authority or the residents have complained.

The hon. Member for Greenwich said that there was a lack of standardisation in this area, and asked about landlords moving from an area that has control provisions or special control provisions to another.

Mr. Raynsford *indicated assent.*

Mr. Clappison: I see that the hon. Member for Greenwich is nodding his head. That was one of the slightly less practical points in his speech, and I would respectfully draw his attention to the other measures in

the legislation. Clause 73 establishes a national code of practice that can be used in evidence in any civil or criminal proceedings.

We are building on the provisions that are already in place which create important duties that those responsible for HMOs must fulfil. Clause 71 takes further the duty of people having control of HMOs to prevent certain states of affairs that have a bad affect from coming into being, and makes it an offence for someone to be in breach of that duty, which can be actionable in damages.

In my respectful submission to the House, there is in place in the legislation a tough and appropriate package of powers that will give local authorities the opportunity to deal with the problems in HMOs about which the House has heard. Those problems vary in their nature and incidence throughout the country. There must be flexibility. Flexibility is built into the legislation in terms of the strength of the powers that local authorities can take. It is important that local authorities reflect on that. If they feel that they have a problem in respect of HMOs, the powers are there for them to adopt.

I do not see local authorities permitting a state of affairs in which landlords move from one area to another to create problems with HMOs. The opportunity is there for all local authorities to deal with those problems by adopting the powers, which the hon. Member for Greenwich—who is fair in many respects—will accept are tough and effective. We have not heard any criticism of the effectiveness of the powers. It would be a mistake to undermine the effectiveness of the legislation by confusing licensing with powers and to overlook the fact that the powers that we have provided create opportunities for local authorities to opt, if they choose to do so, in an important way into dealing with the problems that HMOs can cause.

We have introduced a wholly effective and tough set of proposals which provide the opportunity for local authorities to deal with what both Conservative and Opposition Members agree can be serious problems.

Mr. Raynsford: We have had an extremely good debate this evening. We have heard a number of valuable, thoughtful speeches. The debate has shown a clear majority in favour of a mandatory national licensing scheme. My hon. Friends the Members for Sheffield, Attercliffe (Mr. Betts), for Birmingham, Northfield (Mr. Burden), for Newham, North–East (Mr. Timms), and for Bradford, South (Mr. Sutcliffe) and the hon. Member for Littleborough and Saddleworth (Mr. Davies) all spoke in favour of a mandatory national licensing scheme. The hon. Member for Southend, East (Sir T. Taylor), in a thoughtful and forceful speech, made what I might describe as an each-way bet on the option.

According to my tally, that gives us from the Back Benches five and a half in favour to a halt against a national mandatory licensing scheme. If the Front Benches are added in, that gives us six and a half in favour to one and a half against—a slightly larger majority than the majority of 75 per cent. of those who responded to the Government's consultation paper in November 1994 who said rightly that at that date there was a need for a national licensing scheme. As many of my hon. Friends have said, that was all the local authority associations. They all want it.

The voice of dissent here is the voice of the Minister. He seemed disappointed to hear the same arguments as he had heard in Committee. That is the result of arguing these things out. If the Government had accepted our case in Committee, he would not have had to listen to me again today. It is his fault for not accepting the argument. That is the nature of democracy.

I accepted in Committee that there was an awareness and acceptance on the Government Benches that there was a problem of poor conditions, squalor, exploitation, bad landlords and, above all, life-threatening conditions such as dangerous gas appliances and lack of fire safety precautions which killed an unacceptable number of people every year in rotten houses in multiple occupation. All those things argue the case for more effective measures. The Minister said today that the Government were introducing more effective powers. He referred specifically to three items, to which I should like to respond briefly.

The Minister referred to the control powers and placing powers in the hands of the local authorities. I acknowledge that he rightly said that we had not argued against the powers. What we have argued against is the fact that the powers will not be mandatory—that there will not be a requirement on local authorities to operate them. As my hon. Friend the Member for Northfield said, in an entirely accurate and perceptive comment, it brings little or no satisfaction to a tenant living in unacceptable conditions who wants action if the local authority, for whatever reason—be it indifference, lack of care or scarce resources and considering that there are other priorities—says that it will not do anything about the situation and that it is not prepared to introduce the control powers.

While we welcome the powers, we believe that they should apply everywhere, because the problems exist everywhere. As my hon. Friend the Member for Newham, North–East rightly said, the fire tragedies have occurred in places as far afield as Lincoln, Harrow and other parts of the country. We are not talking about problems that are concentrated in certain areas or in seaside towns; we are talking about national problems—and there must be a national response.

The Minister referred to the special control provisions that apply in coastal resorts. The case for such provisions has been made overwhelmingly by coastal resorts. The exact same argument applies: we welcome the special control provisions, although we shall query one or two details when we come to later amendments, but we want them to apply everywhere: we do not want them to be selected by, say, Blackpool but not by other resorts where the same problems may apply.

Mr. David Nicholson (Taunton): I understand that local authorities asked for—pressed for—these powers. Would it not, therefore, be perverse of them not to use the powers when they have been given the opportunity to do so because they have not been compelled to do so?

Mr. Raynsford: The hon. Gentleman may be correct, but local authorities already have powers to register HMOs under existing legislation and only about 100 out of the 300 or so local authorities have registration schemes in place. The existing powers are not adequate—we want to see them strengthened—and they are not used extensively. On that precedent, I fear that the creation of the new powers will not change the position and that some authorities will take a more serious view of their responsibilities than others.

[Mr. Raynsford]

Although we may chide authorities—we may talk about the failure of authorities and about irresponsible authorities—the tragedy will be for the individuals who live in squalid conditions in places where the authorities have not introduced the scheme and who have no effective remedy or redress. We take the view that there is a need for a national framework.

The third issue that the Minister prayed in aid was the fact that clause 73 allows him or the Secretary of State the power to issue codes of practice. Codes of practice are all very well, but they are only codes of practice—they can be ignored. It does not in any way counter our argument that we need an effective national mandatory licensing scheme. Such a scheme is necessary.

Without a national mandatory licensing scheme, the dreadful toll of deaths will continue year after year, and we shall hear the names that we have etched in our memories—such as Clanricarde gardens in London, Palmeira avenue in Hove, the hotel in Scarborough and the recent fire in Harrow. We will hear case after case, name after name, of people who die through carbon monoxide poisoning—such as Tracy Murphy. We will hear again and again of squalid conditions, of people crammed into unsanitary conditions, as the hon. Member for Southend, East described so movingly in his speech—15 or so people were crammed into squalid and unacceptable conditions, which is shocking.

If the Minister and the environmental health officer visit such HMOs, perhaps they will take action and close them. If they do not visit such HMOs, they will not know that they are a fire risk because there is no national framework. Those tragedies will continue, as in the case of Harrow. We owe it to the hundreds of people who are killed as a result of fires and faulty gas appliances in HMOs to take more effective action. We owe it to them to take action on a national scale, not only on a local scale. We owe it to them to introduce a national mandatory licensing scheme.

In conclusion, the one thing that the Minister did not say in his response was what will replace the provisions that the Government have now wisely chosen to remove from the Bill. As I highlighted in my speech, the Government are removing the restrictive provisions in clause 63(2) which will prevent local authorities from registering certain properties. What they are not saying is which properties will be included.

Until we have a clear indication that there will be a comprehensive national licensing scheme covering all HMOs where such risks arise, we shall say that the Government's response is inadequate, and we shall continue to press for a national scheme. I urge hon. Members who feel as strongly as we do—whatever their persuasion—to join us in the Lobby.

Question put, That the clause be read a Second time:—

The House divided: Ayes 220, Noes 278.

Division No. 113] **[10.00 pm**

AYES

Abbott, Ms Diane
Anderson, Donald *(Swansea E)*
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Austin-Walker, John
Banks, Tony *(Newham NW)*
Barron, Kevin
Battle, John
Bayley, Hugh
Beith, Rt Hon A J
Bell, Stuart
Benn, Rt Hon Tony
Bennett, Andrew F
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blunkett, David
Boateng, Paul
Bray, Dr Jeremy
Brown, N *(N'c'tle upon Tyne E)*
Burden, Richard
Byers, Stephen
Callaghan, Jim
Campbell, Menzies *(Fife NE)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Chidgey, David
Chisholm, Malcolm
Church, Judith
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Tom *(Monklands W)*
Clelland, David
Clwyd, Mrs Ann
Cohen, Harry
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cunliffe, Lawrence
Cunningham, Jim *(Covy SE)*
Dafis, Cynog
Dalyell, Tam
Darling, Alistair
Davidson, Ian
Davies, Bryan *(Oldham C'tral)*
Davies, Chris *(L'Boro & S'worth)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Ron *(Caerphilly)*
Davis, Terry *(B'ham, H'dge Hl)*
Denham, John
Dewar, Donald
Dixon, Don
Dobson, Frank
Donohoe, Brian H
Dowd, Jim
Dunwoody, Mrs Gwyneth
Eagle, Ms Angela
Eastham, Ken
Etherington, Bill
Evans, John *(St Helens N)*
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Foster, Don *(Bath)*
Foulkes, George
Fraser, John
Fyfe, Maria
Galloway, George
Gapes, Mike
George, Bruce
Gerrard, Neil
Gilbert, Rt Hon Dr John
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mildred
Graham, Thomas
Grant, Bernie *(Tottenham)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike
Harman, Ms Harriet
Henderson, Doug
Hendron, Dr Joe
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Howarth, Alan *(Strat'rd-on-A)*
Howarth, George *(Knowsley North)*
Howells, Dr Kim *(Pontypridd)*
Hoyle, Doug
Hughes, Robert *(Aberdeen N)*
Hughes, Simon *(Southwark)*
Hutton, John
Jackson, Helen *(Shef'ld, H)*
Jamieson, David
Jenkins, Brian *(SE Staff)*
Jones, Barry *(Alyn and D'side)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Kaufman, Rt Hon Gerald
Keen, Alan
Kennedy, Charles *(Ross,C&S)*
Khabra, Piara S
Kilfoyle, Peter
Kirkwood, Archy
Lestor, Joan *(Eccles)*
Lewis, Terry
Litherland, Robert
Livingstone, Ken
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Lynne, Ms Liz
McAvoy, Thomas
McCartney, Ian
Macdonald, Calum
McKelvey, William
Mackinlay, Andrew
McMaster, Gordon
MacShane, Denis
Madden, Max
Maddock, Diana
Mahon, Alice
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester, S)*
Martin, Michael J *(Springburn)*
Maxton, John
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Mitchell, Austin *(Gt Grimsby)*
Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mowlam, Marjorie
Mudie, George
Mullin, Chris
Murphy, Paul
Nicholson, Emma *(Devon West)*
Oakes, Rt Hon Gordon
O'Brien, Mike *(N W'kshire)*
O'Brien, William *(Normanton)*
O'Hara, Edward
O'Neill, Martin
Parry, Robert
Pearson, Ian

Pickthall, Colin
Pike, Peter L
Pope, Greg
Powell, Ray *(Ogmore)*
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Raynsford, Nick
Reid, Dr John
Rendel, David
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruddock, Joan
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Shore, Rt Hon Peter
Simpson, Alan
Skinner, Dennis
Smith, Andrew *(Oxford E)*
Smith, Chris *(Isl'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Spellar, John
Squire, Rachel *(Dunfermline W)*
Steel, Rt Hon Sir David
Steinberg, Gerry
Strang, Dr. Gavin
Sutcliffe, Gerry
Taylor, Matthew *(Truro)*
Thompson, Jack *(Wansbeck)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Trickett, Jon
Turner, Dennis
Tyler, Paul
Vaz, Keith
Walley, Joan
Wareing, Robert N
Watson, Mike
Welsh, Andrew
Wicks, Malcolm
Wigley, Dafydd
Williams, Alan W *(Carmarthen)*
Wise, Audrey
Worthington, Tony
Wray, Jimmy
Wright, Dr Tony
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mrs. Jane Kennedy and
Mr. Robert Ainsworth.

NOES

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alexander, Richard
Alison, Rt Hon Michael *(Selby)*
Allason, Rupert *(Torbay)*
Amess, David
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkins, Rt Hon Robert
Atkinson, David *(Bour'mouth E)*
Atkinson, Peter *(Hexham)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Banks, Matthew *(Southport)*
Banks, Robert *(Harrogate)*
Bates, Michael
Batiste, Spencer
Bendall, Vivian
Beresford, Sir Paul
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & Cthorpes)*
Browning, Mrs Angela
Budgen, Nicholas
Burt, Alistair
Butler, Peter
Butterfill, John
Carlisle, John *(Luton North)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Channon, Rt Hon Paul
Chapman, Sir Sydney
Churchill, Mr
Clappison, James
Clark, Dr Michael *(Rochford)*
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Cope, Rt Hon Sir John
Cormack, Sir Patrick
Couchman, James
Cran, James
Currie, Mrs Edwina *(S D'by'lre)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Devlin, Tim
Dicks, Terry
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Duncan Smith, Iain
Dunn, Bob
Durant, Sir Anthony
Elletson, Harold
Emery, Rt Hon Sir Peter
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fabricant, Michael
Fenner, Dame Peggy
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Fowler, Rt Hon Sir Norman
Fox, Rt Hon Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gill, Christopher
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Gummer, Rt Hon John Selwyn
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Rt Hon Jeremy
Hannam, Sir John
Hargreaves, Andrew
Haselhurst, Sir Alan
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hendry, Charles
Higgins, Rt Hon Sir Terence
Hill, James *(Southampton Test)*
Horam, John
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howell, Rt Hon David *(G'dford)*
Howell, Sir Ralph *(N Norfolk)*
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Hunt, Sir John *(Ravensbourne)*
Hunter, Andrew
Jack, Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Key, Robert
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Leigh, Edward
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maitland, Lady Olga
Major, Rt Hon John
Malone, Gerald
Mans, Keith
Marland, Paul
Marshall, John *(Hendon S)*
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Mawhinney, Rt Hon Dr Brian
Mellor, Rt Hon David
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Moate, Sir Roger
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Needham, Rt Hon Richard
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Patnick, Sir Irvine
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Porter, David *(Waveney)*
Powell, William *(Corby)*
Rathbone, Tim
Redwood, Rt Hon John
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Rifkind, Rt Hon Malcolm
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'r S)*
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Sackville, Tom
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Shepherd, Richard *(Aldridge)*
Shersby, Sir Michael
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Speed, Sir Keith
Spencer, Sir Derek
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stephen, Michael
Stern, Michael
Stewart, Allan

Streeter, Gary
Sumberg, David
Sweeney, Walter
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Thomason, Roy
Thompson, Sir Donald *(C'er V)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Townend, John *(Bridlington)*
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Tredinnick, David
Trend, Michael
Twinn, Dr Ian
Vaughan, Sir Gerard
Viggers, Peter
Waldegrave, Rt Hon William
Walden, George
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wilkinson, John
Willetts, David
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Dr. Liam Fox and
Mr. Simon Burns.

Question accordingly negatived.

It being after Ten o'clock, further consideration of the Bill stood adjourned.

Motion made, and Question put forthwith, pursuant to Standing Order No. 14 (Exempted business),

That, at this day's sitting, the Housing Bill may be proceeded with, though opposed, until any hour.—*[Mr. Brandreth.]*

Question agreed to.

Clause 63

MAKING AND APPROVAL OF REGISTRATION SCHEMES

Mr. Clappison: I beg to move amendment No. 44, in page 35, line 40, leave out from beginning to end of line 7 on page 36.

Madam Speaker: With this, it will be convenient to discuss also Government amendment No. 52.

Mr. Clappison: The amendment has been somewhat foreshadowed. In Committee there was concern that exclusions to the houses in multiple occupation registration schemes in clause 63 were too extensive and would leave many houses in multiple occupation which were in a poor condition outside the scope of registration schemes. We have proposed that smaller HMOs and houses that have been converted entirely into self-contained flats should be exempt from registration as they are likely to be at a lower risk from fire than larger properties or to offer better facilities.

In the light of the concerns of which we heard in Committee, we decided that there was a case for looking again at the way the exclusions are framed. We have therefore decided to remove all the exemptions from the primary legislation. A similar set of exclusions will be included instead in the model registration scheme that my right hon. Friend the Secretary of State will prepare, subject to some changes which I shall mention in a moment. The model registration scheme will also exclude from registration other categories of property—for example, houses covered by specific regulatory regimes. We wish to exclude also those properties managed by institutions, which might include universities and properties managed by the national health service and housing associations—some of which were mentioned in Committee.

Removing those exclusions from the face of the Bill will allow local authorities more flexibility. In some areas, there may be justifiable reasons why they would wish to register a particular category of property that is normally exempt from the model registration scheme. It will also facilitate future changes to the excluded categories when the results of our proposed research into fire risks in houses in multiple occupation are available in a year or two.

In the model scheme, we are also minded to make some changes to the list of excluded categories currently set out in clause 63. We envisage that we will exclude houses where, apart from the household of the owner or the manager, there are no more than three other persons rather than four as we proposed originally. We are trying also to frame an exclusion to cover houses that have been converted entirely into self-contained flats, many of which are owner occupied.

As we discussed in Committee, the problem of framing an exclusion based on the tenure of the occupants has proved problematical. However, we are considering excluding houses where there is a significant percentage of owner-occupied flats—for example, where at least one third of the flats are let on long leases. We shall, of course, consult interested parties about the content of the model scheme, and consultees will be invited to comment on the proposed exclusions at that time.

The amendment demonstrates that we have listened carefully to, and endeavoured to meet, the concerns that have been put to us. I hope that all the amendments will be welcomed on both sides of the House.

10.15 pm

Mr. Raynsford: The Minister knows that we welcome the decision to withdraw the very restrictive provisions in clause 63(2). However, we are concerned about what will be put in its place.

The Minister has begun to flesh out his proposals in that regard. We are concerned that he has talked about exclusions similar to the existing provisions in clause 63. We are particularly concerned that he did not refer to the size of buildings. Do the Government intend to exclude buildings of two storeys or less? If so, the kind of property that I described in Harrow, where the dreadful fire occurred, would not be covered.

We welcome the decision to reduce the number of people from four to three in the category of houses that are occupied by no more than a specified number of people. We welcome the decision to distinguish owner-occupied, self-contained properties from tenanted properties where there are more likely to be problems—although we recognise the potential difficulties involved with a definition.

This is a complex issue that will require careful attention if we are to get the detail right. It will clearly be difficult for the Minister to do that in the Bill's later stages in the other place. I hope, therefore, that all interested parties—particularly the local authorities and the voluntary organisations, including the Campaign for Bedsit Rights, which has done much stalwart work in that area—will have an opportunity to look at the proposals in detail before the Government proceed. I hope also that the Government will listen to the responses to that consultation.

We need arrangements that will work and will ensure that people at risk in such properties have proper protection. While welcoming the Government's decision to remove the highly restrictive provisions in clause 63(2), we remain concerned that the Government's replacement provisions could be still too restrictive and would, unfortunately, leave some people at risk. I hope that the Minister will pay close heed to what is said by all concerned and will be flexible in his approach to the matter.

Amendment agreed to.

Clause 64

REGISTRATION SCHEMES: CONTROL PROVISIONS

Amendments made: No. 45, in page 38, line 21, at end insert—

'(d) to impose such conditions relating to the management of the house during the period of registration as the authority may determine.'.

No. 46, in page 38, line 26, leave out second 'or'.

No. 47, in page 38, line 28, at end insert 'or

( ) impose conditions relating to the management of the house.'.

No. 48, in page 38, line 35, after 'application,', insert—

'( ) notify an applicant that they intend to impose conditions relating to the management of the house'.

No. 49, in page 39, line 3, at end insert—

'( ) Where the decision of the authority was to impose conditions relating to the management of the house, the court may direct the authority to grant the application without imposing the conditions or to impose the conditions as varied in such manner as the court may direct.'.

No. 50, in page 39, line 23, at end insert—

'(2A) Control provisions may enable the local housing authority to revoke a registration if they consider that there has been a breach of conditions relating to the management of the house.'.

No. 51, in page 39, line 28, after '(1)', insert 'or (2A)'.—*[Mr. Clappison.]*

Clause 65

REGISTRATION SCHEMES: SPECIAL CONTROL PROVISIONS

Amendment made: No. 52, in page 41, line 28, leave out '(in accordance with section 346(2))'.—*[Mr. Clappison.]*

Amendment proposed: No. 53, in page 42, line 1, leave out 'the Rent Acts or'.—*[Mr. Clappison.]*

Madam Speaker: With this, it will be convenient to take Government amendments Nos. 54 to 57.

Mr. Raynsford: We welcome the amendment in part as it deals with an issue that we highlighted in Committee whereby under the original provisions tenants risked losing their tenancies. The Government have accepted our logic to the point of deleting the phrase "the Rent Acts" so that tenants who enjoy regulated tenancies will no longer be subjected to that risk. A tenant with an assured tenancy, however, could lose his or her tenancy, so we are surprised that the amendment does not cover those tenants.

I hope that the Government will reflect on that. Our intention was simply to ensure that landlords could not override tenants' normal security on a technicality because of the poor condition of the property. I hope that the Government will think again and ensure that that is not a consequence of their action.

Mr. Clappison: As the hon. Gentleman said, the amendment reflects concerns that were expressed in Committee. It goes so far as assisting those with security of tenure when local authorities invoke occupancy directions or take other measures. We are always prepared to reflect upon those circumstances, but I cannot promise to meet the further concerns that the hon. Gentleman has outlined today.

Amendment agreed to.

Clause 66

OFFENCES IN CONNECTION WITH REGISTRATION SCHEMES

Amendment made: No. 54, in page 43, line 32, leave out '3' and insert '4'.—*[Mr. Clappison.]*

Clause 67

STEPS REQUIRED TO INFORM PUBLIC ABOUT SCHEME

Amendment made: No. 55, in page 44, line 30, at end insert—

'(2) In section 350(1) of the Housing Act 1985 (power to require information for purposes of scheme) for the words "a person" substitute "the person having control of the house or the person managing the house or any person".'.—*[Mr. Clappison.]*

Clause 71

DUTY TO KEEP PREMISES FIT FOR NUMBER OF OCCUPANTS

Amendment made: No. 56, in page 46, line 26, leave out 'knowingly'.—*[Mr. Clappison.]*

Clause 74

INCREASE OF FINES

Amendment made: No. 57, in page 48, line 22, leave out '4' and insert '5'.—*[Mr. Clappison.]*

Consideration adjourned—*[Mr. Brandreth.]*

To be further considered tomorrow.

Habitual Residence Test

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Brandreth.]*

10.21 pm

Mr. Stephen Timms (Newham, North–East): In October 1993, the Secretary of State for Social Security stood before the Conservative party conference and described a new scourge which he said was sweeping the continent. In the abusive terms that our European partners have come to expect from the British Government, he employed a range of "'Allo, 'Allo" accents to conjure up a vivid picture of benefit tourists—back packers and the like from around Europe who come to Britain, pretend to look for work and claim benefit.

If one can ignore the crudity of that speech, which may have been required to please the Conservative party conference, it is easy to feel some sympathy for the Secretary of State, who had identified a problem that required a solution. Benefit tourism certainly was not the largest fraud in the social security system—indeed, it had never satisfactorily been quantified—but it was an undesirable phenomenon.

Having identified the problem, the Secretary of State announced his solution—the habitual residence test. It was introduced in August 1994 and it soon became obvious that, whatever its original intention, the test was reaching well beyond the scope of benefit tourism. In its first 15 months of operation, only 36 per cent. of those who failed the test were from other European countries; 22 per cent. were from Britain and 42 per cent. were from elsewhere. The figures for February this year—the latest available in the Library although I am grateful to the Minister who today provided me with the figures for March—show that the proportion of non-Europeans failing the test remained at just 36 per cent. while the number of British failures has risen dramatically to the same figure.

The position is clear. The habitual residence test does not merely deal with the Secretary of State's benefit tourists from elsewhere in Europe; it casts a much wider net and it withdraws the means of subsistence from many people from whom the Government did not and should not intend to withdraw subsistence. By withdrawing support from UK citizens, the Government are failing the test. The Minister will be aware of an important study by the National Association of Citizens Advice Bureaux published in February, "Failing the Test", which draws on evidence from more than 200 bureaux throughout the country. The report's conclusions are succinct, reasonable and fiercely critical of the Government. It stated:

> "After eighteen months of its operation, the CAB Service has concluded that the test should be withdrawn. It has proved expensive, unfair and unworkable and has no part in a sensible and humane welfare system."

That is a ringing and unequivocal verdict by an unimpeachable source. The report backs that conclusion with great detail, and shows that

> "in seeking to deal with one relatively small problem, the Government has created many more."

The report points out that the test has

> "created a class of people who, whilst able to live freely and work in the UK, are denied access to its welfare system."

The report adds that many people from ethnic minorities

> "who lived and worked in this country for years have been excluded from help because they have travelled abroad for a period to stay with relatives."

The report states that

> "it has proved impossible to produce a workable definition of habitual residence"

that can be consistently applied. Appeals against failing the test by CAB clients are won in the majority of cases, adding to the evidence that the test is being inconsistently and unfairly applied. The test is costing much more than was anticipated to administer. However one looks at the test, it is doing great damage that greatly outweighs the cash savings to which it has led. I will return to NACAB's detailed recommendations, but real, human problems are at the centre of habitual residency cases.

One welfare adviser in my constituency remarked recently that public attention has shifted from the hardship caused by the test in recent months. She does not think that things have got any better or that the hardship has become accepted, but that newer injustices equally forcing people into penury—she was thinking in particular of the removal of benefits for asylum seekers—have stolen the spotlight. One way to stem criticism of an unfair measure is to introduce another, but the Government must not be allowed to ignore the large number of real and unintended hardship cases caused by the test.

The Newham docklands advice bureau, which covers part of my constituency, was visited recently by a young woman who went temporarily to Ghana, where her mother lives. When she returned, she was forced to undergo the habitual residence test and failed. That woman is disabled and unable to find work, and now she cannot claim benefits. What is she supposed to do? She was born in Britain and is a British citizen, but that is how her country is treating her. Sometimes the hardship is temporary, but it is no less unjustified for that. A Newham pensioner went to visit relatives in Bangladesh for six weeks, and on his return was forced to undergo the test. While he awaited the result, his income support was withdrawn. His family was forced to borrow money to buy food to subsist. Where is the sense or humanity in a system that works that way?

The worst aspect of the test is that it often hits people who are already facing a crisis. Twin 17-year-old sisters who recently sought advice in Newham both hold British passports and had lived in the UK with their father since 1994. Last year, their father died and after a habitual residence test interview, the sisters were refused income support. In addition to their bereavement, the Government forced them to face destitution.

When the Secretary of State set off in pursuit of back-packing benefit tourists at the Tory party conference, did he have in mind any of the people to whom I have referred? The answer is no—but those people and thousands like them are being hit by the test. The Government responded to their critics by saying that no one has devised a fairer measure that would make the same savings, but that argument is indefensible. It is absurd to say that a measure is good because it saves money, regardless of its ill effects on innocent people. It is like saying that the way to stop football hooliganism is to ban everyone from soccer grounds. If Ministers are really saying that they will do anything to cut the social security budget, irrespective of its effect on people who were not intended to be affected, they must accept that they will lose any claim to decency that they retain.

It is not true that critics of the test have not offered constructive proposals to refine it and to reduce its injustices while keeping loopholes to Euro-scroungers firmly closed. The National Association of Citizens Advice Bureaux set out seven specific recommendations in its report—short of abolishing the test, which is what it and I believe should happen—to fulfil the objectives. The first three involve changes to secondary legislation. NACAB proposes, first, that benefit regulations should be amended so that those who are considered settled by immigration authorities are treated as habitually resident. Secondly, where a claimant is certified as having no other means of support, an appeal against a habitual residence decision must be held within four weeks. Thirdly, failed applicants should be paid income support pending their appeal.

In response to the first of those points, the Government told NACAB—I just received today the Government's response to its proposals—that under the European treaties it is not possible to discriminate on the basis of nationality. That is true within Europe and is why the regulation was framed in a rather convoluted way in the first place. The proposal is not that the Government discriminate in that way between citizens of European nations. NACAB points out that a person with settled status is, by definition, not an European economic area national, so no discrimination between member states can be involved.

On the second proposal, the Government implicitly concede that the tortuously slow processes of their appeal system cause hardship, but they argue that it would be unfair to relieve that hardship in habitual residence cases and not in others. We are talking about the means for people to subsist. Surely something must be done to speed the process up and end the extremely long periods that people must currently endure with no means of subsistence other than that gained from borrowing from friends.

In response to the third NACAB proposal, the Government told it:

"The intention behind the habitual residence test is to curb abuse of the benefits system. It would be contradictory to deny these people benefit on one hand only to pay it on an emergency basis on the other."

The Department's logic is alarming. Whatever the merits of the arguments I am proposing, whether we believe the habitual residence test is right or wrong, I am sure that we can all agree that there are occasions when emergency aid should be provided while eligibility for long-term help is determined. In many cases there is reason to believe that an initial adjudication on habitual residence may be wrong, and the number of reversals on appeal prove that. Sometimes it is simply good governance to offer short-term, emergency help. Neither of those possibilities seems to be recognised by the Department in its response to the CAB report.

In addition to those three suggestions for changes in secondary legislation, the CAB report also offered three proposals concerning the collection of information on the effect of the habitual residence test. First, it proposed that information should be collated on the ethnic group of passed and failed test applicants. There is growing circumstantial evidence that black and Asian people are more likely to be subjected to the test than others. That is alarming.

Secondly, the CAB proposed that data should be gathered on the appeals process, including the overall number of appeals and how many are successful. Thirdly, it proposed that the time taken to process appeals should be monitored and published.

The Government told NACAB that they had no intention of collating information on those subjects. They argued that principally on the grounds of cost. Although no estimate of that cost had been made, or at least not to my knowledge, it is hard to believe that any extra cost could not be found in the £37 million saving that the Government claim to have made from introducing the test.

There is certainly a need for more information. Even those statistics that are available do not seem to be understood by the Department of Social Security. For example, in their response to NACAB, the Government assert:

"the majority of people found not to be habitually resident are EEA nationals."

That is simply not true. On Government figures, only 36 per cent. are EEA nationals; that is confirmed by the new figures that the Minister has given me for March 1996 and by the cumulative figures from August 1994 to March 1996. Significantly fewer than 40 per cent. of those affected by the test are EEA nationals. I hope that the Minister will acknowledge that.

There is one other important matter that I want to raise. After we debated the subject in March last year, I asked the Minister to place the results of habitual residence tests every month in the Library of the House. I am grateful that he agreed to do that for the year 1995-96; I have asked him if he will continue to publish the details for the coming year, and I am glad that he has confirmed that he will do that—it is most helpful.

More information, however, is needed. It is little wonder that NACAB expressed its disappointment at the Government's response to its report, which was an impressive one. There are grave concerns about the operation of the test and the human hardship it causes my constituents and those of my hon. Friend the Member for Newham, North-West (Mr. Banks), who I am pleased to see in his place this evening. Critiques such as the one produced by NACAB are constructive and valuable, and I hope that the Government will respond in similar vein.

The national association has produced a devastating critique of the test. The Government's response has been weak and, in at least one respect, simply wrong. It is as if the Government are not taking seriously the points that have been made. I hope that they will give careful consideration to the future of the test before the damage becomes too great. I hope that the habitual residence test will be scrapped, because I am quite sure that if it is not, more and more hon. Members and others will be raising the serious problems that it causes in the weeks and months ahead.

10.36 pm

The Parliamentary Under-Secretary of State for Social Security (Mr. Roger Evans): I congratulate the hon. Member for Newham, North-East (Mr. Timms) on obtaining, for the second time in just over a year, an Adjournment debate to discuss this subject. It is a matter of considerable concern, and of general importance.

I was pleased to hear the hon. Gentleman say that my right hon. Friend the Secretary of State, in identifying the problem of benefit tourists, had identified a problem that

[Mr. Roger Evans]

required a solution. The question he asked was whether the solution implemented was the right one. The hon. Gentleman mentioned a number of percentages; it would perhaps assist the House if I gave the up-to-date absolute figures since August 1990, when the new arrangements came in. Sometimes absolute figures give a better impression than percentages.

These figures are to 31 March; answering oral questions on the last occasion, I gave figures to the end of February. Fourteen thousand European Economic Area nationals have passed, while 14,032 have failed. Of British citizens, 95,973 have passed; 9,738 have failed. I cite those figures because it appears, by a factor of nine to one, that British citizens succeed—as one might have expected—in establishing themselves as habitually resident in Great Britain more easily than do people from other European countries.

It is not contested that the drawing up of a test to prevent benefit tourism was a very difficult task. The treaty of Rome obliges us not to discriminate on grounds of nationality. At first blush it might seem enormously attractive to the man in the street to give residents of several years in this country favoured status under some arrangement. Under European law, however, we simply cannot do that.

We picked on habitual residence, because it is a test embodied in the relevant European directive: 1408/71. It is a concept of European law that we are entitled—we believe, and so far we have been vindicated by the courts—to apply for the present purpose.

The hon. Member has not suggested how we should replace the test. He has rightly and properly said that there are some very hard and difficult examples of its application. They are bound to be sad and cause considerable anguish. The NACAB report—which, of course, I have read carefully, and which Ministers and officials have studied carefully—gives several detailed examples. I cannot comment upon the three specific cases in the hon. Member's constituency, for which he did not give names, because I do not have particulars. No doubt there are circumstances in which the test is not a happy test to apply.

Nevertheless, we are not prepared to entertain the situation that obtained in summer 1994, when larger and growing numbers of Europeans—Spaniards, especially, were cited by my right hon. Friend the Secretary of State for Social Security—were coming to this country on holiday and claiming income support, housing benefit and council tax benefit. The news had got around in Europe, and more and more were coming. Unless and until something was done, the problem would not have diminished or remained static, but would have grown.

The NACAB report primarily—as the hon. Member for Newham, North-East emphasised—recommends rejection simpliciter of the habitual residence test, and I think that that is what the hon. Member would like to see. The report argues that labour market conditions, such as the tightening up of the availability test and the requirement actively to seek work—which will apply when the Jobseekers Act 1995 comes into force—would be sufficient. We are not satisfied that labour market conditions would be sufficient at all.

Some people came to this country for relatively short periods, and they enjoyed all the benefits that our welfare state provides. That was one-way traffic, because, when British nationals visited France or other European countries, they did not have the same kind of entitlement. The equivalent social assistance benefits in those countries are usually locally administered and highly discretionary.

The unique British feature, which the Labour Government introduced in 1966, was that supplementary benefit—later income support—was a matter of legal entitlement, provided that a person was in the United Kingdom and met the other conditions. Until we imposed habitual residence as an additional requirement, everyone was entitled to the benefit as a matter of right; that was what was so attractive about coming to this country, and it did not apply in reverse.

NACAB argues that we should simply abolish the test. We are not so persuaded. As for NACAB's secondary recommendations, which are designed as an alternative, we regret that either the totality of them is not sufficient or there are problems in some of them.

The first recommendation to which the hon. Member referred was the suggestion that people from third countries—that is, non-European Economic Area nationals or British citizens—recognised for settlement purposes in the United Kingdom for immigration status, should be treated automatically as habitually resident. On the face of it, that sounds plausible, until one realises that the recommendation would involve putting that category of persons in a better position than British citizens. I do not believe that that is likely to be generally acceptable.

The second proposal is to create a special class of appeal on such cases which must be heard within four weeks. I readily accept, and Ministers are concerned, that the independent tribunal service should dispose of appeals as quickly as may practically and properly be done. We wish to see the time taken from beginning to end of appeals speeded up, but whether a particular appeal or particular class of appeals should be expedited is essentially a judicial matter for application to the relevant tribunal at the relevant time.

It is easy for the hon. Member for Newham, North-East and myself, given the circumstances of especially sad and difficult cases, to say that they should have priority in the queue. But that is essentially a judicial matter, and we do not believe that it is appropriate that Ministers should interfere.

The other recommendations are perhaps properly described as subsidiary, and they relate to the collection of statistics. The Benefits Agency is fully aware of its responsibilities to ethnic minorities and for the delivery of the benefits, but we are trying to reduce the administrative costs of the Department, not to increase them. We do not see that there is an administrative need to record the statistics.

Similarly, the recommendation made on statistics on appeals seems plausible, until one realises that income support is a complex benefit. There are a number of conditions to be satisfied, as we all appreciate. But what are we measuring? The claimant may win on the issue of habitual residence and lose on some of the other many conditions.

We are talking about a matter of administration that would be expensive to bring up to date, if that were desired, to deal with the detail that has been requested.

We would find ourselves undertaking some form of manual, clerical, statistical sample. That is not entirely satisfactory.

I have dealt with the time that is taken to process appeals. The National Association of Citizens Advice Bureaux has special experience in these matters. We should never forget that all the most difficult cases, if they have not found their way to the hon. Gentleman's surgery, or mine, are likely to end up in the local CAB. It is a body that receives public assistance from Government and from local authorities. It performs an excellent job. It sees the problems raised by the hon. Gentleman at the hardest and sharpest points. It deals with human problems in individual cases.

As a Department, we have responsibility to the taxpayer. The lacuna in the argument so far presented by the hon. Gentleman, and by NACAB, is what to do to stop benefit tourism. If we abolished the habitual residence test, we would provide opportunities for fraud and exploitation of the system. That was the position before August 1994. It was catching on. People knew increasingly about the opportunities. How do we stop that?

We cannot discriminate in favour of British citizens, however much that may seem the simple, easy, logical, politically desirable, practical and humane solution, because of the restrictions of the treaty. What do we do? My right hon. Friend took the concept of habitual residence, which I readily accept is a complex idea. It is not something that can necessarily be simply applied, because it involves guidance, the expertise of the adjudicating officers, who are independent, and the appeals process.

There have been numbers of appeals. Being turned down matters a great deal. The law has a vagueness that sometimes attaches to European legal concepts. It is a concept that people want properly to test. Inevitably we shall have many appeals.

We are familiar with the test of domicile. The Inland Revenue has a test of ordinary residence, to ensure that it gets its tax out of us. Habitual residence was a slightly related and not entirely unfamiliar test. Inevitably, as I have said, there have been a number of appeals.

We have seen what we hope is the last word—at the moment it is—in the form of a decision by Commissioner Howell. It sets out some general guidance. It may or may not be binding, but that is a matter for the independent tribunal service, the commissioners and the courts to decide. It appears to give some general guidance on how the test should be applied.

The point in it, apart from distinguishing it from other legal concepts, is a practical consideration. A British citizen who has lived in this country for a long time is likely to be able more readily, easily and in a readily shorter period to re-establish habitual residence, if it has been lost, than someone who has never set foot in the country before, or someone who has done so only for a short and transitory period.

We readily accept that there will be some hard cases. We are driven to the conclusion, however, that there is nothing else in European law that we have yet heard of, or that anyone, to my knowledge, has suggested, that would prevent benefit tourism and at the same time produce a more favourable result for British citizens. The general figures show that, by nine to one—95,000 to 9,000-odd—British citizens pass the test. I accept that there are hard cases, and I have no doubt that each one of the 9,738 involves a human problem. We suggest that that is a test which, in practical administrative terms, does the best possible.

I summarise the matter as follows. There was a problem, as the hon. Gentleman has fairly recognised. We had to find a solution within the European treaty, and we believe that we have done so. It is a solution for which the vires have been tested, and, as litigation presently stands, it has been upheld.

I accept that the habitual residence test has problems in terms of its exact meaning, but it appears, as the case law evolves, that we are getting a clearer picture, and that the adjudicating authorities are getting a clearer understanding of how properly to operate the test as they receive guidance from higher appeals to tribunals and the commissioners.

We believe that, at the end of it all, what we have implemented is as fair as any system can be to the British citizen and, at the same time, protects the interests of the British taxpayer and prevents the abuse of benefit tourism that we had.

My right hon. Friend the Secretary of State has read out to the House on several occasions—I shall not weary us at this late hour with the extracts from the Spanish and other continental press—evidence that the fact that London was an easy touch had become generally appreciated. That was not a problem to which we could simply turn a blind eye, and we could not just try to tighten up the administration of fraud, which is what the NACAB report ultimately suggests. We had to do something more than that.

We decided, because we were advised that it was the sensible solution—and, as far as we can yet see, the only solution in European law—to introduce the habitual residence test. That is working. I cannot say that it is working perfectly, but, in a less than perfect world, given the restraints of the European treaty, it appears to be working at least as well as anything for which either the hon. Gentleman or any other hon. Member has contended.

The hon. Gentleman and you, Madam Speaker, will not be surprised to know that I have received numerous letters from hon. Members on both sides, asking the simple question, "Is there some better way in which to do it?" We are not yet aware of it.

The motion having been made after Ten o'clock and the debate having continued for half an hour, MADAM SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at nine minutes to Eleven o'clock.

House of Commons

Tuesday 30 April 1996

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

ENVIRONMENT

Westminster Council

1. **Mr. Jon Owen Jones:** To ask the Secretary of State for the Environment what representations he has received concerning the level of revenue support grant settlement in 1996–97 with respect to Westminster council. [25671]

The Secretary of State for the Environment (Mr. John Gummer): I have received a number of representations, including some that point out that, when compared with a city such as Liverpool, Westminster has been much less generously treated by the Government than it was under the previous Labour Government.

Mr. Jones: Will the Secretary of State confirm that if every council got the same help that Westminster gets, 336 out of the 358 councils would be able to pay a rebate and that 10 would be able to pay a rebate of more than £900 per council tax payer? Is not that political largesse completely unjustifiable by anyone outside the Conservative party? It is a political fix and he should admit it and be ashamed.

Mr. Gummer: What I will confirm is that if the same figures had been arranged under a Labour Government, more people would have been able to do more than that. That shows how ridiculous the hon. Gentleman's proposition is. If all councils were given the same money as Tower Hamlets, there would not be an area in the country that would not be able to do much better than he suggested, but the Labour party controls Tower Hamlets, so it does not like to say that.

Mr. Brooke: As the working population of my constituency exceeds the national average by a factor of almost 20 and exceeds that of any other constituency by a factor of five, will my right hon. Friend accept my representation that I am glad that he has noticed that my two authorities are different in category and not only in degree?

Mr. Gummer: My right hon. Friend may also have noticed that all independent observers point out that the system that we use is objective and the most sophisticated in the world. The only person who does not believe that is the hon. Member for Holborn and St. Pancras (Mr. Dobson), who said that he does not accept what experts say. That is because they never agree with him.

Ms Armstrong: Does not the right hon. Gentleman recollect that the experts disagree that Westminster is the fourth most deprived area and say that this is a serious matter that the Government should address? Should not the Government address the fact that, if Trafford got the same council tax support as Westminster, it would be able to give every council tax payer £527 back; Rochdale would be able to give £303 back; and Oldham would be able to give £145 back? The Westminster skew is a fiddle; everyone knows it and will show it on Thursday.

Mr. Gummer: It is odd that, when the hon. Lady was asked about it, she said that she would not like to promise major changes in the system that we use. She is condemned out of her own mouth. She knows that what she says is not accepted by any of the Labour-controlled local authority organisations and that no one from any political party who understands the system agrees with her. She knows that she is trying to mislead the country. The country knows it, too, and will show it on Thursday.

Mr. Redwood: Does my right hon. Friend know that Wokingham district council is receiving no revenue support grant this year, yet, for the third successive year, Conservatives have offered a cut in the council tax while offering improved services? Unfortunately, the Liberals have forced through a 13 per cent. increase in the council tax and a deterioration in services. Does not that show that Thursday matters and that people must vote Conservative on Thursday for lower taxes?

Mr. Gummer: My right hon. Friend is too kind to the Opposition parties—it is true not just in Wokingham, but throughout the country, that it costs £225 a year more to have a Labour council than a Conservative council. What is more, the Audit Commission shows that people get less for paying more. They pay more with Labour and get worse services. That is what the hon. Member for Holborn and St. Pancras is trying to hide with his wholly spurious comments about Westminster.

Rents-to-mortgages Scheme

2. **Mr. Pike:** To ask the Secretary of State for the Environment what is his estimate of the take-up of the rents-to-mortgages scheme in 1996. [25672]

The Parliamentary Under-Secretary of State for the Environment (Mr. James Clappison): My Department has made no estimate of future sales.

Mr. Pike: Does the Minister agree that the scheme has been another sunken disaster flagship policy for the Tory party—a waste of money and a waste of time? Would it not be more sensible, if the Government are really concerned about housing, to do something to help people with mortgage difficulties, perhaps by considering a mortgages-to-rents policy instead of a rents-to-mortgages policy?

Mr. Clappison: I am sorry that the hon. Gentleman thinks that an effort to help people into home ownership is a waste of time. He will be aware that it is one of a range of policies through which we have promoted home ownership since 1979. Due to that range of policies, more than 1.5 million people are home owners, including 2,000 former council tenants in his constituency. I make no apologies for promoting home ownership. Tens of thousands of people are going into home ownership through such schemes every year. One of the interesting things about the scheme is that it is an attempt to help those on lower incomes into home ownership. The hon. Gentleman's party is turning its back on those people, just as it is turning its back on those who want opportunities in education by threatening to abolish child benefit for 16 to 18-year-olds. Labour is turning its back on home ownership and education.

Mr. John Marshall: Does my hon. Friend agree that that attack on the rents-to-mortgages scheme and Labour's votes yesterday to restrict the right to buy show that new Labour has the same stupid prejudices as old Labour?

Mr. Clappison: The same instincts are there. Labour has criticised every attempt to help people into home ownership and it is still doing so.

Mr. Raynsford: Will the Minister now admit that, despite 13 clauses in legislation, huge publicity efforts and £140,000-worth of promotional expenditure, the Government have managed to persuade just 15 people in the country to take up the scheme? Does the Under-Secretary of State recall his colleague, the Minister for Local Government, Housing and Urban Regeneration, saying in Committee of another Tory white elephant—the infamous tenants' choice scheme—

"it is daft to leave in the Bill something that does not work and is therefore redundant, so we will get shot of it."—[*Official Report, Standing Committee G*, 2 April 1996; c. 1037.]

When will the Government get shot of the absurd rents-to-mortgages scheme and, more to the point, when will the country get shot of this absurd Government?

Mr. Clappison: The import of what the hon. Gentleman is saying is that it is wrong for Governments to explore opportunities for helping people into home ownership. The success of our policy is reflected in the more than 1.5 million people who have gone into home ownership since 1979. I am surprised that Labour's spokesman on housing is adopting the criticisms of the hon. Member for Burnley (Mr. Pike). He should be aware that, in his constituency, more than 7,000 householders have been helped into home ownership since 1979. We make no apologies for trying to help people into home ownership.

Workplace Safety Representatives

3. **Mr. Clapham:** To ask the Secretary of State for the Environment what measures he intends to strengthen the position of workplace safety representatives; and if he will make a statement. [25673]

The Parliamentary Under-Secretary of State for the Environment (Sir Paul Beresford): The current system of workplace safety representatives works well, but we intend to bring forward regulations to extend consultation rights to workplaces where there are no trade union safety representatives.

Mr. Clapham: It is interesting that the Minister says that consultation procedures are to be modified, as he will know that safety representatives, working through their safety committees, have been an enormous influence in reducing accidents but that accidents have increased in some industries, such as mining. A couple of weeks ago, I drew to the Minister's attention the fact that a mining company operating in Northumberland—Stormgate Mining Ltd.—had not renewed its employer's liability insurance, yet men were working at that colliery. In his modified consultation procedure, will he arrange with the Coal Authority a register of all the activities of companies employed in the mining industry, to include a copy of the employer's liability insurance certificate, so that it can be viewed by the safety representatives at the colliery?

Sir Paul Beresford: We are looking at, reviewing and giving consideration to this case.

Home Renovation Grants

4. **Mr. Pope:** To ask the Secretary of State for the Environment how many mandatory home renovation grants were awarded by local authorities in 1995. [25674]

The Minister for Local Government, Housing and Urban Regeneration (Mr. David Curry): There were 34,300.

Mr. Pope: Tens of thousands of people live in unfit housing across east Lancashire. They struggle to get the grants to which they are legally entitled and, later today, the Government will seek to remove their legal right to mandatory improvement grants. Why is the Minister intent on taking away the only chance that my constituents and many other people have of getting a decent home?

Mr. Curry: The hon. Gentleman clearly has some difficulties with chronology—that does not happen in the Housing Bill, which we are to consider today. If he holds his breath and submits an application, he may be able to serve on the Committee that considers the next Bill, which will replace mandatory grants with discretionary grants. First, he should get his documents in order. Secondly, we cannot sustain a system that has a cash-limited grant and unlimited entitlement to it—the sums do not add up. Therefore, the sensible thing to do is to make a discretionary grant and to give local authorities the ability to focus it on the areas of greatest need so that they can serve the genuine interests of regeneration. That is what the Bill will do.

Mr. Pickles: Does my hon. Friend recognise that, sometimes, we need to go beyond these grants and that some housing estates require fundamental reorganisation? Is he aware that, for the past 10 years, an estate in Islington has been promised renovation work? Is he further aware that, for the past 10 years, Islington council has pontificated and promised the tenants some work, but that it has failed to fulfil its promise because of its incompetence?

Mr. Curry: My hon. Friend is right: some of the older estates require much more substantial work. The Government have an estates renewal programme that is specifically designed to tackle the worst estates. What he has said about Islington council will surprise no one—it has a dismal record, which no doubt continues.

Ms Eagle: Will the Minister admit that the 1.5 million people who live in homes that are unfit to live in will be disappointed that the Government are abolishing this scheme and that they are replacing it with a discretionary scheme? When will the Government provide money so that people can look forward to having their homes made fit to live in? That is not really such a big ambition as we reach the end of the 20th century.

Mr. Curry: First, there has been a substantial programme for the improvement of homes. Secondly, many homes are unfit for simple or minor reasons. Thirdly, public expenditure constraints have to be observed. Fourthly, when the second Bill comes to this House, it will be interesting to see whether the Labour party will do what it did in the other place—refuse to give any commitment whatsoever to restore full mandatory grants. If the Labour party wants to make an effective point on this, it would be awfully nice to know what it plans to do in this area of public expenditure and on taxation. The two are linked, and we still know nothing.

Planning Policy Guidance (Countryside)

5. **Mr. Robathan:** To ask the Secretary of State for the Environment what plans he has to revise the Government's planning policy guidance for the countryside. [25675]

The Minister for Construction, Planning and Energy Efficiency (Mr. Robert B. Jones): Following our well-received White Paper entitled "Rural England", we expect to consult on a draft revision of planning policy guidance note 7 and on a possible rural business use class before the summer recess.

Mr. Robathan: I congratulate my hon. Friend and his Department on the excellent White Paper entitled "Rural England". Is he aware—perhaps he will take account of this in his consultations—of the unhappiness in some rural areas, particularly in my district of Blaby and Harborough in Leicestershire, because district councils are being compelled to provide for a large number of new homes on green-field sites? Will he, in his consultation, look to encourage the regeneration and rebuilding of inner cities on derelict land rather than building new homes on green-field sites?

Mr. Jones: I am grateful to my hon. Friend for his comments about the White Paper. It is precisely because we want sustainable development in housing, as elsewhere, that, for the very first time, we have set a target for the percentage of housing to be built on existing developed land. I have said to the Environment Committee that, if experience allows us, we will raise that target in time.

Mr. Vaz: Does the Minister accept that current planning policy guidance is a jungle of anomalies and inconsistencies? For example, why has he refused to publish the results of the review into planning policy guidance note 6 until after the local elections on Thursday? Does he realise that the delay is causing massive confusion? When will we have planning policy guidance that is clear, consistent and strategic, rather than the mess that we have at the moment?

Mr. Jones: Let me help the hon. Gentleman. He knows that there is a convention that announcements such as that are not made in the run-up to local elections. We shall make the announcement immediately after the local elections, in accordance with the right practices in government.

While the hon. Gentleman is posing a question on the subject, let me ask him about reports in the weekend's press that the Labour party was poised to reverse our policy on out-of-town shopping. I am sure that any squalid deals cooked up by the Labour party, along with the squalid deals that it cooked up with BT and with Rupert Murdoch, will show it for what it is.

Compulsory Competitive Tendering

6. **Mr. Congdon:** To ask the Secretary of State for the Environment what further steps he intends to take to ensure that there is an equality of treatment when contracts are being let under compulsory competitive tendering between direct service organisations and the private sector. [25676]

Sir Paul Beresford: My hon. Friend will be aware that, earlier this month, we issued new statutory guidance to local authorities on compulsory competitive tendering. In addition, we will publish our proposals for changing the CCT system next month.

Mr. Congdon: I warmly welcome that guidance and my hon. Friend's efforts to root out anti-competitive practices in local authorities, but does he accept that many local authorities—especially Labour ones—will do everything possible to ensure that contracts are let to their own direct labour organisations? Will he take further steps to encourage the district auditor service more rigorously to try to root out those anti-competitive practices and to pay special attention to the terms of reference of direct service organisation boards, which appear to be set up to rig the system in favour of DSOs?

Sir Paul Beresford: My hon. Friend is absolutely right. The shenanigans that some Labour and Liberal local authorities get up to to dodge the common sense of competitive tendering are staggering. The district auditors, or the external auditing system, have the power to act in many areas, and need encouragement to do so. We shall certainly continue the encouragement, along the lines that my hon. Friend suggests.

Mr. Corbett: Does the Minister recall insisting that Birmingham city council should re-advertise its five housing management contracts when it had awarded them in fair competition with the private sector? Does he realise that that costs council tax payers in the city £1.5 million? Will he foot that bill?

Sir Paul Beresford: The answer is that it was not a fair competition. The fiddling of the books and the shenanigans that went on were incredible—not only in housing, but in other areas, time and again—and the people who lose are the people who pay and the people who receive the services. This is a blow of old Labour, and it is about time that people, including Opposition Members, understood the advantages of competitive tendering.

Sir Anthony Grant: Is my hon. Friend aware that a very good example of the importance of transferring contracts to the private sector may be found in Cambridgeshire, where nearly £2 million has been lost to direct labour organisations by the incompetent, half-baked Lib-Lab county council?

Sir Paul Beresford: There are repeated examples of such cases throughout the country. Bradford is a classic example. By shenanigans, it lost £1.2 million. When it was forced to repeat the tendering process, the new contract went out to the private sector, with a saving of £700,000.

Darlington and Westminster Councils

7. **Mr. Milburn:** To ask the Secretary of State for the Environment what is the local authority grant per head in (a) Darlington and (b) Westminster; and if he will make a statement. [25677]

Mr. Gummer: This year, £997 for Westminster and £621 for Darlington. That is a difference of 75 per cent. In the last year of Labour government, the difference was 84 per cent.

Mr. Milburn: I am grateful to the Secretary of State for those figures. Do not they show that, if Darlington received the same level of Government help as Westminster city council, this year, every family in my constituency, instead of paying a council tax bill, would receive a rebate of £681? Is it not a national disgrace that the local authority grant system has been skewed and rigged to favour one inefficient Tory flagship council?

Mr. Gummer: What it shows is that any skewing that took place took place a darn sight more under Labour than it does under the Conservatives. It also shows that the hon. Gentleman should not work out a supplementary question before he has heard the answer to the main question.

The Labour party is entirely wrong. All the figures show that Westminster did significantly better than many of the councils that have been cited when the Labour party was in power. The Labour party's fox has been shot: if Labour Members understood the system, they would not have started the argument.

Mr. Thomason: Will my right hon. Friend confirm that, while a number of authorities may complain that the grant per head is not sufficient and that the methodology is weighted against them, whether one lives in Darlington or in Westminster, until the local government organisations controlled by the opposition parties can suggest alterations to that methodology that are acceptable to local authorities, it will be very difficult for the Government to make any changes?

Mr. Gummer: My hon. Friend points out that all three local authority organisations that are run by Labour do not make the same claims as the hon. Member for Holborn and St. Pancras (Mr. Dobson). They understand how the system works and they are part and parcel of it. The hon. Gentleman, who will not listen to experts, does not understand how that system works. Parties such as his charge people £225 a year more than would a Conservative council.

Mr. Dobson: Will the Secretary of State confirm that, under the present grant regime, council tax payers in Westminster contribute just 4 per cent. towards the cost of their council but that, in Darlington, council tax payers contribute more than 30 per cent.—and that council tax payers in Bromsgrove, Hertsmere, North Hertfordshire, Milton Keynes and Wyre Forest pay more than 30 per cent? In Basildon—the other Tory flagship—people must contribute 42 per cent. towards the cost of their council. Does not that show that the whole system is a rigged racket that favours Westminster, and that legions of Tory Members of Parliament vote for that racket, following the party line rather than standing up for local people?

Mr. Gummer: Where were the legions of Labour Members of Parliament when Westminster did better under Labour than it does under the Conservatives? The trouble with the hon. Gentleman's argument is that he has not done his homework. He thinks that, if he says the same thing again and again, people will believe him—even though what he says is fundamentally untrue, as anyone who understands the system knows.

The fact is that Westminster did better under Labour—it received a bigger proportion of funds under Labour—and Labour Members of Parliament voted for that year in, year out. The Government apply an objective system to everyone, including Camden, even though Labour runs its councils so badly.

Mr. Yeo: Does my right hon. Friend agree that the grant per head made to Suffolk county council is extremely generous? Does he share my shock at the way in which the Labour and Liberal county councillors are now ruthlessly switching resources away from the villages and the rural areas of Suffolk in order to prop up their friends in the towns? Does not that prove that, when it comes to rigging local authority finances, the Labour and Liberal parties are the experts?

Mr. Gummer: My hon. Friend is far too kind. He fails to mention the fact that, although Suffolk county council received an extra £11.5 million to spend on education, it spent only £8.5 million and put the rest elsewhere. He does not mention either that the council cut off funding for transport for 16 to 18-year-olds, thus underlining Labour's tax on A-levels. The Labour party has taken money from parents by way of travel allowance and it would also abolish child allowance for 16 to 18-year-olds. It is opposed to those who keep their children at school. The Labour party costs more and it spends public money where it wants rather than where the people want it to be spent.

Forestry

8. **Mr. Bill Michie:** To ask the Secretary of State for the Environment what recent representations he has received regarding forestry in England. [25678]

Mr. Clappison: During the consultation on the rural White Paper, we received 54 written representations on forestry. We continue to receive representations on many aspects of forestry.

Mr. Michie: Will the Minister make representations to the Scottish Office, which has overall responsibility for our forests, to stop the back-door privatisation of Forestry Commission land by Forest Enterprise as that would restrict public access and reduce the environmental quality of our woodlands, which are a precious national asset?

Mr. Clappison: The hon. Gentleman should be aware that high-access woodlands are not included in the disposal programmes and that, in other cases, local authorities have opportunities to reach agreements on access. In view of his comments and concern, I hope that the hon. Gentleman will welcome the fact that the Government are improving access to woodlands by the creation of the national forest and the network of 12 community forests serving large parts of Britain, including the hon. Gentleman's constituency in South Yorkshire. I hope that his constituents will enjoy that access in due course.

Mr. Wilkinson: My hon. Friend will recognise that the few remaining areas of woodland and forest within Greater London and within the M25 are particularly important national assets. Will he ensure that those areas, many of which are green-belt areas and sites of special scientific interest, remain sacrosanct in respect of planning and development?

Mr. Clappison: I have every sympathy with my hon. Friend as my constituency is within the M25 and includes some of that woodland. He will be aware of the community forest that serves my constituency. It is Government policy to preserve open spaces and forests within the metropolitan green belt.

District Auditor Service

9. **Mr. Sheerman:** To ask the Secretary of State for the Environment what recent representations he has received from local authorities regarding the role of the district auditor service. [25679]

Mr. Curry: None.

Mr. Sheerman: The Minister will be aware that the district auditor service is highly regarded by many local authorities, including Labour-controlled Kirklees. If he wants to talk or shout about squalid deals and shenanigans, he should recognise that many people in local government believe that the Secretary of State brought undue pressure on the district auditor to delay the report on Westminster city council until after Thursday's local election. If on May 7 that report—the Tories, who are shouting, do not like this—names the individuals responsible for wasting £30 million of taxpayers' money on gerrymandering, will the Minister or the Secretary of State ensure that action is taken to drive those people out of public life for good?

Mr. Curry: That accusation is categorically untrue. It is a scandalous attack on the integrity of the auditor dealing with Westminster's affairs.

Mr. Barry Field: Will my hon. Friend tell that lot opposite that we do not like having district auditors' reports carried out at the behest of council tax payers and Liberal Democrat councillors refusing to publish the results? Does he agree that everyone considering voting Liberal Democrat on Thursday should know that that party should carry a financial health warning?

Mr. Curry: We can all agree that any sensible system of local government must have a system of independent audit and that sensible politicians will recognise that the auditors must be allowed to get on with their job without political intervention.

Mr. Rendel: Given the length of time that the auditor has had to report on Westminster city council, and acknowledging the great difficulties that have been created by the procrastination of former Conservative councillors—

Mr. Field: When will the right hon. Member for Yeovil (Mr. Ashdown) answer my question about the district auditor's report?

Madam Speaker: Order. The hon. Member for Isle of Wight (Mr. Field) has put his question. Let us hear someone else now.

Mr. Rendel: Given the delay in the publication of the report and its importance in respect of various people's continuance in public office, what steps is the Minister taking to ensure that major reports are produced rather more quickly in future?

Mr. Curry: The Government have no intention of intervening in the process of audit for any purpose. If local government is to be based on financial integrity, the audit service must be free of political interference and in the hands of an independent authority. I do not intend to intervene in that process. The Labour party plans to transform the Audit Commission into a super surrogate for local government. Nothing would be more dangerous. The matter is best left in the hands of the Audit Commission, which does its job very well.

River Thames (London)

10. **Sir Sydney Chapman:** To ask the Secretary of State for the Environment what plans he has to enhance the use and amenities of the River Thames in London. [25680]

Mr. Gummer: My strategic planning guidance for the Thames will have as its three major goals quality building along the Thames, more freight and leisure traffic on the river, and the conservation of its natural environment.

Sir Sydney Chapman: Notwithstanding the fact that there are no elections in London this Thursday, is my right

hon. Friend aware that the initiatives and the actions he has taken to promote greater use of, and to enhance the amenities of, the Thames have been far greater than were ever achieved under the old and little-lamented Greater London council? Does he further agree that the siting of the major millennium project at Greenwich will give a glorious opportunity for the Thames, especially in central and east London?

Mr. Gummer: My hon. Friend will accept that the planning of the Thames needs to have a strategy that reaches way beyond the old GLC area, right down to the coast. That is another example of the fact that one can deal with London's strategic problems only on a variable basis. Boroughs on both sides of the Thames are now working together inside and outside the old Greater London area in a way that they would never have done when they were borne down upon by the expensive, inefficient and failed Greater London council.

Miss Hoey: Does the Secretary of State agree that the River Thames is a wonderful asset for London and that there are many new developments, especially on the south bank in my constituency? Will he especially welcome the new millennium wheel? It will be a most wonderful monument to the millennium. Does he further agree that, if we are serious about developing the use of the River Thames, we have to make it much easier for piers to be provided along the river, and planning guidance should be changed to help to achieve that? If new developments had to provide a pier, that would do a great deal to ensure that the river could be used.

Mr. Gummer: I think that the hon. Lady will be pleased with the strategic guidance, because that is the sort of subject on which we have been working together in the all-party group that has directed the preparation of that guidance. I am also pleased to agree with her about the enormous advantages of the proposals that have been made for sites all along the Thames. It would be wrong of me to make an especial comment about the great Ferris wheel, but I am sure that the hon. Lady will agree that we need to show that we have the confidence in these years to make big changes and to stand up for this generation to show that we have something to offer to the next.

New Housing

11. **Mr. Simon Coombs:** To ask the Secretary of State for the Environment how many new houses have been constructed in the past two years; and if he will make a statement. [25683]

Mr. Curry: There were 370,100 completions in Great Britain in 1994 and 1995.

Mr. Coombs: Is my hon. Friend aware that the level of house building in Swindon rose from 664 houses in 1994-95 to 1,163 houses in 1995-96? Is not that near doubling in the number of houses under construction in those two years clear evidence of a very strong recovery of the economy?

Mr. Curry: My hon. Friend is right. The basis for that recovery is the containment of public expenditure and ensuring that interest rates remain low. Both those would be threatened by a policy of spend and high taxation such as the Labour party refuses to deny. The Labour party will not give us any details on what it will spend and what it will tax.

Mr. Sutcliffe: Despite those figures, is it not the case that real housing need—that of the homeless—is not being met? Is it not the Government's policy to prevent local authorities from building the necessary houses for social rent and affordable housing? When will the Government do something about providing homes for the homeless?

Mr. Curry: As a matter of interest, I spent part of this morning at a conference run by the English Churches housing association, dealing with the problems of street homelessness in London. At that conference, there was a very warm welcome for the imaginative and forward-looking programmes to deal with people in the worst possible circumstances—the street homeless. The hon. Gentleman will know that we plan to extend those programmes to cities outside London, where a clear need can be determined and where the voluntary sector and the public and statutory authorities can work together. That is a remarkable attack on the problems of the people in the worst possible circumstances in the United Kingdom, and it works.

Water Bills

12. **Mr. Clifton-Brown:** To ask the Secretary of State for the Environment what recent representations he has received regarding the use of a pre-payment card system for the payment of water bills. [25684]

Mr. Robert B. Jones: My Department has recently received representations on the use of budget payment units, which use a pre-payment card system, from the hon. Members for Lewisham, Deptford (Ms Ruddock), for Stretford (Mr. Lloyd) and for Birmingham, Northfield (Mr. Burden) and from one charitable organisation. I am confident that the units have helped to reduce problems of water debt, as have the trusts that a number of water companies have set up to help customers who cannot pay.

Mr. Clifton-Brown: Is my hon. Friend aware that budget payment units are extremely popular with the 16,000 customers who voluntarily opted to have them installed? Is not it ironic that certain local authorities, mainly Labour, have sought to challenge the legality of the provision by water companies of budget payment units?

Mr. Jones: I agree that it is extraordinary. Not only have the units been helpful but MORI surveys have shown that 90 per cent. of customers are satisfied.

Mrs. Helen Jackson: Will the Minister make a distinction between budget pre-payment units that make payment easy and timing devices that shut off the water supply when the money runs out, thus leaving the household without a supply? Is the hon. Gentleman aware that representations have been made against the latter devices by the National Consumer Council, local authorities, the National Federation of Housing Associations and environmental health officers because

those devices pose a risk to public health? Will the Minister at least ensure that the number of people whose water supplies are cut off by such devices is published alongside disconnection figures, which are generally published?

Mr. Jones: The hon. Lady ought to acknowledge that both methods are popular and voluntary. I am sorry that there is a split in the Labour party on the subject. Clive Wilkinson, the former Labour leader of Birmingham city council, said:

"The overwhelming view of customers in my area who have had them installed is that these units are a good thing. I have not received a single complaint about the units from customers. I do not want to see customers being denied the choice if they want to opt for one of these units."

Chemical Waste Recycling (Worcester)

13. **Mr. Luff:** To ask the Secretary of State for the Environment what representations he has received about the proposal from NORCHEM to establish a chemical waste recycling facility at Warndon, Worcester. [25685]

Mr. Clappison: My Department has received 125 representations on that subject.

Mr. Luff: Does my hon. Friend agree that that number of representations shows the depth of anger in my constituency at an unwelcome and totally inappropriate proposal, which has already led to the deselection of the local Labour county councillor who argued for NORCHEM and against the interests of my constituents? Will my hon. Friend do all in his power to ensure that the Environment Agency refuses a licence, and re-examine the city and county council planning procedures that led to this unfortunate situation?

Mr. Clappison: My hon. Friend is correct when he says that there is clearly huge interest in this serious subject among the people of Worcester. My hon. Friend will be aware of the restrictions on me and on the Department in respect of planning cases and the actions of local authorities. I assure my hon. Friend that I will take a particular interest in the matter.

My hon. Friend is right to draw attention to the Environment Agency's powers over waste management, and over licensing in particular. The system is highly acclaimed and those powers will be available in this case, if necessary.

Water Industry

14. **Mr. Dalyell:** To ask the Secretary of State for the Environment if he will make a statement on the regulation of the water industry. [25686]

Mr. Gummer: The regulatory system for the water industry in England and Wales ensures that the companies can finance their investment programmes while protecting the interests of customers and the environment.

Mr. Dalyell: If Britain has a dryish May, June and July, who will pay for the emergency measures in August and September? Will it be the water companies, consumers or Government?

Mr. Gummer: Happily, the likelihood is that, even if this year is as difficult as last year, no one in England will be subject to rota cuts or standpipes. If that is so, the privatised water companies will have achieved something that was never achieved by the nationalised companies at any time in the history of similar water situations. It is for the water companies to make provision.

Mrs. Peacock: Is my right hon. Friend aware of the problem being encountered by Batley city challenge, in being prevented by Yorkshire Water from using water for stone-cleaning activities? What advice can my right hon. Friend give that city challenge?

Mr. Gummer: I am pleased to say that the Under-Secretary, my hon. Friend the Member for Hertsmere (Mr. Clappison), has agreed to look into that problem. My hon. Friend the Member for Batley and Spen (Mrs. Peacock) will know that Yorkshire Water has made major changes and considerable investment, to ensure that the water problems of last year are overcome.

Mr. Dalyell: On a point of order, Madam Speaker. In view of the unsatisfactory nature of the reply, I hope to raise the matter on the Adjournment.

Standard Spending Assessments

15. **Mr. Barry Jones:** To ask the Secretary of State for the Environment what assessment he has made of recent representations he has received on standard spending assessments. [25687]

Mr. Curry: We consider all representations received on SSAs. Proposals for change are examined with the local authority associations in the standard spending assessment sub-group of the settlement working group.

Mr. Jones: Why did the Government show favouritism to Westminster council?

Mr. Curry: The hon. Gentleman clearly does not understand the system of local government finance. We direct the funds where the needs are greatest, which is why in London the single biggest recipient of Government support is Tower Hamlets, followed by councils such as Southwark, Lambeth and Islington. If we did not do that, that would indeed be wrong. The idea that there should be a pro rata rate across the country is both fundamentally wrong and extremely silly.

PRIME MINISTER

Engagements

Q1. **Mr. Hinchliffe:** To ask the Prime Minister if he will list his official engagements for Tuesday 30 April. [25701]

The Prime Minister (Mr. John Major): This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

Mr. Hinchliffe: Has the Prime Minister had drawn to his attention the article that appeared in the *British Medical Journal* last week, which stated that the

Committee on Safety of Medicines recommended the prohibition, for pharmaceutical purposes, of all beef products from potentially bovine spongiform encephalopathy-infected herds as far back as 1989? In view of that information, will he tell me why the Department of Health did not make similar recommendations about beef consumption at that time?

The Prime Minister: I hope that the hon. Gentleman will weigh very carefully what he has to say in these matters. That is most emphatically not what his hon. Friend the Member for Peckham (Ms Harman) did some time ago. We take and make public the advice that is appropriate in terms of safety in this country. That is our responsibility and that is what we do.

Q2. **Mr. Michael Brown:** To ask the Prime Minister if he will list his official engagements for Tuesday 30 April. [25702]

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Brown: The right hon. Member for Kingston upon Hull, East (Mr. Prescott) and his cohorts on the Opposition Benches fall over themselves to try to get the votes of the gin and Jag brigade—the middle classes—but is the Prime Minister aware that it is the Conservative party that speaks for those in my constituency, in Cleethorpes and Immingham, who are still proud to call themselves working class? Is it not a fact that those people look to the Conservative party and the Conservative Government to ensure that they have the chance to buy their council house, to escape from trade union rule, from the closed shop, and to ensure that child benefit is protected for their children, who want better and further education? *[Interruption.]*

The Prime Minister: The latest recruit to the middle classes, the right hon. Member for Kingston upon Hull, East (Mr. Prescott), is heckling from a sedentary position. I hope that his arrival among the middle classes did not cause them too much distress. The policies that he advocates certainly would: higher taxes on people—*[Interruption.]* The right hon. Member for Kingston upon Hull, East says it on his aircraft. The shadow Transport Minister says it publicly and then does not subsequently deny it. There would be an extra tax, of course, on parents who have children at school between 16 and 18—a special tartan tax if someone happens to be a Scot. Those people can have that sort of tax as well. If someone happens to be a Londoner, they can have a top-up tax. Tax after tax. The Opposition know that that is their position. We are cutting taxes now. The Opposition plan to increase them.

Mr. Blair: I think that what most people remember is the 22 tax rises since 1992, and VAT going on—from the Prime Minister who said that it would not.

Is it correct, as has been reported today, that recorded crime in January and February of this year was substantially above recorded crime for the same period last year?

The Prime Minister: The minute that was leaked, which has caused some correspondence between the hon. Member for Blackburn (Mr. Straw) and my right hon. and learned Friend the Home Secretary, is not accurate. When the figures are available to us, we will publish them in the normal way, but I understand that the leak that appeared this morning was not accurate.

Mr. Blair: I hope that the Prime Minister will publish the full figures. *[Interruption.]*

Madam Speaker: Order. The House must come to order—all of it. That includes the Front Bench below the Gangway.

Mr. Blair: The same memorandum says that recorded crime has now risen for six consecutive months. Is that correct? Is it also correct that the trend in crime is upwards, as the memorandum additionally says? If those two points are correct, will the Prime Minister accept that, since the Conservatives came to power, crime has actually more than doubled?

The Prime Minister: As I said a moment ago, we will publish the detailed figures at the usual time in the usual way; but, as it happens, parts of the figures in the memorandum that was leaked were wrong. Although monthly figures are always volatile, there is no doubt that crime fell in the last two months of 1995, so it cannot have just risen for the past six months, as the right hon. Gentleman said it did.

If the right hon. Gentleman is concerned about reducing crime, perhaps he can explain to us why he and his party vote against every measure that we introduce to be tough on crime. Why do they always make excuses for the criminal, and ignore the pleas of the victims?

Mr. Blair: This party was advancing constructive proposals for law and order while the right hon. Gentleman's Ministers were still boasting about the numbers coming out of prison.

If the Prime Minister says that parts of the memorandum are wrong, perhaps he will now tell us which parts are right. Perhaps, instead of talking nonsense about Labour policy, he will admit the truth about his own—that people are less safe in their own homes, less secure in their jobs and less confident of their future, and that it is precisely because of that weakness, failure and incompetence that people will be so justified in punishing his party on Thursday.

The Prime Minister: That comment was a long time coming, and it was not really worth waiting for. We will publish the figures in the usual fashion at the usual time.

As for being constructive on proposals, I am surprised that the leader of the Labour party thinks that he is constructive on crime. We reformed the right of silence; he opposed it. Was that constructive? We gave the Attorney-General the right to appeal against soft sentences; the right hon. Gentleman opposed it. Was that constructive? We increased the penalty for cruelty to children; Labour opposed it. Was that constructive?

On issue after issue after issue, the Labour party shows that it is soft on crime. It is not prepared to take the measures that will attack the criminal and protect the

citizen, and, however the right hon. Gentleman tries to make partisan points, that is what the public know about his policy.

Q3. **Sir Graham Bright:** To ask the Prime Minister if he will list his official engagements for Tuesday 30 April. [25703]

The Prime Minister: I refer my hon. Friend to the answer I gave some moments ago.

Sir Graham Bright: Can my right hon. Friend confirm that child benefit for children who stay at school for a further two years to study for A-levels is worth in excess of £1,000? Can he also confirm that child benefit has its origins in tax rebate? If that were abolished, as Labour proposes, it would be equivalent to putting 5p on the basic rate of tax for the average parent. *[Interruption.]*

The Prime Minister: I note that Labour Members laugh at the thought of 5p on tax for people on average incomes. So much for their claim that they would not increase taxes. Child benefit was a tax allowance benefit; it was made into a cash payment for mothers to ensure that it was used on behalf of their children. Now Labour proposes to provide a disincentive to stop children from staying on at school.

Mr. Faulds: Don't be so childish. You are Prime Minister, for God's sake.

Madam Speaker: Order. The hon. Gentleman must keep his cool.

The Prime Minister: If the hon. Member for Warley, East (Mr. Faulds) studied his party's policy on this issue, he would be right to be angry at the way in which it proposes to treat people up and down the country.

Mr. Ashdown: The Prime Minister is, I believe, an honourable man. *[Interruption.]* Yes, he is. Will he therefore confirm that he understands that, if once again Conservative Members of Parliament try to change the Prime Minister, while denying the country the chance to change the Government, it will be totally unacceptable to all the British people? Will he therefore confirm that if, after Thursday, they try to get rid of him, he will ensure that we have a chance to get rid of the Government?

The Prime Minister: I fear that the right hon. Gentleman is dealing in fantasy again.

Q4. **Mr. John Marshall:** To ask the Prime Minister if he will list his official engagements for Tuesday 30 April. [25704]

The Prime Minister: I refer my hon. Friend to the reply I gave some moments ago.

Mr. Marshall: Will my right hon. Friend welcome the article in today's *Evening Standard* about tube and bus fares in London? Is that not good news for Londoners, who can look forward to the extension of the Jubilee line, improvements to the Northern line, Thameslink 2000, the Heathrow to Paddington link, improvements to the docklands light railway and the Croydon tramway link? Does that not show that we act, and the Greater London council just talked?

The Prime Minister: My hon. Friend, who has been lobbying on many of those matters for many years, has clearly studied the transport document with great care. He is of course right. It is good news for passengers in London, and so of course is the policy of capping fares. We expect London transport fares to rise at a significantly lower level than in the past as part of a strategy of making public transport more attractive.

Q5. **Mr. Mike O'Brien:** To ask the Prime Minister if he will list his official engagements for Tuesday 30 April. [25705]

The Prime Minister: I refer the hon. Gentleman to the reply I gave some moments ago.

Mr. O'Brien: With reference to the previous question, which the Prime Minister did not really answer, will he say whether he has ever discussed an understanding whereby, if the Conservatives do not do well in the local government elections this week, he will make way for the Deputy Prime Minister? We need a reassurance on that, as the Prime Minister must understand. Will he take it from me that he has the support of much of the House to remain leader of the Conservative party up to a general election? He has the support of at least half the Conservative Members, and of every Labour Member.

The Prime Minister: I suspect that the hon. Gentleman is in mischief-making mode—*[Interruption.]* Clearly, he was not; clearly, he was just being silly.

Mr. Pawsey: My right hon. Friend had a very successful breakfast meeting with business men in Warwickshire on Friday. Will he therefore repeat, for the benefit of the House, the points that he made about the social chapter and the damage that it would do to employment and prosperity in the United Kingdom?

The Prime Minister: I noticed over the past few days that countries abroad, particularly Germany, are now beginning to take action to bring down some of the high social costs that have created fiscal difficulties and unemployment in their countries. In this country, we are not prepared to have a social chapter, which is damaging as it stands but would be infinitely more damaging if we signed it, the rest of Europe brought their social expenditures into the social chapter, had them approved by qualified majority vote as they could, and then imposed them on British employers at the cost of British jobs. We are bringing unemployment down. I intend to see it come down further. I do not intend to take this country into the social chapter, to stop the fall in unemployment and to see it begin to rise again. That is no bargain for the British work force.

Q6. **Mr. Foulkes:** To ask the Prime Minister if he will list his official engagements for Tuesday 30 April. [25706]

The Prime Minister: I refer the hon. Gentleman to the reply I gave some moments ago.

Mr. Foulkes: Does the Prime Minister realise that not only is his deputy after his job but the Home Secretary and the Health Secretary are as well? We therefore need a categoric assurance that, however many seats the Conservatives lose on Thursday, the Prime Minister will lead his party into the next general election. As my hon. Friend the Member for North Warwickshire (Mr. O'Brien) said, the Prime Minister has the support of almost half his party, and the support of all the Labour party.

The Prime Minister: I think that the hon. Gentleman heard what I had to say just a moment or so ago, and I have no intention of accommodating his silly questions.

Mr. Peter Bottomley: Given the interest in what happens after the next general election, did my right hon. Friend see the poll in *The Times* at the end of last week, which showed that the majority of people expected that, if there were to be a Labour Government, unemployment would go up, interest rates would go up, inflation would go up and there would be more control for the unions? Is that not the real reason why the Labour party wants to delay an election for as long as possible?

The Prime Minister: Of course people would expect that of a Labour Government. People know from experience that that is what has happened with every Labour Government we have ever had at any stage in the past, and that that would occur again—unemployment up, interest rates up and tax rates up. There is absolutely no doubt that that is what happened in the past, and that is what would happen in the future.

Q7. **Mr. Gordon Prentice:** To ask the Prime Minister if he will list his official engagements for Tuesday 30 April. [25707]

The Prime Minister: I refer the hon. Member to the reply I gave some moments ago.

Mr. Prentice: Does the Prime Minister appreciate that this is the last day of work for Mr. Cedric Brown, who retires with a pension of £250,000 and a continuing consultancy with British Gas of £144,000? Does the Prime Minister care to comment on today's press release from the North West gas consumers council, which states that complaints in the north-west region increased by 97 per cent. last year? Does he believe that Mr. Cedric Brown warrants that largesse?

The Prime Minister: I believe that when people get an unsatisfactory service they are right to complain. They are right to complain to British Gas, and, now that British Gas is in the private sector and faces competition, people can expect that their complaints will be taken seriously, which they certainly were not when British Gas was in the public sector—when prices were rising dramatically and when the service was falling. Under plans for competition—for which I see no support from the Labour party—people who are not satisfied with British Gas will have the opportunity of going elsewhere. That is what competition means.

DELEGATED LEGISLATION

Madam Speaker: With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 101(4) (Standing Committees on Delegated Legislation),

FAMILY LAW AND SOCIAL SECURITY

That the Social Security (Adjudication) and Child Support Amendment Regulations 1996 (S.I., 1996, No. 182) be referred to a Standing Committee on Delegated Legislation.

SOCIAL SECURITY

That the Social Security (Industrial Injuries and Diseases) (Miscellaneous Amendments) Regulations 1996 (S.I., 1996, No. 425) be referred to a Standing Committee on Delegated Legislation.

FAMILY LAW

That the Child Support Departure Direction (Anticipatory Application) Regulations 1996 (S.I., 1996, No. 635) be referred to a Standing Committee on Delegated Legislation.

SOCIAL SECURITY

That the Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1996 (S.I., 1996, No. 462) be referred to a Standing Committee on Delegated Legislation.—*[Mr. Brandreth.]*

Question agreed to.

Points of Order

3.32 pm

Mr. Tim Devlin (Stockton, South): On a point of order, Madam Speaker. May I draw your attention to this House of Commons envelope, which has just been sent out in County Durham, enclosing a Westminster report from the hon. Member for City of Durham (Mr. Steinberg) with club news for the City of Durham Labour club? It seems to be a flagrant misuse of the paid post, which has been drawn to my attention by the Conservative prospective parliamentary candidate in Durham. I wonder whether you would look into the matter.

Madam Speaker: We have procedures in the House that I am sure the hon. Gentleman knows. I should be very much obliged if he would supply that material to the Serjeant at Arms, who will carry out an investigation. If it is necessary, a charge for the cost of the—*[Interruption.]* Order. I am talking. If it is necessary, a charge for the cost of the stationery and the postage will be levied against the hon. Member concerned.

I caution hon. Members from both sides of the House that House of Commons stationery and postage must not be used in this way. In any instance in which it is, the Serjeant at Arms must be informed right away, and he will keep me informed of his investigations. Would the hon. Member please let the Serjeant have all the information without delay?

Mr. Gerry Steinberg (City of Durham): Further to that point of order, Madam Speaker. I was certainly unaware of the situation. As every hon. Member knows, these things get sent out from one's office without our giving instructions to do so. I apologise to the House that this has happened. I will certainly make investigations and make sure that any money that is owed to the House is paid directly back. It was a mistake by my office. I am sure that many hon. Members leave it to their staff to do these things, and I shall certainly reimburse the House if there are any problems.

Madam Speaker: I appreciate what the hon. Gentleman has just said, but I should be grateful if all hon. Members would make it clear to their staff, particularly in their constituencies, which is where the problem occurs, that House of Commons stationery must not be used in this way.

Mr. Gerry Sutcliffe (Bradford, South): On a point of order, Madam Speaker. I am grateful to catch your eye on such a noisy afternoon.

My point of order relates to Her Majesty's Stationery Office. I wonder whether you have had the opportunity this morning to read *The Guardian* article about HMSO. You will remember that, some weeks ago, we discussed the privatisation of HMSO, when hon. Members of all parties expressed a great deal of concern about its future. This morning's news shows that there has been a £3 million wipe-off of the debt owed to HMSO by the Republic of Uzbekistan. Has any Minister made an approach to you about making a statement? That news was available at the time of the debate, but we were not given the information.

Madam Speaker: No Minister has made an approach to me about making a statement in the House, but I

[Madam Speaker]

understand that a written question is on the Order Paper. I believe that the answer is available. Perhaps I could refer the hon. Gentleman to it.

Mr. Derek Foster (Bishop Auckland): Further to that point of order, Madam Speaker. I am a little surprised to hear you say that no Minister wants to come and make a statement on that matter. I understand that the Chancellor of the Duchy of Lancaster invited selected journalists into his office yesterday, and gave them full information. I understand that, subsequently, a written answer gave much less information than was given to the press.

There has been a £40 million loss in respect of HMSO for the first time in its history, £26 million of which was due to redundancies in preparation for privatisation. The House deserves a full statement on that matter, and on the matter raised by my hon. Friend.

Mr. Peter Bottomley (Eltham): Further to that point of order, Madam Speaker.

Madam Speaker: I do not usually take further points of order, because they can become a debate, but, exceptionally, I will hear the hon. Gentleman.

Mr. Bottomley: As the House has received a written answer and the HMSO accounts are in front of the House, what we have seen is a Member on the Opposition Front Bench asking a question as a point of order. If that habit is allowed to start, there are many written answers, and many of us could do the same thing.

Madam Speaker: If the hon. Gentleman will leave the matter to me, I was ready to reply.

The answer will be seen in *Hansard* of Monday 29 April at column 331. As for the last point of order, perhaps the hon. Gentleman may wish to raise that matter with the Leader of the House and seek a debate or a statement. As he knows, it is not within my authority.

Part-Time Employees (Equal Rights to Sick Pay and Leave)

3.37 pm

Ms Angela Eagle (Wallasey): I beg to move,

That leave be given to bring in a Bill to provide that employers give the same entitlements to sick pay and leave to their part-time staff as they do to their full-time staff.

This is the second of three ten-minute Bills—each, I am pleased to say, with cross-party support—which argue for the principle of equal and fair treatment for part-time workers. Only with a level playing field of rights and entitlements between full-time and part-time work can we look forward to the economy finding the most efficient distribution between the two.

Ultimately, no economic good will come if part-time work is just a cheaper alternative. A deregulated labour market such as ours will tend to produce too much of it, at the expense of full-time work. Lower pay will remove spending power in local economies. Lack of national insurance benefit entitlements will lead to poverty in childbirth, sickness and retirement, and exploitation will lead to lower productivity and fewer skills in our work force. Ultimately, that will undermine our competitiveness, not enhance it.

There are plenty of signs that that is already happening. The Trades Union Congress has been collecting case studies of the exploitation of part-time workers going on in Britain. Diane, a coach driver from Cornwall, is classed as part-time by her employer because he does not guarantee her any hours. She works anything from 96 hours a week in summer to 10 hours a week in winter. She says:

"I get laid off for a fortnight over Christmas with no money and I don't get paid holidays or sick pay—I earn £3 an hour".

Karen is employed by a video sales and rental business in Staffordshire. Part-timers aged over 25 are paid £2.75 an hour, and, if aged under 25, just £1.75 an hour. They work nine hours on Sundays and bank holidays for no extra money. Holidays and time off for sickness are unpaid.

Mr. D is employed as a part-timer by a privatised utility. He says:

"from day one, I have been working between 35 and 40 hours a week. Yet I'm not entitled to any of the usual benefits. Three weeks ago, me and all the other 'part timers' were told our services were no longer required. If companies can treat people like this, I hold out little hope for the future of our country."

Those case studies are not unique. They are not even unusual. They are typical of the sort of exploitation and discrimination that part-time workers face the length and breadth of the country.

All too often, part-time workers are treated as second-class by their employers. That attitude has been condoned and encouraged by the deregulation mania on the Conservative Benches. We must remember that, behind every tale of exploitation, there is a human being with feelings and with a life to plan and to organise.

Part-time work is an increasing feature in Britain, rising from 12 per cent. of the work force in the 1950s to 25 per cent. in the 1990s, and it is expected to reach more than 30 per cent. by the turn of the century. Six million of our fellow citizens work part-time. Most part-timers are women. Many choose to work shorter hours because it best enables them to juggle their caring responsibilities with their need or desire to earn their own living.

Many such women, however, have found themselves full-time breadwinners as part-time service jobs have replaced full-time manufacturing jobs. As I have shown, many people classified by their employers as "part-time" are working full-time hours, but failing to qualify for full-time rights.

Part-time work is not a hobby. It is not done for pin money, although it often pays peanuts. It makes a vital contribution to the household budget. People who work part-time deserve dignity, rights and access to such things as holiday and sick pay. It is about time hon. Members took part-time workers' needs seriously. Most are happy to work part-time, but they are unhappy that they are treated differently from their full-time colleagues. They want equal and fair treatment. The Bill would help them to achieve it.

Until recently, part-time workers were actively discriminated against by official Government policy. The deregulators in the Government have made a virtue out of discrimination. They have systematically stripped away protections from all people at work, but especially from part-timers. They used to have to wait five years before they qualified for any employment rights at all, but, thanks to a House of Lords judgment, their treatment has been equalised with that of full-timers.

Now is the time to extend that principle to other areas, because discrimination is still rife. The pay gap between full-time and part-time workers is large and widening. More than 500,000 part-timers earn less than £2.50 about hour. Low pay means that 2 million part-timers do not earn even the £57 a week needed to pay national insurance contributions. With no record of such payment, they are ineligible for any contributory benefits, so, if they fall ill, they have no access to statutory sick pay.

As the deregulators in the Government have declined to require employers who provide occupational sick pay schemes to ensure that they cover all their employees, those benefits do not plug the sick pay gap, either. One in every three part-timers is completely excluded from sick pay benefits by his or her employer.

Paid holiday entitlement is an equally important issue. Most full-time workers have it, but it is often denied to part-timers. Britain is unique in the European Union in having no statutory right to paid holidays at all, yet most full-time workers have managed to preserve their entitlements, despite deregulation mania, and 84 per cent. of them get at least 20 days a year. Yet 1.7 million part-timers get no paid holiday at all, despite the fact that, as the House has heard, some of them work long hours.

All that would change if Britain were to adopt the working time directive due to come into force in November. Far from welcoming that modest civilising measure, the Government have pulled out all the stops to defeat it. First they tried to veto the directive. They failed. Now they are spending lots of taxpayers' money at the European Court arguing for the constitutional principle that national Governments should be allowed to condone whatever exploitation of their citizens they see fit, without interference from nasty foreigners. The European Court, by the way, is the institution that 77 Conservative Members last week voted to have nothing to do with.

It is not an edifying spectacle to see the party of Macleod and Macmillan, and even of Disraeli, reduced to that slavish devotion to a cruel and out-of-date economic dogma. Of course the ideological gurus of Thatcherism will oppose my Bill. The deregulators who have taken their Adam Smith a bit too literally will be lining up to denounce it.

Those people have a dream for Britain: they see us as the sweatshop of Europe, and in their delusion, they fondly imagine that we can compete and earn our way in the world by having labour costs lower than those in places such as Albania—and presumably, lower even then those in the Chinese gulag. They have a simple mantra, and we shall probably hear it chanted at us again today. They say that lower wages and worse conditions mean more jobs, while higher wages and better conditions destroy jobs—unless, of course, one happens to be Cedric Brown.

Logically, that means that no wages and no conditions would create an infinite number of jobs. Why do those people not take their policy to its logical conclusion, and reinstate slavery to solve the unemployment problem? Even Adam Smith did not think that things were that simple—but why let reality intrude on a good piece of economic dogma, even if it did cause widespread starvation and misery when it was first tried during the industrial revolution?

The classical economic dogmas that were used to oppress starving weavers and to justify the workhouse are now being applied, albeit more subtly, to the 6 million of our fellow citizens who work part-time. The ever present prospect of arbitrary treatment at work with no redress is one of the major causes of the fear and insecurity now stalking the land. It explains the non-appearance of the feel-good factor, it is unfair and inefficient, and ultimately it will destroy our competitiveness.

We can compete in a global market only on the basis of education, skill, and the real flexibility that comes from having a stake at work and in society. Rights and entitlements for all workers are a part of that, and it is time for the House to recognise the contribution of part-time workers, by granting them full-time rights.

3.47 pm

Mr. Alan Duncan (Rutland and Melton): I am grateful for the opportunity to oppose the Bill, because I maintain strongly that it is really an Unemployment (Increase) Bill. In many ways, the debate is timely, because last week the German Government announced a package of public spending cuts totalling £22 billion, and admitted that economic growth in Germany would be worse than previously expected.

One of the main objectives cited by the federal Government was a cut in non-wage labour costs. As the *Financial Times* reported last Friday, the German Government hope to make a big dent in their 4 million army of the unemployed by exempting many small companies from employment rules and from compulsory sick pay.

The Bill would simply add to Britain's non-wage labour costs, at a time when our competitors are fast realising that their costs are too high, and that we are at a competitive advantage because ours are lower. One look at youth unemployment proves that. In Spain, it stands at 38.2 per cent., and in France at 27.7 per cent., but in the United Kingdom it is below 14 per cent. As the hon. Lady pointed out somewhat ironically, we have one of the highest participation rates in the labour market, and the Bill would destroy that.

Like so much of what purports to be Labour party policy, the Bill is born of the mistaken notion that passing legislation can improve life just like that, without any

[Mr. Alan Duncan]

adverse effects. It is born of a lack of experience of how the world works. It shows no understanding of the world of work or of the world of business decision making.

It is like saying that, if I were to introduce a ten-minute Bill to make everyone a millionaire, I could in one fell swoop abolish poverty and make everyone rich. It looks at only one side of the equation, and conveniently ignores the basic truth, that anyone who wants to employ someone has to count the cost of doing so. That cost involves not only the weekly pay cheque but all the other costs, risks and obligations that legislation and commercial reality add to the basic pay packet.

It is often small companies that employ people part-time. What is paid by the employer and what is achieved by the employee are often matched penny for penny, with little room for movement. Anything that might put financial obligations on the employer that went beyond the wealth-creating, productive effort of the employee could destroy the business, and would certainly destroy the job opportunity.

At the very least, the imposition of higher non-wage labour costs would put downward pressure on the level of wages paid in hard cash by the employer to the employee in the first place. Many employers and small businesses count their pennies closely. The last thing they want as they get off the ground and struggle to grow is legal obligations such as this, that may hit them in a way they cannot predict or afford.

It was astonishing that the hon. Lady went on about slave labour, while showing no understanding of what creates job opportunities and underpins their survival. But perhaps we should not be so surprised. The Labour party's entire economic programme, such as it is, is a well-crafted platform of deceit. It talks about creating jobs, while intending to do everything in practice to destroy them. It talks about low pay, yet it would tax jobs with further burdens such as this Bill, which would lead to lower pay or joblessness. It talks of the rich getting richer and the poor getting poorer, while wanting to introduce measures such as this, which would end up making the poor poorer still. It talks about financing mass unemployment, yet this Bill would create more unemployment and require even greater Government finance to pay for it.

The Bill is designed—and cunningly designed—to make people feel that they would be better off under Labour, when the cruel truth is that they would be thrown out of work by a party that remains anti-business and largely ignorant of it.

Where do Labour Members acquire their experience of business? From the trade unions? From their council work? From their work in the media or as lecturers? It rarely comes from the real work of wealth creation. *[Interruption.]* Let us consider, in the face of this barracking from Opposition Members, Labour's Front-Bench Department of Trade and Industry team. It comprises Members who at one time or another have been a policy researcher, a poverty lobbyist, a journalist, a welfare rights officer, a lecturer, a radio presenter, a National Association of Local Government Officers official, and a local authority adviser.

That those hon. Members have had no experience of government is at least explicable, but that they have had no experience of anything very much at all leaves them insultingly ill-equipped to understand the interests and mechanisms of Britain's wealth-creating sector. Take their leader, their shadow Chancellor and their absent spokesman on trade and industry; take the hon. Member for Wallasey (Ms Eagle); take almost all of them—the only thing they have ever run in their lives is a bath.

The extension of full employment rights to all part-time, temporary and casual workers—a commitment included in the Labour document, "A New Economic Future for Britain"—would cost British firms an estimated £1.5 billion. That is a punitively high tax on jobs. It is a massive bill with which to saddle some of the most vulnerable, smallest and newest businesses. That is a foretaste of what would happen if there were ever to be a Labour Government.

I must say one thing to the hon. Lady and those on the Opposition Front Bench. If she and others want to make a spending commitment, let them do so honestly and openly, instead of disguising it in a Bill of this sort. It is part of the Labour party's sly attempt to raise expectations of what various groups would enjoy under Labour. It is a ploy born partly of wilful deceit and partly of staggering naivety on how the real world of business works. Those hopes would be raised only to be cruelly and cynically dashed.

Who on earth would employ a student part-time? Who would bother to take on youngsters whose opportunity in life might already have been blighted by a Labour Government's £1,000 tax on their study for A-levels? Let us be absolutely clear about the effects of the hon. Lady's legislation. On behalf of all those whose jobs she would destroy, having first manoeuvred to buy their votes, let me make it absolutely clear that we will hound her and remind her until kingdom come that her Bill, if it ever becomes law, and the policy of the Labour party, are a comprehensive job destruction package, which would achieve the very opposite of what I hope she genuinely wants.

I urge the hon. Lady to forget the Bill, and to drop it. It is no more than a misguided act of wishful thinking that would destroy the job prospects of thousands, who deserve a far better opportunity in life than that on offer from the hon. Lady today.

Question put, pursuant to Standing Order No. 19 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and agreed to.

Bill ordered to be brought in by Ms Angela Eagle, Ms Jean Corston, Mrs. Alice Mahon, Ms Roseanna Cunningham, Mr. Elfyn Llwyd, Miss Emma Nicholson and Mr. Hugh Dykes.

Part-Time Employees (Equal Rights to Sick Pay and Leave)

Ms Angela Eagle accordingly presented a Bill to provide that employers give the same entitlements to sick pay and leave to their part-time staff as they do to their full-time staff: And the same was read the First time; and ordered to be read a Second time upon Friday 12 July and to be printed. [Bill 116.]

Orders of the Day

Housing Bill

As amended (in the Standing Committee), further considered.

New clause 10

COLLECTIVE ENFRANCHISEMENT: REMOVAL OF NEED FOR PROFESSIONAL VALUATION OF INTERESTS TO BE ACQUIRED

'In section 13 of the Leasehold Reform, Housing and Urban Development Act 1993 (notice by qualifying tenants of claim to exercise right to collective enfranchisement) subsection (6) (tenants to obtain professional valuation of interests proposed to be acquired before giving notice) shall cease to have effect.'.—*[Mr. Clappison.]*

Brought up, and read the First time.

3.58 pm

The Parliamentary Under-Secretary of State for the Environment (Mr. James Clappison): I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss Government amendments Nos. 21 to 25.

Mr. Clappison: These amendments arise from considerations in Committee, when the Government undertook to give further consideration to the position in respect of the current statutory requirement that leaseholders in blocks of flats who want to exercise their right to collective enfranchisement must first obtain a professional valuation of the interest that they want to acquire.

The original purpose of the provision was as a safeguard for leaseholders. The process for collective enfranchisement can often be complicated, and that is especially so when a large number of leaseholders are involved. Normally, they will be required to enter together into some form of participation agreement, in order for negotiations with the freeholder to proceed. From the outset, it seems sensible that they should be informed of their likely financial commitments arising out of potential enfranchisement.

However, the Government have considered carefully the arguments that were put forward during deliberations in Committee, and we have accepted that they carry some weight. In most cases, it would still seem prudent for leaseholders to take professional advice at an early stage. However, we accept that not every case will be as complicated as others and that there should be more flexibility in the avenues open to leaseholders. For example, they may be able to take advantage of advice offered by the Leasehold Enfranchisement Advisory Service. In addition, several leasehold valuation tribunal decisions are now available and a number of groups representing leaseholders have gained substantial experience and can often help in that area.

I accept that a statutory requirement to seek an initial valuation does not apply to the enfranchisement of houses and to lease extensions. Although collective enfranchisement for blocks of flats can be more complicated, there is an anomaly in that respect. I also understand that the removal of that requirement is supported by a number of leaseholder groups, which believe that it involves them in unnecessary expense. Therefore, the Government accept that there is a danger that the provision is over-prescriptive.

New clause 10, together with the related consequential amendments, will remove that requirement from the collective enfranchisement procedures set out in the Leasehold Reform, Housing and Urban Development Act 1993.

Mr. Nick Raynsford (Greenwich): As the Minister has made clear, new clause 10 removes the requirement of a leaseholder to obtain a valuation before he can proceed with an enfranchisement claim. This new clause is in response to a new clause that the Labour party moved in Committee, which had a similar effect. In Committee, the Minister said that he was unconvinced by the need for it, but he agreed to reflect on the issue.

We are delighted that the Government, on mature reflection, have concluded that our proposals were appropriate and that they have now come forward with this reform. We welcome it, like many other leasehold reform measures that we moved in Committee. We know that they are worth while, that they will assist leaseholders and that they will help to make a reality of leasehold enfranchisement. We shall be delighted to see this new clause added to the Bill.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New clause 11

PROVISION OF GENERAL LEGAL ADVICE ABOUT RESIDENTIAL TENANCIES

'.—(1) The Secretary of State may give financial assistance to any person in relation to the provision by that person of general advice about—

(a) any aspect of the law of landlord and tenant, so far as relating to residential tenancies, or

(b) Chapter IV of Part I of the Leasehold Reform, Housing and Urban Development Act 1993 (estate management schemes in connection with enfranchisement).

(2) Financial assistance under this section may be given in such form and on such terms as the Secretary of State considers appropriate.

(3) The terms on which financial assistance under this section may be given may, in particular, include provision as to the circumstances in which the assistance must be repaid or otherwise made good to the Secretary of State and the manner in which that is to be done.'.—*[Mr. Clappison.]*

Brought up, and read the First time.

Mr. Clappison: I beg to move, That the clause be read a Second time.

In Committee, a number of hon. Members paid tribute to the work of the Leasehold Enfranchisement Advisory Service. The service was established shortly after the Leasehold Reform, Housing and Urban Development Act 1993 came into force, with joint public and private sector

[Mr. Clappison]

funding. Its principal role has been to provide initial information to landlords and tenants on the legislative provisions relating to leasehold enfranchisement. Since its inception, it has dealt with approximately 8,000 inquiries.

The Government's commitment to the service has been to provide initial funding for three years, ending in December this year. That commitment will be honoured in full. The commitment was limited to three years because it was envisaged that a growing familiarity with the provisions of the Act would develop in that time. It was thought that leaseholders would be less in need of such an advice service, as a wider range of solicitors, valuers and practitioners would gain experience in that area.

However, in practice, the progress on enfranchisement has been less rapid than our initial expectations in some respects. Leaseholders have been exercising their rights to lease extension enfranchisement, and the leasehold valuation tribunals have been hearing a number of test cases and resolving disputes between landlords and tenants.

There is still a way to go and all parties are agreed that there is a useful role for an advice service to perform beyond the end of this year. A further factor is the new package of leaseholders' rights contained in the Bill. They involve new and, in some cases, necessarily complex procedures. The Government believe that there is further scope for an impartial advice service to help in that area.

The Leasehold Enfranchisement Advisory Service has been funded for the first three years through the Department's special grants programme. Projects supported in that way are expected to generate matching private sector funding with public sector support. That funding would normally have been phased out after the initial three-year period. The purpose of the new clause is therefore to give the Secretary of State a specific power to provide financial support to an advice service dealing with landlord and tenant issues, on a more permanent footing. We shall still seek a substantial private sector contribution, but a further period of support under the special grants programme would not be appropriate.

My Department will shortly enter into detailed discussions with the Leasehold Enfranchisement Advisory Service about how it envisages the development of its longer-term role. I make no commitment that the Department will defer the funding beyond the end of 1996, but we shall consider the case of the advisory service along with the other competing claims on my Department's resources. The new clause keeps open the possibility of longer-term funding of the service.

Mr. Raynsford: As the Minister said, new clause 11 was tabled in response to a case made in Committee. I am pleased to say that in Committee we had all-party support on the issue. The right hon. Member for City of London and Westminster, South (Mr. Brooke) and the hon. Member for North–West Leicestershire (Mr. Ashby) backed my calls on behalf of the Opposition for continuing funding of the Leasehold Enfranchisement Advisory Service.

As the Minister rightly acknowledged, the service provides excellent, impartial advice to leaseholders on very complex matters relating to leasehold enfranchisement, and it receives an increasing number of requests for help on aspects that are currently outside its remit. There is, therefore, a case for not only continuous funding for the Leasehold Enfranchisement Advisory Service, but a wider remit to enable it to deal with other leasehold matters, especially disputes relating to service charges and so on, which cause a great deal of concern to leaseholders and about which requests for help are made to the service.

As the Minister acknowledged, leasehold enfranchisement has not progressed as fast as the Government initially hoped. Whatever the reasons—some of which we shall explore in later debates—there is agreement on both sides of the House that we should assist enfranchisement. The provision of expert advisory services is a very important way of doing so.

The costs involved in obtaining expert assistance from lawyers and other professionals can be a very serious deterrent to leaseholders, and the availability of a free, expert service is, in my view and that of most people who have studied the matter, essential if the process of leasehold enfranchisement is to proceed. We shall explore other essential issues in later debates.

For all those reasons, we very much welcome the Government's decision to table the new clause. The Minister was cautious in what he said about how it may be applied. I understand that he cannot give a cast-iron commitment, but he is aware that, under current arrangements, the Leasehold Enfranchisement Advisory Service does not have funding beyond the end of this year—a period of only eight months.

It is unreasonable for such a service, which provides valuable expertise to numerous leaseholders, to be unable to guarantee its continued operation more than eight months ahead. I hope that the Minister will move swiftly to enter the discussions that he described.

Mr. David Ashby (North–West Leicestershire): The hon. Gentleman will appreciate that later amendments relate to further enfranchisement, about which more advice will be required. That makes the service even more important.

Mr. Raynsford: The hon. Gentleman makes a valid point. Not only is financial uncertainty hanging over the Leasehold Enfranchisement Advisory Service, but the service is likely to have rather more work if, as a result of our considerations today, we substantially advance the opportunities for enfranchisement.

For all those reasons, I urge the Minister to enter into discussions urgently with all the parties, to try to ensure that the Leasehold Enfranchisement Advisory Service has the necessary financial resources to maintain its service in the immediately foreseeable future and build on a stronger financial footing for the long term.

Mr. Peter Brooke (City of London and Westminster, South): I shall be brief. My constituents enter on both sides of the equation, as advisers and advisees. I declared a tangential and anticipatory interest in Committee, and I declare the same interest now.

I thank my hon. Friend the Minister for the speed with which the Government have reacted. I only serve quiet notice that we shall maintain vigilance on the conduct of and developments in the conversations.

Mrs. Diana Maddock (Christchurch): I welcome the Minister's commitment to examining the problem. In Committee, we expressed our appreciation of the valuable work done by the Leasehold Enfranchisement Advisory Service. I am only disappointed that the question whether and when it will definitely be funded remains open-ended. I hope that the Minister will consider the matter and come back to us as soon as possible. There is all-party support, and he is aware that people need advice desperately.

Hon. Members have pointed out that more advice will be sought in the future. As the costs and difficulties associated with often very complicated legal matters increase, people will need a proper advice service. I urge the Minister not to let the matter slide—although I am sure that hon. Members will ensure that he does not.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New clause 21

LOW RENT TEST: EXTENSION OF RIGHTS

'. Schedule [*Low rent test: extension of rights*] (which makes provision for conferring an additional right to enfranchisement in relation to tenancies which fail the low rent test and for introducing an alternative to the low rent test in the case of the right of collective enfranchisement and the right to a new lease) shall have effect.'.—*[Mr. Gummer.]*

Brought up, and read the First time.

The Secretary of State for the Environment (Mr. John Gummer): I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss the following: Government amendment No. 152.

Government new schedule 2—*Low rent test: extension of rights—*

Right to enfranchisement

1. In the Leasehold Reform Act 1967, after section 1A there shall be inserted—

"Additional right to enfranchisement only in case of houses whose rent exceeds applicable limit under section 4.

1AA.—(1) Where—

(a) section 1(1) above would apply in the case of the tenant of a house but for the fact that the tenancy is not a tenancy at a low rent, and

(b) the tenancy falls within subsection (2) below and is not an excluded tenancy,

this Part of this Act shall have effect to confer on the tenant the same right to acquire the freehold of the house and premises as would be conferred by section 1(1) above if it were a tenancy at a low rent.

(2) A tenancy falls within this subsection if—

(a) it is granted for a term of years certain exceeding fifty years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise,

(b) it is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, unless it is a tenancy by sub-demise from one which is not a tenancy which falls within this subsection,

(c) it is a tenancy taking effect under section 149(6) of the Law of Property Act 1925 (leases terminable after a death or marriage), or

(d) it is a tenancy which—

(i) is or has been granted for a term of years certain not exceeding fifty years, but with a covenant or obligation for renewal without payment of a premium (but not for perpetual renewal), and

(ii) is or has been once or more renewed so as to bring to more than fifty years the total of the terms granted (including any interval between the end of a tenancy and the grant of a renewal).

(3) A tenancy is an excluded tenancy for the purposes of subsection (1) above if—

(a) the house which the tenant occupies under the tenancy is in an area designated for the purposes of this provision as a rural area by order made by the Secretary of State,

(b) the freehold of that house is owned together with adjoining land which is not occupied for residential purposes, and

(c) the tenancy was granted on or before the day on which section [*Low rent test: extension of rights*] of the Housing Act 1996 comes into force.

(4) Where this Part of this Act applies as if there were a single tenancy of property comprised in two or more separate tenancies, then, if each of the separate tenancies falls within subsection (2) above, this section shall apply as if the single tenancy did so.

(5) The power to make an order under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

2.—(1) In consequence of paragraph 1 above, the Leasehold Reform Act 1967 shall be amended as follows.

(2) In section 1(3A)(b) (extension of rights not to apply to existing lettings by charitable housing trusts), after "1A" there shall be inserted ", 1AA".

(3) In section 3(3) (provision for aggregation of successive tenancies), after "this Part of this Act" there shall be inserted ", except section 1AA,".

(4) In section 9(1C) (price payable by tenant on enfranchisement by virtue of section 1A or 1B), after "1A" there shall be inserted ", 1AA".

(5) In section 9A(1) (compensation payable where right to enfranchisement arises by virtue of section 1A or 1B), after "1A" there shall be inserted ", 1AA".

(6) In section 32A(1)(b) (extensions to right to enfranchisement not to apply in relation to existing tenancies of property transferred for public benefit), at the end there shall be inserted "or if section 1AA above were not in force".

(7) In section 37(4) (treatment for the purposes of Part I of tenancy granted to continue as a periodical tenancy after the expiration of a term of years certain), after "this Part of this Act" there shall be inserted ", except section 1AA,".

(8) In Part II of Schedule 3 (procedural provisions), in paragraph 6 (which makes provision about the contents of a tenant's notice under Part I), after sub-paragraph (1) there shall be inserted—

"(1A) Where the tenant gives the notice by virtue of section 1AA of this Act, sub-paragraph (1) above shall have effect with the substitution for paragraph (b) of—

"(b) such particulars of the tenancy as serve to identify the instrument creating the tenancy and show that the tenancy is one in relation to which section 1AA(1) of this Act has effect to confer a right to acquire the freehold of the house and premises;"."

(9) In that Part of that Schedule, in paragraph 7(4) (admission in landlord's notice of tenant's right to have freehold to be binding on landlord, so far as relating to matters mentioned in section 1(1)(a) and (b)), for "mentioned in section 1(1)(a) and (b) of this Act" there shall be substituted "relevant to the existence of that right".

Right to collective enfranchisement

3.—(1) Chapter I of Part I of the Leasehold Reform, Housing and Urban Development Act 1993 (collective enfranchisement in case of tenants of flats) shall be amended as follows.

(2) Section 5 (qualifying tenants) shall be amended as follows—

(a) in subsection (1) (which defines a qualifying tenant as a tenant of a flat under a long lease at a low rent), for "at a low rent" there shall be substituted "which is at a low rent or for a particularly long term", and

(b) in subsection (2)(c) (which excludes from the definition a tenant under a lease granted in breach of the terms of a superior lease which is not a long lease at a low rent), after "rent" there shall be inserted "or for a particularly long term".

(3) After section 8 there shall be inserted—

"Meaning of "particularly long term"

8A.—(1) For the purposes of this Chapter a long lease is for a particularly long term if—

(a) it is granted for a term of years certain exceeding 50 years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise,

(b) it is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal (other than a lease by sub-demise from one which is not for a particularly long term),

(c) it takes effect under section 149(6) of the Law of Property Act 1925 (leases terminable after a death or marriage), or

(d) it is a lease which—

(i) is or has been granted for a term of years certain not exceeding 50 years, but with a covenant or obligation for renewal without payment of a premium (but not for perpetual renewal), and

(ii) is or has been renewed on one or more occasions so as to bring to more than 50 years the total of the terms granted (including any interval between the end of a lease and the grant of a renewal).

(2) A long lease which does not fall within subsection (1) above shall nonetheless be treated for the purposes of this Chapter as being for a particularly long term if it is a long lease by virtue of paragraph (c) or (d) of section 7(1).

(3) Where this Chapter applies as if there were a single lease of property comprised in two or more separate leases, then, if each of the separate leases is for a particularly long term, this Chapter shall apply as if the single lease were for such a term."

(4) In section 13(3)(e) (particulars to be included in initial notice which relevant to whether person a qualifying tenant), in sub-paragraph (ii), for "a lease at a low rent" there shall be substituted "at a low rent or for a particularly long term".

Right to new lease

4.—(1) Chapter II of that Part (individual right of tenant of flat to acquire new lease) shall be amended as follows.

(2) In section 39(3) (provisions of Chapter I which apply for the purposes of Chapter II), at the end of paragraph (c) there shall be inserted ", and

(d) section 8A,".

(3) In section 42(3) (particulars to be included in notice by qualifying tenant of claim to exercise right), in paragraph (b)(iii), there shall be inserted at the end "or, in accordance with section 8A (as that section so applies), a lease for a particularly long term".

5.—(1) In Chapter VII of that Part (general), section 94 (Crown land) shall be amended as follows.

(2) In subsection (3) (disapplication of restriction imposed by section 3(2) of the Crown Estate Act 1961 on term for which lease may be granted by Crown Estate Commissioners), in paragraph (a), for "at a low rent" there shall be substituted "which is at a low rent or for a particularly long term".

(3) In subsection (4) (power to shadow statutory rights), for "at a low rent" there shall be substituted "which is at a low rent or for a particularly long term".

(4) For subsection (12) there shall be substituted—

"(12) For the purposes of this section "long lease which is at a low rent or for a particularly long term" shall be construed in accordance with sections 7, 8 and 8A."."

And the following amendments thereto: (a), in line 9, leave out from 'tenancy' to 'is'.

(b), in line 14, leave out from beginning to end of line 34.

(c), in line 47, leave out from beginning to 'this'.

(d), in line 82, leave out from beginning to end.

Government amendment No. 153.

Mr. Gummer: The new clause and amendments deal with the qualifying condition for enfranchisement rights, either under the Leasehold Reform Act 1967 concerning houses or under the Leasehold Reform, Housing and Urban Development Act 1993 concerning flats. I have a particular interest in that area, both as Minister responsible for London and because reference was made in debate to the particular, and some would say peculiar, circumstances of rural areas such as the one that I represent.

The policy has been to give enfranchisement rights to leaseholders who might be regarded as owner-occupiers. That policy lies at the heart of the discussions: how does one distinguish between those who are leaseholders, as one understands that term, and those who may be leaseholders in the sense that they hold a lease but who have been paying a proper market rent as tenants would? In such cases, the lease is a matter of convenience between them and the landlord. It may well have been chosen by either side, or by both sides, at some past date.

Two tests establish whether the leaseholder is an owner-occupier. First, there is the length of the lease, which should generally be more than 21 years. Secondly, the tenant must pay only a nominal ground rent rather than a market rent. If those two conditions are satisfied, except during the final years of the lease, the tenant is likely to have a greater financial stake in the property than the landlord.

There has always been a low-rent test. It was a mechanism for distinguishing between the real leaseholder—I use the word "real" in the sense of the person whom we understand to be the leaseholder—and someone who has a lease but who is a tenant in all other respects. The form differs slightly according to the circumstances, but it generally requires that the rent should be less than two thirds of the rateable value of the property. The purpose of the test is to distinguish in the way that I have suggested.

There are always arguments about how one establishes such a figure, and discussions at every stage have sought to arrive at a sensible position regarding leasehold enfranchisement. There were heated discussions about the principle—and particularly about the mechanisms by which one establishes that principle.

[Mr. Gummer]

An amendment was carried in Committee, to remove the low-rent test. That decision was based not on the idea that renting tenants should be given enfranchisement rights, but on the fact that the low-rent test has caused difficulties in practice. In other words, I do not think that people sought to give enfranchisement to those who manifestly were not, in common parlance, leaseholders of the sort that we are describing. They felt, perfectly reasonably, that the present mechanism for distinguishing between the two types of leaseholder is faulty and occasionally leads to anomalies and sometimes to downright hardship.

There are leases where the rent is technically above the low-rent limit, but is closer to being a nominal ground rent than a rack rent. In some cases, that has arisen by accident, perhaps because properties were not revalued for rating purposes between 1973 and the end of the rating system in 1990, although ground rents crept up slightly in line with inflation. In other cases, some landlords intentionally set rents slightly above the limit. The discussions in Committee were directed at those very people. That is why I accepted the arguments in Committee for reform.

4.15 pm

The test currently excludes some tenancies, which, on any reading of the previous legislation, should enjoy enfranchisement rights.

Mr. Raynsford: Will the Secretary of State now tell the House how many such tenancies exist?

Mr. Gummer: I cannot say exactly how many there are, but later in my speech I shall tell the hon. Gentleman the precise percentage of tenancies that the measure is intended to cover. I am sure that he will be happy about that, but he must listen to my proposal.

Mr. Ashby: Does a long lease at a rack rent exist? In my understanding, there is no such thing.

Mr. Gummer: I have to tell my hon. Friend, for whom I have great respect, that on this occasion, he is wrong. He must not believe that because I cannot tell him how many elephants there are in Africa, there are no elephants in Africa. That is not a reasonable argument. There are such leases. To put it simply, if there were not, my hon. Friend would have no worries, as everything that he seeks would be achieved. There are such leases and it is only reasonable to deal with them equitably. In the same mode in which I have approached the whole issue, I am seeking merely to achieve equity. That seems perfectly reasonable.

Mr. Ashby: On equity, does my right hon. Friend consider it right that there should be different forms of long lease? Is it not fair for one group of long leaseholders to be treated the same as the other? That is equity.

Mr. Gummer: If my hon. Friend had followed the argument, he would know that that depends on the nature of the leaseholding. If, to all intents and purposes, a long leaseholder is an owner-occupier who pays a ground rent, that is one class of leaseholder. Other long leaseholders pay a full tenant's rent. They are not leaseholders in the sense that he and I understand it or those to whom many of my hon. Friends, including my right hon. Friend the Member for Chelsea (Sir N. Scott) and my hon. Friends the Members for Fulham (Mr. Carrington) and for Kensington (Mr. Fishburn) referred—leaseholders who, for one reason or another, are excluded from the enfranchisement legislation. My proposal relates to those people.

Mr. Raynsford: The Secretary of State will be aware that the Leasehold Enfranchisement Association has enormous experience of enfranchisement. It has represented leaseholders for many years and has done stalwart work to advance enfranchisement. Mrs. Joan South, the secretary of the Leasehold Enfranchisement Association, wrote to me as follows:

"In our organisation we have never come across a single 'long' lease that has anything like a market rent."

If the Secretary of State cannot tell us how many such properties exist, will he accept the verdict of the Leasehold Enfranchisement Association that it is a chimera, not reality?

Mr. Gummer: I wish to make three points to the hon. Gentleman. First, I have made my way through complicated legislation on a whole range of matters, including all the detailed problems of agricultural tenancies and the like, and I have learnt that anyone who suggests that circumstances cannot arise is usually wrong. Such complications need to be considered extremely carefully, and one needs to recognise that even those with experience may well find that their experience is almost entirely with people who see themselves as long leaseholders of the sort with which the Bill is concerned. Therefore, it is perfectly reasonable that those who never have seen themselves as long leaseholders and have always seen themselves as full-blown tenants who happen to have a long lease would not be in touch with the organisation to which the hon. Gentleman referred. I do not find that surprising.

Mr. Raynsford: Will the Secretary of State give way?

Mr. Gummer: I wish to give the hon. Gentleman the three reasons, because it is important to face them.

The second reason is as follows. Let us say that I am entirely mistaken. If so, no harm is done because those few people who may be in that position will find themselves properly protected, and those who are not—I am told by the hon. Gentleman that they are the vast majority, and my hon. Friend the Member for North-West Leicestershire (Mr. Ashby) said that there are only three or four in the first position—

Mr. Raynsford: There is none.

Mr. Gummer: However small the number is, I do not find it possible to believe that they will be disadvantaged. It is possible for a reasonable relationship between landlord and tenant to be entered into, in which the landlord decides that he would like to have a long lease and gives a long lease in permanence to a tenant, who is then responsible for renovations and who pays the full market rent—not a ground rent, not even a pseudo-ground

rent, nor even a bit above ground rent—as a tenant. That is all that we suggest, and I cannot see that that is a disadvantage.

My third reason is that it is very important that we should recognise that there are other areas, outside the centre of London, which are thus affected. Some of those areas are in the country and, for large estates in particular, it is part of how they operate to have long leases for proper tenants who are seen as tenants. Happily, continuity still reigns in many of those estates and the long leases are seen as a means of maintaining continuity. I would therefore like to protect those people in particular, and I think that there is no disagreement about them across the Floor of the House.

Mr. Raynsford: As the Secretary of State will know from studying our amendments, we accept entirely the position on rural areas. We shall debate later an amendment that makes provision for that, because there are genuine problems that we are keen to address. As for the notional existence of long leases at a market rent for which the Secretary of State is making special provisions and creating a new 50-year test in new clause 21, there is no evidence for them. The Leasehold Enfranchisement Association says that it has no evidence, but it has brought substantial evidence of people who will be disadvantaged by the 50-year test that the Secretary of State proposes. Would not it be sensible to reconsider?

Mr. Gummer: The hon. Gentleman must listen to me when I come to the 50-year test. In contradistinction to the views that he has put forward, those who represent the landlords suggest that there are significant numbers in the long-lease category. All I say to the hon. Gentleman is that it would be better, when considering such matters, to consider them from the point of view of equity. I was brought up to believe that if one person was accounted just, he should not suffer for all the 90 and nine who were not. If that is the case, we should have a system that includes even a small number of cases. My hon. Friend the Member for North–West Leicestershire has said that there are only three or four cases—I believe that all the evidence points to many more—but even if that were so, we should take account of them.

Perhaps it would be better sometimes for people to have the confidence of a long lease even if they were full-blown tenants. To exclude or discourage that option would be a pity. The hon. Gentleman has not so far objected to the principle, but fears the 50-year term. I shall come to that aspect in a moment. I want to establish that we are trying to enfranchise real leaseholders and that it is not unreasonable to distinguish between them and tenants who have a long lease. That distinction is not new, but is found in both the previous substantive pieces of legislation, which introduced a low-rent test to make the distinction. It would be odd if we were suddenly to discover that provision is not needed because no such tenants exist. Landlords believe that they do and have cited examples, so it does not seem unreasonable to make appropriate provision—and to examine the disadvantages of doing so.

Sir Teddy Taylor (Southend, East): Lest my right hon. Friend be discouraged by constant criticisms and questions, people such as myself complained in respect of the 1993 legislation that while good landlords, such as the Duke of Westminster, were being protected by enfranchisement, a large number of retirement leaseholders in properties built by companies such as McCarthy and Stone and others were excluded. It appears that the Government are now proposing that long leases for retirement leaseholders will have the same advantages as other leases. Does my right hon. Friend agree that as that is the case, the Bill is a major step forward and will give rights to tenants who were previously unfairly excluded?

Mr. Gummer: My hon. Friend is absolutely correct. I have considerable sympathy with the need to enfranchise retirement leaseholders. There are a number of retirement developments in my constituency—as I share with my hon. Friend the clement weather and pleasurable areas of East Anglia, to which many people go to retire and to whom a protected lease is important. I hope that my hon. Friend agrees that there is a distinction between the person who buys accommodation but on a lease, for the obvious reasons in such circumstances, and the person who has a long lease but pays a normal tenancy rent. Everyone has sought to make that distinction year after year. Labour has produced the entirely novel concept that such tenants do not exist. If that is so, why did Labour suggest such a distinction in its legislation and support that distinction in later legislation?

Dame Elaine Kellett-Bowman (Lancaster): Does my right hon. Friend agree that the Duke of Westminster is one of the finest landlords in the country? He is marvellous at maintaining his properties and does not charge exorbitant rents. The duke went to great trouble some years ago to ensure that he was allowed to keep properties in London to let to people described as working-class tenants—which he does at considerable financial cost to himself.

Mr. Gummer: My hon. Friend is right to point out that we must be careful not to suggest that the word "landlord" equates with a bad landlord. There are many good landlords in London, but they are not helped by the activities of the kind of person for whom the Bill is primarily designed. There are bad landlords and freeholders, and many of them have recently entered the business. They view their involvement not as a long-term commitment to a part of a city, as do the Westminster or Cadogan estates, but as a means of providing income in ways never envisaged by the freeholding system.

That is why I personally took the decision that this part of the Bill should include protection. As the Minister responsible for London, I could see how damaging the absence of such protection could be. All that I am trying to introduce is equity. We need to protect people from the activities of poor landlords—or downright bad landlords—but in a way that respects the excellence of the good ones, not least because there is much to be said for encouraging them. One of the problems from which the nation as a whole has suffered is the way in which landlords have been discouraged because there has not been a distinction between the good and the bad. That is what I am trying to do in the new clause.

Mr. Ashby: I understand what my right hon. Friend is trying to do, but does he not accept that he is turning existing laws upside down? Why not introduce a

[Mr. Ashby]

paragraph into the schedule, perhaps in another place, to say that, where the rent on a long lease approximates to the rent, so that a rent officer would establish that, such a test would be absolutely fair, because that is a rack rent? We could say that, if it was within 20 per cent. of a rent that a rent officer would fix for the premises, it would be excluded from enfranchisement. That would deal with the matter.

4.30 pm

Mr. Gummer: We have tried all sorts of mixes and they have not stood the test of time. Therefore, I think that my hon. Friend will see—if I am allowed to proceed a little, on the mixture of things that I propose—that what we propose is a helpful way in which to deal with the problem that he sees.

Some leases of more than 25 years have rack rents, and in those cases the tenant's stake has never been anywhere near as significant as that of the landlord. Some landlords, to whom my hon. Friend the Member for Lancaster (Dame E. Kellett-Bowman)—who is still with us but, rather confusingly, has moved to another seat—referred, wish to let properties for rent. They want to give tenants a substantial period of security, and there is no reason why they should not do so. Indeed, there is every reason to make that possible. So it is a question not only of their present number, but of the possibility of having them in the future. Those leases run for 25 to 35 years at market rents, and we need to recognise that we have responsibilities on both sides.

I want to try to take seriously the argument on which the hon. Member for Greenwich (Mr. Raynsford) previously justified enfranchisement, taken from the 1966 White Paper, that the land belongs in equity to the landowner and the house belongs in equity to the leaseholder. That equity would not apply where the rent is a market rent. The Government's new clause, offered as an alternative to the current clause 95, allows tenants with leases of more than 50 years to qualify for enfranchisement rights, irrespective of the rent paid. The first thing that we do is remove the need for a low-rent test when one has such a lease. That applies both to houses and to flats. Those tenants will have to pay a fair market price if they wish to exercise their rights, on the same basis as houses and flats that became enfranchiseable as a result of the 1993 legislation.

Why 50 years? The fundamental purpose is to make the distinction that we have agreed needs to be made. Most leases are for 99 years or more. When we say 50 years, we are referring to the original length of the lease, not the time that it has to run. Leases were so long—99 years or more—because that was the only way in which people could get a mortgage. Properties would not have been mortgageable if they had had a shorter lease. Therefore, conventional mortgages were almost impossible to obtain on properties when the length of the lease was less than 60 or 70 years. If freeholders wanted to sell a property that had what one would call a proper lease, the lease was bound to be for such a length. Our amendment means that the great majority of leaseholders would no longer need to be concerned about the low-rent test.

The hon. Member for Greenwich—quite reasonably—is concerned about numbers. The great majority of leases of 50 years or less—the percentage is in the high 90s—constitute a specialist market: because they are not mortgageable in normal circumstances, they are usually sold only to cash buyers or to those who can raise bank finance. Such leases are found on some London estates, and sometimes in rural areas, where they are granted as part of a management strategy for looking after a farming estate. The terms vary considerably. Some will be at low rents, while in other instances the figures will be much closer to the full market rent. They are often granted where property is very expensive, and a shorter lease more similar to renting than full ownership may suit some purchasers.

The hon. Member for Greenwich has tabled amendments to my new schedule that would allow all leases of more than 21 years to enfranchise. The issue between the hon. Gentleman and me therefore concerns a relatively small number of leases with a length of between 21 and 50 years when granted. I accept that the hon. Gentleman does not now wish to extend the arrangement to the countryside, recognising that there are special circumstances there. Let me point out, however, that many of the considerations that make both of us not unhappy with what happens in the countryside—I am trying to put this in as unbiased a way as possible—could apply in towns. I think that that ought to be so, and that it would be better if such an arrangement were more widely used.

Mr. Raynsford: Like me, the Secretary of State will have received representations from the Country Landowners Association. It specifically points out that arrangements in the countryside essentially revolve around agricultural arrangements. Where are those arrangements likely to be replicated in London?

Mr. Gummer: I was trying to suggest that what the arrangements essentially revolve round is the need for continuity felt by many estate owners. I do not think that that need for continuity is to be found only in agricultural contexts. I do not disagree with those who want what some large landowners have—the ability to let, not sell, an albeit limited number of properties to real tenants at market rents. Letting such properties on a long lease will confer the continuity that owners of historic estates want in regard to tenants: they are looking not to one generation or even two, but back to many generations and forward to many more. I do not see why we should consider that inequitable; I think that it is rather a good idea, and I do not want to exclude it. Although I am a member of the Country Landowners Association, I am not bound by its view that all the arrangements must revolve around agriculture, horticulture or Welwyn Garden City.

Mr. Raynsford: I accept, inevitably, that we are not bound by the CLA's views. I am simply trying to establish—and I invite the Secretary of State to agree with me—that there is a fundamental difference between the circumstances applying in rural and agricultural communities and those applying in cities. I remind the right hon. Gentleman that, in its evidence to us, the CLA states:

"The reasons that surround the letting of houses on farms and estates on long leases are very different from the position in urban areas, where the leasehold system is widespread and akin to a business in its own right."

Does the right hon. Gentleman accept that?

Mr. Gummer: I do not know why the hon. Gentleman wants to fall out with me. What the CLA has said is

perfectly reasonable, but I suggest that what I have said is also reasonable. I have said that the existence of additional reasons why the arrangements are necessary in country areas does not mean that one aspect that is important in the country—continuity, and the wish for continuity that is so much part of long-established estates—should not be replicated in similarly long-established estates in the centre of London. I do not think that there is any difference between us in that regard: I think that my view is perfectly reasonable.

Ms Glenda Jackson (Hampstead and Highgate): The ability of the great estates in London to maintain continuity, which is so important to them, is entirely dependent on the financial contributions of their leaseholders. Such continuity surely denies equal continuity to leaseholders and their being able to pass on, in the words of the Prime Minister, what they own to their own. Such an ability is at present denied to leaseholders.

Mr. Gummer: The hon. Lady must not have been present for all my speech or she would have heard me address precisely that. She and I disagree on almost everything on this earth, and I am right in almost every case. She must accept it from me that it is no good coming into the House, gathering together her prejudices, and assuming that I have said what I have not said. I have in fact said the opposite to that which she assumed, and I am sorry that what has so far been a reasonable debate has been changed by her.

Ms Jackson *rose—*

Mr. Gummer: I will not give way to the hon. Lady if she cannot debate reasonably. We are trying to discuss a fundamental issue. I have spent about 25 minutes trying to explain a crucial issue, and it is not helpful to the House to go over it again.

The real question is the 50 years and whether it is a sensible figure. I am trying to be as helpful as I can to my right hon. and hon. Friends and to Opposition Members. I took the 50 years from the tax legislation, so it is a natural break point, although I accept that it is not as significant as 21 years is in landlord and tenant legislation. It was suggested on Report during the passage of the Leasehold Reform Act 1967, but I am not absolutely wedded to it.

My right hon. Friends the Members for City of London and Westminster, South (Mr. Brooke) and for Chelsea, and my hon. Friends who represent some other constituencies in central London, may wish to argue for a slight change. I shall happily look at any evidence. Although I would not say that the matter concerns no areas outside central London, it concerns almost entirely the centre of London, because only there were such shorter leases with real leaseholders possible. Elsewhere, the mortgageability of the place demanded a longer lease and there were fewer people who could buy relatively expensive properties on a cash basis.

Mr. Matthew Carrington (Fulham): I am particularly pleased at my right hon. Friend's flexibility on the 50 years, which is important. I think that he recognises that the 50 years is an arbitrary figure and that it might be better if it were slightly lower. Whatever it should be, it should be pitched so that it enables the maximum number of people to benefit from the legislation. That could mean 45 years, so I am very grateful that my right hon. Friend has expressed his willingness to be flexible and to consider changes.

Mr. Gummer: As I said, I should like to look carefully at the examples. In setting the period at 50 years, we are dealing with up to 90 per cent. of cases. I am very happy to say to my hon. Friend that I do not want to exclude people. I am trying to do what previous legislation has sought to do, but—many of us feel—has not achieved. I am trying to find a way in which one can make a distinction between the leaseholder who is in our sense a real leaseholder, the sort of person to whom the hon. Member for Hampstead referred—

Ms Glenda Jackson: And Highgate.

Mr. Gummer:—the sort of person to whom the hon. Member for Hampstead and Highgate (Ms Jackson) referred. If she had been present, she would have heard that I was trying to distinguish, as Labour as well as Conservative legislation has tried to do, between such real leaseholders and the sort of person who is affected by a long lease in a wholly different way, because he is a full-time tenant in the sense that he pays full rent, and the lease is long because it gives continuity and stability.

I want to meet the concerns of my hon. Friend the Member for North–West Leicestershire, so I hope that he will be happy with what I have done. I do not think that there is any longer any disagreement about rural areas.

If the House accepts the amendments, some consequential amendments will have to be made. In particular, there will need to be an opportunity for landlords to apply for estate management schemes, to cover properties that become newly enfranchised as a result of the changes. The Government will bring forward the necessary amendments in another place. I shall be able to consider at that time any suggestions made by my right hon. and hon. Friends and Opposition Members.

I hope that the House recognises that, in the proposals and with the flexibility that I am offering, I have sought to reach a reasonable solution on a very complicated matter. I have sought in a spirit of compromise to find an answer. I took issue with the hon. Member for Hampstead and Highgate because the accusations that she flung at me were exactly the opposite of what I said. I want to enfranchise all those who are real leaseholders, precisely for the reasons that she raised. I do not want to consider all landlords as bad landlords. Nor do I want to ignore landlords who have shown themselves to be not only poor, but thoroughly bad.

As the Minister with responsibility for London and because I recognised the concern, I was the one who proposed the change to the Bill. I hope that the House will accept that the compromise will meet the overwhelming range of worries, and at the same time the good freeholder, who does his job properly—the good landlord who has proper tenants and wants them to have a long lease—will be protected in equity.

4.45 pm

Mr. Ashby: It would be churlish of me if I were not to say how grateful I am that the Government have tabled the new clauses and the new schedule, following as they do the decision in Committee. The Committee was very

[Mr. Ashby]

good, interesting and genial, and there was much agreement in it. On the other hand, we give with one hand and we take away with another. I find that very worrying.

As a deselected Member, who cannot expect to be in the next Parliament, I feel much freer to talk about political matters than others. I am conscious that we are talking about people who often own fairly expensive property and may well be expected to prop up a Conservative majority in a future Conservative Government. It struck me that not only would it be wrong for the Government not to agree in principle with my point, but they would shoot themselves in the foot if they did not. I want to put that warning across.

We are talking about abolishing the low-rent test. I hope that my right hon. Friend the Secretary of State will listen to me, as I hope to be constructive. The new clause goes only half way. It follows the wrong line of reasoning. Leases of 21 years and above have always been accepted—it is enshrined in principle and in law—as long leases, and that is all that we have to think about and maintain.

I am not one who would knock a landlord. Increasingly, through the policies of my right hon. Friend and the Government, the rented sector is expanding. It is a very buoyant sector, and I support it unreservedly. There is absolutely no reason why anybody should not establish that he wants to grant someone—if a nice family, whom he has known for a long time, wants to live in a property permanently—a long lease of 25 years at a rack rent. There is no reason why he should not do that for 30 or 40 years, or why he should not let it pass to the children at a rack rent.

One would have to find several things in such a lease, such as regular rent reviews, and one would expect the rack rent or the rent being paid to be slightly—not a long way—behind the market rent. The rent might be five or 10 years behind, according to rent reviews, which is to the advantage to the tenant of a long lease. There will undoubtedly also be such features in the long lease as provisions covering maintenance and alterations to property, allowing the tenant to make certain alterations. Many of those leases would cover derelict property, expecting the tenant to bring it up to standard before he starts paying rent. One finds such situations with a long lease, and we should be wholly supportive of them.

My right hon. Friend the Secretary of State is trying to examine and to deal with the matter, but he is starting at the wrong end of it. He is putting 50 years on to the lease and turning the law upside down. That is absolutely the wrong way in which to go about it, and I beg him to consider the matter again.

The matter is complicated, but it is not beyond the wit of all the officials sitting in the Box over there to produce clauses that will describe precisely and exactly the type of tenancy that my right hon. Friend the Secretary of State wants to protect. He will know that that is a possibility, because a paragraph in new schedule 2 could introduce the provision that it would be a defence to an enfranchisement for a freeholder to allege that it is a tenancy not covered by the low-rent test but a proper tenancy at a market rent.

The freeholder would be able to give evidence of rents for property on either side of his property and for similar properties in the area. The same type of procedure would be adopted as that for the application for enfranchisement. He would be able to produce such evidence and show that it might not be quite the market rent, but it may be within 20 or 30 per cent. of it. He would be able to show that it is not a tenancy that falls within the type of tenancy to be franchised. That is the way in which to go about this matter.

What we are doing is talking percentages—possibly 90-plus percentages—on the basis that some landlords have been talking about tenancies that match what my right hon. Friend the Secretary of State has talked about, but, "No, we cannot produce any numbers." The hon. Member for Greenwich (Mr. Raynsford) referred to the Leasehold Enfranchisement Association. We cannot throw aside such people, as has been suggested, and say, "These people do not know what they are talking about." These people—such as lawyers—are knowledgeable about the property market.

I have never come across a tenancy such as that described by my right hon. Friend the Secretary of State. I have no doubt that such tenancies could be created—anything can be created in a legal document—but they are not the norm. It is no good legislating for a handful of people when there will be so much inequity for the majority. As I said in my intervention, one must be equitable about this. We cannot treat one lot of people differently from another. One cannot say, "I am going to give it to you, but I am not going to give it to you."

People have written to me about the issue. Having, in Committee, voted on the matter with the Opposition, I have had many marvellous letters from people. It was heartening to receive such letters—only to find that those people's hopes will be dashed. I feel that we are letting people down—our own people and all sorts of people. I believe that we are absolutely wrong about this issue.

I am glad to hear that my right hon. Friend the Secretary of State is flexible about the 50-year issue, but I beg him to be more flexible—or I beg him to be inflexible. I beg him to examine what is a long lease, which is 21 years, and then to redefine the exclusions and say, "These long leases are not covered by this section." He is absolutely right that it would be totally inequitable if we were to allow enfranchisement in cases in which there is a landlord who is genuinely trying to help people and genuinely letting property at close to the rack rent. As I said, the rent will be close and will not be absolutely up to the market rent because, by its very nature, it will be a few years behind.

Let us protect leaseholders. Why not table new clauses to protect them? I beg my right hon. Friend the Secretary of State not to play around with the issue—because this is playing around. When one gives something with one hand and takes it away with another, one creates real enemies and a great deal of unhappiness. We found that to be true on a number of occasions. Legislation that comes into effect in two or three years' time gives time for opposition to mount. It would be wrong, and totally inequitable, to give with one hand and to take away with the other.

My right hon. Friend the Secretary has my agreement entirely on his reasoning, but I beg him to re-examine the issue. I ask him to go back to the standard that we all now accept: it is equitable, just and right that a 21-year lease is a long lease. We must maintain that period; we cannot take it away. There will be cases when there is a form of lease that should be protected from enfranchisement, and that is what we must protect. Let us get down to it and define that, because the schedule and new clauses do not.

Mr. Raynsford: I am pleased to follow the hon. Member for North–West Leicestershire (Mr. Ashby), who spoke movingly about the problems that will be created if the Government's new schedule is passed without amendment, and who also has done a great service to leaseholders by his brave decision to support in Committee our amendment to remove the low-rent test.

In speaking to this group of new clauses and new schedule, I should like in particular to explain why we have tabled the amendments (a) to (d) to new schedule 2, about which I should say two things immediately.

First, Mr. Deputy Speaker, I am grateful to you and to Madam Speaker for allowing the starred amendments to be debated today. The Government gave us an undertaking that they would table their amendments to appear on last Thursday's Order Paper, to allow us time to prepare our amendments to them. That of course was necessary because of the amendments' immense complexity, as all hon. Members understand about leasehold amendments. Unfortunately, the Government—for reasons beyond the Minister's control—were not able to honour that undertaking. Therefore, the new schedule appeared too late for us to be able to table amendments to it that would be in order without being starred. I am grateful to the Minister for Local Government, Housing and Urban Regeneration—who is not in the Chamber—for agreeing that we should approach Madam Speaker, asking that those amendments be taken today.

Secondly, I should explain to the House that, I am afraid, the gremlins have got at schedule new schedule 2. If hon. Members study it closely, they will discover that, in the numbers down the left-hand side, there is a gap of seven rather than five lines between numbers 10 and 15. Any assiduous hon. Member who is trying to follow where our amendments to the new schedule should fit in will, therefore, find himself in some difficulty if he follows the numbers as printed. I advise hon. Members to assume that the right line comes two before the number printed, from number 15 onwards. I hope that that will be helpful to hon. Members in understanding the technical details, although I shall explain in much more detail why, in our view, the amendments are essential.

5 pm

We are dealing with one of the crucial—indeed, one of the defining—issues that the House must resolve if leaseholding enfranchisement is to proceed as an effective policy for the benefit of the hundreds of thousands of leaseholders who long to own the freehold of their homes. In theory at least, there is political unanimity on the merits of the policy of enfranchisement. The then Labour Government introduced the Leasehold Reform Act 1967, which gave large numbers of leaseholders in houses the opportunity to buy the freehold and so, in many cases, to avoid the fear of homelessness on the expiry of their lease. The Act was unquestionably a great success.

The present Government introduced the Leasehold Reform, Housing and Urban Development Act 1993, which aimed to give similar rights to leaseholders in flats to buy the freehold of their homes collectively. When he moved the enfranchisement provisions in Committee, the then Minister for Housing and Planning, who is now the Secretary of State for Transport, spoke of the inherent problems of the leasehold framework. I should like to quote his words because it is important that the House should be aware of the Government's policy, as stated in 1992. He said:

"there are two substantial disadvantages with leasehold tenure. First, a lease is a wasting asset. The value of the leaseholder's interest declines inexorably as the term expires. At times of rapidly rising house prices, such as the 1980s, that decline may have been offset by inflation, but in the longer term the value of a leasehold flat falls. That poses a particular problem for the majority of people who must buy their flats with a mortgage.

Leasehold as a form of tenure sits uneasily with today's financial regime for funding owner-occupation. Lenders normally insist that the unexpired term of a lease is at least double the length of the mortgage, so that there is adequate security throughout its term. However, that means that leasehold properties become increasingly difficult to mortgage—and hence to sell—once the lease becomes less than perhaps 60 years. So a 99-year lease, which might have cost the same as a freehold, may be tradeable for only 20 or 30 years before its value begins to fall quite sharply. There is a market for fag-end leases in central London among cash buyers, but that is not typical.

Secondly, control of the property remains with the freeholder. That is a particular problem with flats. Although those living in the flats will have effectively paid for the building and are responsible for all the costs of upkeep and insurance, they are in the hands of a freeholder who has only a small residual interest. Increasingly, freeholds and reversionary head leases are coming into the hands of speculators and people with short-term interests who seek to maximise returns. They do not have the long-term interests in the property and the tenants shown by the best of the remaining old-style paternalistic landlords. Those problems are at their worst where direct conflicts of interests occur between the freeholder on the one hand and the leaseholder on the other.—[*Official Report, Standing Committee B*, 10 November 1992; c. 31-32.]

Having spelt out the inherent disadvantages, the Minister made it clear that the Government's policy was to move away from leasehold as a form of tenure.

In a subsequent sitting of the Committee, the Minister said emphatically:

"The Bill is carefully structured so that not everybody has the right to a new lease. Its purpose is to move away from leasehold as a form of tenure, and that is why its thrust is towards encouraging enfranchisement rather than leasehold extension."—[*Official Report, Standing Committee B*, 12 November 1992; c. 73.]

That was a clear commitment to leasehold enfranchisement. At that stage, it was expected that the Government would introduce a commonhold Bill to create the new tenure of commonhold, which would be similar to the Australian strata title system, under which people living in flats could own their home individually and the whole block collectively, thereby getting out of the landlord-tenant relationship which has proved a bugbear in much of the leasehold system.

Sadly, that Bill has not yet materialised, despite considerable pressure from many hon. Members on both sides of the House and the efforts of the hon. Member for Hastings and Rye (Mrs. Lait), who introduced a private Member's Bill earlier this year with the objective of achieving commonhold. She had the misfortune of seeing it talked out on Second Reading by hon. Members on her own side of the House.

While there has been no progress on commonhold, the hopes for extensive enfranchisement which arose from the 1993 Act have generally been disappointed. The Secretary of State conceded in an earlier intervention that the number of people enfranchising was fewer than had been hoped for. Only a limited number of leaseholders in flats have to date successfully negotiated the process of enfranchisement and acquired the freehold of their home. That does not reflect a lack of interest on the part of leaseholders. On the contrary, to my knowledge, hundreds

[Mr. Raynsford]

of thousands of leaseholders would love to buy the freehold of their home, but are frustrated by the many obstacles that stand in their way.

Some of the obstacles are financial and based around the valuation arrangements, the costs of pursuing an enfranchisement claim and other such matters. The hon. Member for North–West Leicestershire highlighted some of those problems in Committee. Some of the obstacles relate to the complex rules which govern who may and who may not qualify, of which the low-rent test is one. We shall deal with others later today.

The low-rent test is one of the most objectionable obstacles. It is, as I shall seek to demonstrate, unnecessary. It is arbitrary in its impact and it has caused serious injustices. That is why in Committee, we moved successfully, with the support of the hon. Members for North–West Leicestershire, for Belfast, North (Mr. Walker) and for Christchurch (Mrs. Maddock), amendments to abolish the low-rent test. Our success in that and other amendments has struck a vital blow for leaseholders. It is fundamental that that progress should not be undermined today, as it will be if Government new schedule 2 is passed unamended.

Let us examine in detail the low-rent test. In effect, there are three tests; it is not a single test. The first test covers leases initially granted before April 1963. The ground rent must be less than two thirds of the letting value for the leaseholder to qualify to enfranchise. The second test covers leases granted between April 1963 and April 1990. The ground rent must be less than two thirds of the rateable value. The third test covers leases granted since April 1990. In order to qualify, the ground rent must be less than £250 outside London and £1,000 a year in London.

I suspect that simply by describing the hugely complex arrangements, I have helped to advance my case for their abolition. The figures are arbitrary and their impact is capricious. They provide ample scope for reluctant landlords to frustrate the wishes of their leaseholders to buy the freehold. Let me give just one example, which I quoted in Committee. It involves a lady who wrote to me early this year in the following terms. She is a leaseholder living at 78 Cadogan place in London. Her name is Mrs. Loder Dyer. She said:

"I wrote to the Prime Minister in 1992 when his Government's Leasehold Reform, Housing and Urban Development Bill was being considered by Parliament. At that time leaseholders such as myself were assured that we would be able to buy our freeholds. This has proved well nigh impossible.

I acquired my long leasehold house on the Cadogan Estate in 1949. It was requisitioned during the war and was derelict. To restore, improve and maintain it over many years has been a great personal and financial sacrifice, particularly since my husband died.

The Cadogan Estate refused to renew my lease. Their solicitors wrote it 'would be the appropriate course for them to institute possession proceedings' against me at the end of the lease which would force me out of my only home. They know I have no statutory security of tenure because I'm disadvantaged by London's high rateable values.

As soon as the Leasehold Reform Bill became law in 1993, I had to exercise the only statutory right open to me by giving notice to my freeholders of my intention to acquire the freehold of my home. They would not admit my claim, obstructing me calculatingly on the sole point that my annual ground rent of £100 was not a low rent. They knew, in the case of leases granted between 1939 and 1963, I would have to prove that the ground rent is not more than two thirds of the letting value at the start of the lease. This has been the most tortuous and time consuming task for me and my experienced advisers.

I have been forced to go to the County Court on legal aid to establish the letting value. Despite having one of the acknowledged experts in such matters, the Judge completely failed to understand the complexities of how to ascertain the letting value of a lease granted over forty years ago. I now have no other recourse but to seek justice in the Court of Appeal. In a further attempt to obstruct me my freeholders are seeking to raise arguments not previously relied on by them.

The huge financial costs and the distressing personal effect upon me has severely impaired my health. My lease is a long lease at a low rent. It should fully qualify under the legislation. I am still no nearer achieving my vital legal right. I must earnestly seek your help that steps will be taken to remove this disastrous anomaly."

In case anyone should believe that that is just one hard case, let me also give the House—

Mr. Ashby: There are hundreds.

Mr. Raynsford: The hon. Gentleman is right, but let me give the House the benefit of one of the country's leading experts on the subject: chartered surveyor Mr. Marr-Johnson, partner in Marr-Johnson and Stevens, who wrote to me at the same time and whose evidence I also quoted to the Committee. He wrote as follows:

"I have no hesitation in saying that section 4(1) of the Leasehold Reform Act 1967 is extremely difficult to interpret in any particular case. It affects only leases starting before April 1963, so the valuer is put to proof as to the letting value of a property more than 33 years ago. Frequently I find that the County Court has serious problems in understanding the valuation aspects of a case, and more often than not, the matter goes to appeal."

He then cited a series of cases and concluded:

"Although most of these mistakes were put right on appeal, many lessees fall by the wayside. I have just settled two cases where the claims were lodged 18 years ago in February 1978, and the lessees have lived under the threat of Court action and uncertainty throughout the interim . . . From time to time, I am instructed to advise on doubtful cases under section 4(1); only too frequently I am obliged to include words in my report such as 'I am certain that the rent at the start of the lease was indeed low within the meaning of the Act, but I am far from certain that I would be able to prove it in Court.' The section works in a capricious manner, and in my opinion it often does prevent proper claims under the Act from getting through the qualifying process."

The low-rent test, therefore, is complex, arbitrary and capricious in its impact. Its result is serious injustices, not to mention appalling costs to leaseholders who have to try to argue their case through a variety of different channels.

So why is that arcane provision there in the first place? The Secretary of State rightly and reasonably said that a Labour Government put it in the 1967 Act and asked why it was there. We contend that it is a product of history for which there may have been justification in 1967, but that it has continued long after there ceased to be any justification for its continuation. The purpose of the low-rent test and the justification offered by the Government for its retention is that it is designed to distinguish leases from tenancies. A lease is sold at a premium and, in consequence—so the argument goes—there is a low ground rent. By contrast, a tenancy is let without a premium at a correspondingly higher rental.

Twenty to 30 years ago, when all tenancies were subject to Rent Acts controls, some tenancies may have been granted—indeed created—by landlords on terms

designed to evade those Acts' provisions. As such, those terms could, without a low-rent test, have been confused with a lease. We accept that, but times have changed. Most tenancies are now let on assured shorthold tenancies and no landlord is going to offer a tenancy for a period lasting more than 21 years when he can get a market rent by letting on an assured or assured shorthold tenancy—the latter requiring a term of no more than six months—so the situation in which the test was incorporated in 1967 no longer applies. If there ever was a case for the low-rent test, it has certainly passed. Remember that, to qualify, leaseholders must demonstrate that they have a lease lasting 21 years or more—that is the key distinction between a lease and a tenancy. That is properly recognised as the fundamental distinction.

5.15 pm

In case anyone still has any doubt on the issue, as my final piece of evidence on this point, let me call the Lord Chancellor's Department. In framing its proposals for the introduction of commonhold, which, as I have explained, was designed to provide an alternative tenure to leasehold, the Lord Chancellor's Department considered whether there was a need for a low-rent test. Its conclusion in 1990, when it published a consultation on commonhold, was that a low-rent test would not be appropriate and was not necessary. It was unambiguous about it. It found no need for a low-rent test to distinguish commonholds from tenancies, even though it envisaged people being able to convert to commonholds from leaseholds. The same logic applies to leaseholds. If the Lord Chancellor's Department six years ago said that there was no need for a low-rent test, surely the Department of the Environment can come to the same conclusion.

The low-rent test is a complex anachronism. It is not necessary, yet it causes serious problems and injustices, blocking the way to leasehold enfranchisement for all too many leaseholders, so why are the Government not supporting the Committee decision to abolish the low-rent test? It is simply because, as in 1987 and 1993, the Government are hamstrung: unfortunately, their supposed commitment to leasehold reform is countered by the pressure from the large landed interests, which remain utterly resistant to the concept of leasehold reform. Unfortunately, they continue to exercise far too great an influence on the Government's policies. Some people suspect that that is because the Government—or the governing party—are in too many respects financially dependent on some of those interests.

The resistance of those landed interests made the Landlord and Tenant Act 1987, supposedly designed to safeguard leaseholders, unworkable. As we will discuss in subsequent debates, to our knowledge, no one has been able to benefit from the provisions of part II and part III of the 1987 Act, which are supposed to give protection to leaseholders against bad landlords, because the procedures are so complex and tortuous. There is so much scope for costs to mount against the leaseholder that leaseholders have not been able to make use of it. Landlords have found it an easy device to get around.

There was similar resistance on the part of the big landowners in 1993 as a result of the Leasehold Reform, Housing and Urban Development Act, which was designed, as the Minister at the time, now Secretary of State for Transport, said, to give enfranchisement opportunities to 750,000 leaseholders. The vast majority have not been able to do so because, again, the big landowners nobbled the Government and, through a series of amendments, created legislation that is so riddled with anomalies and so full of loopholes that it is virtually impossible for all except the bravest and the most determined leaseholders to get through it.

If the Government push through their proposed new schedule 2, it will be one more surrender to the big landed interests, and will set up yet another obstacle to enfranchisement when, ostensibly, the low-rent test obstacle is being removed.

Mr. Gummer: The hon. Gentleman said that parts II and III of the Landlord and Tenant Act had never been used. I do not think that he is right on that. I thought that I would ask when it was last used. I am sure that he will be pleased to know that, only last week, in the Wandsworth county court, a group of tenants was able to acquire compulsorily its freehold under part III. I do not see why he should be unhappy about its use. It is true that I want to make it rather easier to use, but it is used already.

Mr. Raynsford: I am delighted to hear that, but I said what I did because on two previous occasions—in 1992-93, when we were debating the Leasehold Reform, Housing and Urban Development Act 1993, and again in Committee on the Bill now before us—I put it to Ministers that we had no evidence of cases successfully coming through under the 1987 Act, and they could not give me chapter and verse.

I am sorry that the right hon. Gentleman's colleagues could not provide the evidence, and I am delighted that he can provide it now. However, I am sure that he will accept that, none the less, the legislation has proved largely ineffective. If it is not ineffective, why does he propose to change the procedure, with a leasehold valuation taking the place of the court in relation to the transfer of management, which we shall discuss later?

Mr. Gummer: No one suggests that the 1987 Act is effective enough, but in this debate, in which it is easy to overstate certain matters, we must get the balance right. I thought that the hon. Gentleman strayed somewhat into the realms of fantasy when he talked about the relationship between myself, for example, and the great landed interests. I found what he said amusing, and enjoyed it, but it did not have much connection with reality or truth. I am merely suggesting that accuracy is important here.

Mr. Raynsford: I am happy to tell the Secretary of State that I entirely accept the need for accuracy. I have tried to be scrupulously accurate, and I immediately accepted his statement that there had been some use of the 1987 Act. However, I have explained that I had no knowledge of that use because his colleagues had not been able to provide me with chapter and verse.

Mr. Ashby: Will the hon. Gentleman give way?

Mr. Raynsford: May I finish my answer? Then I shall happily give way to the hon. Gentleman.

The 1987 Act promised a great deal and failed to deliver. So did the 1993 Act. When the Secretary of State tries to persuade the House that landed interests have no influence, will he explain the input of the British Property Federation to new schedule 2?

Mr. Ashby: Will the hon. Gentleman accept that, in response to my inquiries I, too, have found that the 1987

[Mr. Ashby]

Act has hardly been used at all? It is incredibly difficult to use, although I am delighted to hear that, in ornithological terms, one swallow has made the summer.

Mr. Raynsford: The hon. Gentleman makes a valid point.

At this stage, perhaps we should consider the two main effects of new schedule 2. First, it will exclude a limited number of properties in rural areas let as part of agricultural arrangements on terms involving long leases, but with no premium payable. As we have already established in earlier exchanges, the Country Landowners Association has made a case for the exemption of such properties. We understand that there are not many of them—perhaps 200 or 300 in the whole country. Nevertheless, the CLA's case for their exclusion is valid, and our amendments (a) to (d) would provide for the exclusion of such properties on the face of the Bill.

The second feature of new schedule 2, however, is very different, and creates an entirely new obstacle by establishing a 50-year qualifying period during which the low-rent test would still apply. Leases of 50 years or less will remain subject to the low-rent test. There is no justification for that arbitrary new test. The Secretary of State himself has conceded that 50 years is an entirely arbitrary limit. By contrast, 21 years is well established as the period that defines the distinction between a lease and a tenancy. I have yet to hear any convincing argument for adding a further test of whether the lease was for a period of 50 years or longer.

Indeed, the British Property Federation, whose representatives probably spent much time with the Secretary of State and his officials—

Mr. Gummer *indicated dissent.*

Mr. Raynsford: They certainly spent time trying to talk to me about the subject—and they could not provide any convincing justification for the period of 50 years.

We are considering a Government new schedule that would create an entirely new test that would significantly disadvantage individuals with leases shorter than 50 years. It would be capricious and arbitrary in its impact, just as the existing low-rent test has been. No justification has been advanced for it. The Secretary of State himself cannot produce figures to justify it. We do not know how many people may be affected. However, we do know that, if the new schedule is agreed, it will create criteria that will deny to many leaseholders the opportunity to enfranchise, and will provide yet another opportunity for freeholders to seek to frustrate leaseholders' hopes.

As evidence, I can do no better than refer to the case to which I alluded earlier—that of Mrs. Loder Dyer, who found herself blocked from enfranchisement by the low-rent test. The abolition of that test at last offered her the chance to buy her freehold, for which she had longed for many years. Imagine her horror when she discovered that new schedule 2 would dash her hopes yet again.

Mrs. Loder Dyer wrote to me on 26 April, and the House should know the terms in which she wrote:

"Dear Mr. Raynsford,

Re: Low Rent Test—Housing Bill

Mrs. Joan South of the Leasehold Enfranchisement Association telephoned me yesterday evening to notify me of the Government's intentions to amend the low rent test, namely to confine it to those with leases of 50 years or less. This is a catastrophe and it is quite unjustifiable.

I have a 45¾ year lease and therefore will again be discriminated against by this Government. There are many others in a similar position to me who stand to lose their homes as they have no statutory protection.

I attach for your convenience a copy of my original letter to you which you kindly read out to the Standing Committee"—

that is the letter that I have already read to the House—

"I sincerely hope that there will be some means open to you to persuade sufficient Conservative and Opposition MPs to examine their consciences on this matter when a vote is taken."

That is precisely what we shall do. The Secretary of State said earlier that if even one person suffered an injustice, that would be wrong and unacceptable, and that we must not create such a situation. Yet he proposes to cause injustice to that woman and to many other people, on the basis of no evidence, no figures and no justification whatever, simply relying on a hunch that a 50-year test is somehow appropriate.

That move will merely create one more unreasonable, unjustified anomaly in legislation that has for too long been bugged by unreasonable anomalies and arbitrary distinctions of that nature, which have created injustices. Our amendment to the new schedule, while accepting the rural exemption—the change suggested by the Country Landowners Association—for which there is justification, would remove the arbitrary and unjustified 50-year test that the Government seek to introduce, which will discriminate so unfairly against people such as Mrs. Loder Dyer.

Mrs. Loder Dyer is not alone. The Leasehold Enfranchisement Association tells me that there are many others. The hon. Member for North–West Leicestershire, too, knows that. As a result of his brave vote in favour of leasehold enfranchisement earlier this month, he has had a big mailbag. Many leaseholders would suffer a serious injustice if the Government did not accept our amendments (a) to (d) to new schedule 2, and I therefore hope that the House will stand up for their interests, rather than leaving them to be betrayed again.

By voting for our amendments, the House can demonstrate that it is determined to bring justice at last to all the leaseholders whose hopes have been so cruelly disappointed in the past. If Conservative Members, knowing as they do that what we are advocating is right, none the less decide to support the Government in the Lobby, they will demonstrate in the clearest possible way that they are prepared to subordinate the interests of their leaseholder constituents and the interests of justice to the short-term interests of political expediency, and to pressure from the party Whips.

That would be wrong, and if Conservative Members do it, we shall have no hesitation in ensuring that leaseholders, of whom there are many throughout the country, are well aware of the fact that tonight they voted to deny leaseholders the justice that they deserve. I hope that that will not happen. I hope that Conservative Members who know the justice of our argument will join us in saying to the Government that leasehold reform must go through.

We cannot go on with shabby compromises that create more obstacles and problems, and that ultimately deny the object that all of us say that in principle we support—

leasehold enfranchisement. If that is to become a reality, we have to sweep away the anomalies and loopholes that provide easy opportunities for the enemies of enfranchisement to block the way of leaseholders. Our amendments are just; the issue is simple.

Mr. Ashby: Would not the right way to deal with this be for the Government to accept the amendments and, in another place, add a clause that clearly defines the sort of tenancies that my right hon. Friend the Secretary of State has been talking about?

Mr. Raynsford: The hon. Gentleman, perfectly reasonably, seeks a compromise. I put it to him that the right compromise, which we have adopted, is to move the amendment to new schedule 2. Where there is a genuine reason, such as the rural tenancies, for an exemption, we are prepared to accept it, but something that is based on conjecture and speculation, such as the arbitrary figure of 50 years—which he knows is unjustified—cannot remain in the Bill.

We would be irresponsible to allow the Bill to proceed when it contains measures that we know in our hearts to be wrong. Our amendments are right. They are a compromise and accept the need for justifiable safeguards. I sincerely hope that all hon. Members who are aware of the significance and importance of the issue will, in Mrs. Loder Dyer's words, examine their conscience when they vote. I hope that they will vote with us in favour of amendments (a) to (d).

5.30 pm

Mrs. Maddock: It must be clear to the Secretary of State that there is cross-party support for dealing with leasehold enfranchisement, which was not properly tackled in 1993. In Committee, there was all-party support for the view that we had to get it right this time.

The problems have been around for several years. We have been incredibly well briefed by those who want real change and to get it right. The hon. Members for Greenwich (Mr. Raynsford) and for North-West Leicestershire (Mr. Ashby), and the right hon. Member for City of London and Westminster, South (Mr. Brooke), brought their expertise to bear in Committee. I asked the Minister to take account of all the lobbying and discussions that had taken place, and, if he could not accept our amendments then, to try to settle the matter once and for all and to get it right on Report.

Many people have suffered greatly in trying to deal with what can only be described in many cases as a legislative nightmare. In Committee, I pleaded with the Minister to turn those nightmares into sweeter dreams. I am disappointed that today we have nightmares only slightly less worse than those that we had before. The Government amendments and new clauses are not in line with the will of the Committee, which had all-party support. They attempt to reverse the vote in Committee.

Mr. Gummer: Does the hon. Lady agree that to say that a nightmare is only slightly less worse when our proposals apply to well over 90 per cent. of cases is to overdo the perfectly reasonable case that she is putting forward?

Mrs. Maddock: I still believe, having been advised by others with experience in the matter, that there will continue to be many nightmares. That is shown by many of the eloquent examples that have been given today. We have all had letters from people whose nightmares will continue if the Government's proposals are passed.

The Government have made two attempts to get this right. First, in Committee, we had to wait for their proposals, and had little time to discuss them. On the second attempt, the Opposition had to plead with Madam Speaker to ensure that we got amendments tabled for today. This is the third attempt. The Secretary of State said that, when it goes to another place, there will be other attempts to change the Bill and get it right.

There is plenty of evidence from individual groups caught up in the problems of leasehold enfranchisement to allow Government to get the legislation right. The Secretary of State has had helpful suggestions from many hon. Members today. I cannot understand why it is so difficult to get it right. It simply requires the political will.

The plea of the hon. Member for North-West Leicestershire summarised the Committee's cross-party view that we should keep the 21-year period. By all means let him come back with exclusions, but can the Secretary of State please propose better exclusions and get it right? There is plenty of evidence to allow him to. He has a Department to deal with it. I hope that he will listen carefully today. We may be successful in the Lobby. I cannot emphasise enough the cross-party support outside the House for getting it right, keeping the 21 years and ending the nightmare that people will still suffer in dealing with such matters.

Mr. Carrington: I am grateful for the opportunity to participate in this debate. As I was not on the Committee, I have sometimes felt that I have been listening to a quarrel that has been going on for some time, which has continued into Report.

It has been a long battle to get leasehold reform. I am grateful to my right hon. Friend the Secretary of State for the huge advances that he has made in the Bill. I greatly welcome the changes in new clause 21 and new schedule 2. They will go a long way to remedying the problems that face people in trying to get enfranchisement under their existing leasehold. There are still problems, but they involve less the legalities of what constitutes a long lease than what in reality is a long lease and what was recognised as a long lease by the parties when they entered into it. We must get equity between the rights of the leaseholder and the genuine rights of the freeholder.

I have long campaigned for the rights for leaseholders and for their right to be enfranchised, because I well know from experience in my constituency and across London of the great problems that have been caused to leaseholders by the evil practices of a few freeholders. However, they are a small number. It is only right that legislation, which by its nature is retrospective, to allow enfranchisement should recognise that freeholders have certain rights.

It has been suggested that the low-rent test should be abolished, and an amendment to that effect was passed in Committee. That would mean that any lease longer than 21 years would qualify for enfranchisement. We must consider whether, in practice, leaseholders and freeholders signed leases 21 or more years ago with the intention that they were long leases, or whether they recognised that the arrangement between them would come to an end in the

[Mr. Carrington]

fulness of time. There is no question but that, when parties entered into a 99-year lease, it was a surrogate for selling the freehold. However, when it comes down to 21 years, the question is much more clouded.

Fifty years may well be a reasonable compromise. It certainly encompasses most of the abuses. It does not encompass them all, but most of the problems arise with leaseholds created in the late 1950s, the 1960s and the 1970s. They were created in London, when the big mansion blocks were converted from rented to leasehold properties, and in the mass of conversions of terraced property in the 1960s and 1970s. Those are the areas in which there have been the most abuses.

For the most part, those problems will be remedied by the 50-year rule. As I made clear in an intervention, I have doubts about whether 50 years is precisely the right term. I have little doubt that 21 years is probably too short. The balance probably lies somewhere between. Perhaps, as I suggested in my intervention, 45 years would deal with more problems than 50.

The hon. Member for Greenwich—an old sparring partner of mine from years ago—mentioned a case of great injustice faced by a lady who had written to him. Her lease was 45¼ years, so she would benefit if there was a small tinkering of the 50 years down to 45. I have no particular brief for 45 years, and have not done any studies to find out whether that is the right period—it might well be 40 years. I do know, however, that we have to find the right balance.

I urge my right hon. Friend the Secretary of State to look hard to ensure that we get a period that benefits the maximum number of people with the minimum injustice to freeholders, who entered into perfectly reasonable transactions all those years ago in the belief that they would be protected by the law, and that it would not be changed retrospectively.

Examples are important in this context. In London after the war, as many of the properties had been large family houses and were suffering severe neglect and in a poor state of repair, it was not uncommon—I know this from experience, as my parents were looking for a business property in Belgravia and the west end after the war—for landlords to grant leases of about 30 years, on the understanding that the leaseholder would repair and restore the property. Although I do not know the exact addresses, as I was a little boy at the time, I suspect that the landlord was Grosvenor estates.

Those were historic properties, even in those times, and they had to be restored to a condition in which they could survive as buildings and would not need to be knocked down. That meant dealing with dry rot, installing damp-proof courses, putting on new roofs and restoring the fine architectural features at a substantial cost. Consequently, the early years of the lease were charged at modest levels, with the later years being more of a rent. The intention was effectively for a rented period of up to about 30 years, after which the property would revert to Grosvenor estates.

It would be wrong to consider leaseholders who engaged in such arrangements as necessarily entitled to enfranchisement. There were benefits on both sides, and both parties entered into the arrangements understanding exactly what they were doing.

Similar arrangements are still entered into with historic properties. I understand that the National Trust enters into similar arrangements today. It would be wrong if such leaseholders were entitled to be enfranchised in the way that is being discussed.

There is a balance to be drawn. I believe that we are nearly there. My right hon. Friend the Secretary of State has ensured that we are close to remedying most abuses of the leasehold system. It has been a long battle—it was started by the predecessor of my hon. Friend the Member for Kensington (Mr. Fishburn), Sir Brandon Rhys Williams, who sadly died before it could be incorporated into legislation. The battle has been carried forward by my hon. Friend the Member for Kensington and my right hon. Friends the Members for City of London and Westminster, South (Mr. Brooke) and for Chelsea (Sir N. Scott). Some of us have been battling hard for the rights of leaseholders.

I am glad that my right hon. Friend the Secretary of State has gone nearly the whole way towards providing for leaseholders the remedies they need. However, I urge him to reconsider the 50-year period to find out whether it could be fine-tuned. I also urge him to consider, in time, the introduction of commonhold, which would put the icing on the cake for leaseholders and would enable us to move forward to a form of tenure in urban property that would set us right for the next 100 or 200 years in London.

5.45 pm

Ms Glenda Jackson: I shall speak briefly. Unlike the Secretary of State, who was so outraged at what he clearly saw as my audacity in intervening on him when I had not been present to hear the first words that emanated from his lips, I have heard before the arguments that I am hearing this afternoon. I had the privilege to serve on the Standing Committee of the Leasehold Reform, Housing and Urban Development Act 1993, as well as that on this Bill.

I found the contribution of the hon. Member for Fulham (Mr. Carrington) fascinating. He presented a personal story, and charitably told the House that he believed that the arrangement that he had described was equal on both sides. I do not accept his interpretation. I read it as informing my view, that the maintenance of the great estates in London was almost entirely dependent on the willingness of those leaseholders to take on the sort of lease to which he referred, and to furnish out of their own pockets the enormous restorations to which he referred in his example. Indeed, they have had the responsibility for maintaining those great estates ever since, by virtue of the financial contribution to maintenance and repair ordained for them by their freeholder.

The introduction of the 50-year period does absolutely nothing to rectify the overwhelming injustice that so many leaseholders have lived under, and will continue to live under, if the House does not vote for the Opposition amendments. The argument of my hon. Friend the Member for Greenwich (Mr. Raynsford) and that furnished by the hon. Member for North-West Leicestershire (Mr. Ashby) have clarified the situation. The introduction of a different number of years will do absolutely nothing to advance the cause of leasehold enfranchisement. I do not think it an exaggeration to say that it will leave thousands of people in the same uneasy situation in which they find themselves today.

We have heard much talk of equity, land, landowners and freeholders. One of the elements that has been missing from the debate is that we are talking not simply about bricks and mortar, but about people's homes—often family homes in which there has been not only a financial requirement to maintain the fabric, at the behest of the owner of the freehold, but an emotional commitment.

As those of us who are privileged to have families know, their entirely individual histories are enshrined—I hesitated to use the word "enshrined", as it is too extreme and possibly sentimental, and I would hate to be either—within the confines of the home. The growth and development of the family and the emotional commitment and sense of continuity, to which the Secretary of State referred, are intrinsic, not only in the people involved but in the physical environment in which they live, raise their children and see them grow and develop their own families.

As I said in my intervention on the Secretary of State, it is a gross injustice that leaseholders are not allowed to pass property on to their families. I repeat: the Prime Minister has said that one of the central planks of Conservative party policy is that people can pass on what they own to their own—but they do not have a sense of what they have physically and economically maintained as genuinely their own.

The amendment moved by the Secretary of State will do absolutely nothing to remove the sense of temporary engagement, no matter how long it may be perceived that people will live in the home. The introduction of 50 years underlines what I believe to be gross inequity—that, in certain situations, leaseholders have absolutely no right to regard their home as their home.

I urge Government Members to vote for the amendment tabled by my hon. Friend the Member for Greenwich. As more than one hon. Member has said this afternoon, the low rent amendment received all-party support in Committee, and it was agreed. It would be quite wrong for the House to ignore that debate.

Many thousands of people, in London and around the country, are looking to the House today to relieve them of the anxiety and the burden of not knowing whether they can claim their home for their own. They are not trying to steal it—often, the properties would not be standing were it not for the financial and emotional commitment of the leaseholders—they simply wish to have the security that surely they have worked for and that they have committed themselves to. They want to know that their home is their home.

This is the second time that this issue has been debated in a short time, not only on the Floor of the House but in Committee. The issue has been meticulously examined, and the arguments, in the main, have been serious. Hon. Members should not allow the Government's newly tabled—and supposedly newly considered—amendments to be part of the Bill, as they would betray many thousands of leaseholders who have genuinely looked to us to speak for them. As we have been given a second opportunity to right a wrong, we should do so tonight.

Mr. Brooke: I spoke to the Bill in Committee, and I will not repeat what I said on that occasion—save to say that I recognised that, historically, there had been advantages in the leasehold principle, and that it had greatly benefited the aesthetic charms of central London and of other towns and cities that grew rapidly in the 18th century.

I acknowledged that, in the last decade of the 20th century, the principle of leasehold utility might have been diminished. I suggested that the opportunity of patient unravelling in the Bill should not be missed. I acknowledged the rights of freeholders and of landlords—I emphasise, particularly good freeholders and landlords—as well as the rights of leaseholders. The patient unravelling that I was envisaging was to take both sets of interests into account.

I said that I would support the Government in Committee—but I thought that the amendments owed more to impatient unravelling than to patient unravelling. I said that I hoped that the issues would be reconsidered by Her Majesty's Government in the interim between Committee and Report. The hon. Members for Greenwich (Mr. Raynsford) and for Christchurch (Mrs. Maddock) interpreted that as a part of all-party support—and I do not resile from the language that they have used. I need to be fair to the Government—they have reconsidered matters, and I am prepared to give them the benefit of the doubt.

The hon. Member for Greenwich concentrated his attack on the 50-year provision. My right hon. Friend the Secretary of State said that there was nothing sacred about 50 years, which is his current best estimate. That is flexibility and good will enough for me. It would be churlish of me to throw back the Government's concessions when they have reconsidered the issue quite significantly between Committee and Report, as I asked them to do.

Mr. Clive Betts (Sheffield, Attercliffe): Like my hon. Friend the Member for Hampstead and Highgate (Ms Jackson), I had the privilege of serving on the Committee considering the Bill, and of listening to the considerable and intricate arguments on the amendments that were eventually carried. As she said, there was all-party support in Committee. The Labour party supported the amendments that the Government are now seeking further to amend by their new clause.

There was support from the hon. Member for North-West Leicestershire (Mr. Ashby)—to whom my hon. Friend the Member for Greenwich (Mr. Raynsford) has already referred—and he was very brave to make a stand, as a matter of principle, in defence of the rights of many leaseholders who have been substantially disfranchised for many years. He made a stand to ensure that the Bill contained clauses that would give leaseholders the rights they had sought and battled for over the years.

My hon. Friend the Member for Greenwich has referred to the work of Joan South and others struggling to ensure the enfranchisement of leaseholders and to give them their proper rights. Members of the Labour party, Liberal Democrats and Ulster Unionists supported the proposals we brought forward—in fact, many arguments were mounted in favour of our proposals.

The thing that influenced and convinced me most of all—it has been raised again today in our discussions about the Government's new proposals—was the fact that this matter has been before the House on so many occasions. My hon. Friend the Member for Hampstead and Highgate said that, only three years ago, she served on the Committee that looked at exactly the same issue. On that occasion, the Labour party warned the Government that what they were doing was not

[Mr. Clive Betts]

satisfactory, that it would not give real and proper rights to leaseholders, and that it would not result in leaseholders being able to purchase the freehold of their property.

In 1993, the Government were warned—as they have been on previous occasions—that they were passing words in legislation that would not give the people in question the rights they desired, words that would not change the fundamental relationship between leaseholders and their freeholders, and words that would not enable leaseholders to buy the freeholds that they desired. When we came to discuss these issues in Committee, it was all too apparent that the Government had not learnt the lessons.

I am most disappointed that, when we had had that debate in Committee, and had had amendments carried which would for the first time give real rights, exercisable rights, to the people fighting this campaign over many years, such as Joan South, the Government were not able to accept them but have come forward with another form of words.

I was not convinced by what the Secretary of State said. When my hon. Friend the Member for Greenwich challenged him to show how anyone had benefited from the exercise of the previous legislation, only one case was presented. As the hon. Member for North–West Leicestershire said, it is a bit like one swallow making a summer, and does not prove the Government's case.

I listened with interest to what the hon. Member for Fulham (Mr. Carrington) said about the 50-year rule. He said that he saw no argument why the 50-year rule was necessarily applicable. A 45-year rule, a 40-year rule or a 35-year rule might equally be introduced. It is possible to argue in favour of any number of years, but those arguments would be based on hunches—on Ministers feeling that it might be the right thing to do.

The Secretary of State has made no convincing case that any research has been done, or empirical evidence collected, to show that 50 years is the right period. I still have not heard from the Secretary of State, or any Conservative Member, any evidence to show that 50 years is the right period. We are asked to vote for a Government new clause that provides for a low-rent test based on 50 years; on what evidence are we asked to do so?

6 pm

The House has been asked to overturn the Committee's decision—to overturn an amendment that would have tackled a low-rent test that has effectively prevented leaseholders from exercising their right to enfranchisement for several successive periods of years, following each successive process of legislation. Leaseholders have not been allowed to exercise their rights; they have been frustrated by the wording of successive pieces of legislation. All we have from the Government is yet another form of words, surrounding a 50-year rule, and no Conservative Member has given us any evidence that that 50-year rule is right, fair and reasonable.

Perhaps the Secretary of State will tell us why 50 years is the right period. Why does not he accept that 45 years, or 40 years, is right?

Perhaps the Secretary of State will also write to Mrs. Loder Dyer, and explain how the new clause will enfranchise her, and justify that. I know that it is not always possible to devise legislation on the basis of one case, but in this case it surely illustrates a matter of principle—the matter of principle, the just cause, for which that lady has fought for many years. That just cause was not supported by previous legislation, because the wording was lax and offered a freeholder enough loopholes and possibilities to take her, as she explained, through one court process after another—processes that she could not afford.

The lady finally believed that she would receive her entitlements as a result of the amendments that we passed in Committee, but now, because she has a lease of slightly more than 45 years, the 50-year rule will once again exclude her. What will the Secretary of State say to her? He must convince people like her on grounds of fairness and reasonableness if new clause 21 is to be worthy of being passed by the House tonight.

Mr. Gummer: We have had a useful discussion on this subject.

My hon. Friend the Member for North–West Leicestershire (Mr. Ashby) suggested that there might be a different way of introducing the equity that he was kind enough to suggest was present in the amendment. I have considered the possibility of tying this in the way that he suggests, but I am happy to reconsider it to discover whether there is a way of using his suggestion. I should not like to over-emphasise the possibilities, because I genuinely have considered the issue carefully, but I am prepared at least to talk to him about these things to discover whether I can do anything.

I think I can honourably say that, because I put the measure into the Bill. I did so because I was Minister responsible for London and because, for many years, I had the considerable experience of listening to, among others, my old friend—now sadly dead—Sir Brandon Rhys Williams, who led this battle. He has been supported latterly by his successor, my hon. Friend the Member for Kensington (Mr. Fishburn), and by my right hon. Friends the Members for City of London and Westminster, South (Mr. Brooke) and for Chelsea (Sir N. Scott) and by my hon. Friend the Member for Fulham (Mr. Carrington). That important group of people has pressed that argument upon me, and that is why the measure is in the Bill in the first place.

I am pleased that my hon. Friend the Member for North–West Leicestershire should feel that I have been as flexible as possible, and I am surprised that the hon. Member for Christchurch (Mrs. Maddock) attacks me for being flexible. It is very odd. I am afraid that her party is like that; it always wants it every way. She admitted that two sets of legislation have not got it quite right, but evidently believes that I can now get it absolutely right with a snap of my fingers. The hon. Lady might have phrased that more graciously.

The hon. Member for Greenwich (Mr. Raynsford) was a little unhappy in his attitude to freeholders, as I have tried to achieve a balance, and will continue to do so. My hon. Friend the Member for Fulham made that point carefully, and I was surprised that the hon. Member for Hampstead and Highgate (Ms Jackson) did not recognise what he recognised from experience—that there is something to be said on both sides.

The work that my hon. Friend the Member for Fulham and his colleagues have done was much more graceful, much more concerned with equity, and much more equal than the hon. Member for Hampstead and Highgate was

in the rather sad way in which she expressed her view. I found her remark about temporary engagement in housing odd from someone who has opposed, at every step, the ability of council tenants to buy their own homes. She appears to have a very odd inconsistency of opinion.

Ms Glenda Jackson: Will the Secretary of State give way?

Mr. Gummer: No, I will not give way on this occasion. I have given way to the hon. Lady several times.

I was impressed by the comments by the hon. Member for Sheffield, Attercliffe (Mr. Betts), but he repeated what others had said.

I believe that we have achieved a balance. I promise to consider exactly where the line should be drawn, and the issues raised by my hon. Friend the Member for North–West Leicestershire. I hope that the House will feel that I have been as flexible as possible. I again pay tribute to those of my hon. Friends who pushed this in the first place.

Question put, That the clause be read a Second time:—

The House divided: Ayes 289, Noes 287.

Division No. 114] **[18.05 pm**

AYES

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alexander, Richard
Alison, Rt Hon Michael *(Selby)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkins, Rt Hon Robert
Atkinson, David *(Bour'mouth E)*
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Banks, Matthew *(Southport)*
Banks, Robert *(Harrogate)*
Bates, Michael
Batiste, Spencer
Bendall, Vivian
Beresford, Sir Paul
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & Cl'thorpes)*
Browning, Mrs Angela
Budgen, Nicholas
Burt, Alistair
Butcher, John
Butler, Peter
Carlisle, John *(Luton North)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Channon, Rt Hon Paul
Chapman, Sir Sydney
Churchill, Mr
Clappison, James
Clark, Dr Michael *(Rochford)*
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Congdon, David
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Cope, Rt Hon Sir John
Cormack, Sir Patrick
Couchman, James
Cran, James
Currie, Mrs Edwina *(S D'by'ire)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Devlin, Tim
Dicks, Terry
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Duncan Smith, Iain
Dunn, Bob
Durant, Sir Anthony
Elletson, Harold
Emery, Rt Hon Sir Peter
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fabricant, Michael
Fenner, Dame Peggy
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gill, Christopher
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Gummer, Rt Hon John Selwyn
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Rt Hon Jeremy
Hannam, Sir John
Hargreaves, Andrew
Haselhurst, Sir Alan
Hawkins, Nick
Hawksley, Warren
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hendry, Charles
Heseltine, Rt Hon Michael
Higgins, Rt Hon Sir Terence
Hill, James *(Southampton Test)*
Horam, John
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howell, Sir Ralph *(N Norfolk)*
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Hunt, Sir John *(Ravensbourne)*
Hunter, Andrew
Hurd, Rt Hon Douglas
Jack, Michael
Jackson, Robert *(Wantage)*
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
Key, Robert
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Leigh, Edward
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
McNair-Wilson, Sir Patrick
Madel, Sir David
Maitland, Lady Olga
Major, Rt Hon John
Malone, Gerald
Mans, Keith
Marland, Paul
Marshall, John *(Hendon S)*
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Mawhinney, Rt Hon Dr Brian
Mayhew, Rt Hon Sir Patrick
Mellor, Rt Hon David
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Moate, Sir Roger
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Moss, Malcolm
Needham, Rt Hon Richard
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Patnick, Sir Irvine
Patten, Rt Hon John
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Porter, David *(Waveney)*
Portillo, Rt Hon Michael
Powell, William *(Corby)*
Rathbone, Tim
Redwood, Rt Hon John
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Rifkind, Rt Hon Malcolm
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Shepherd, Richard *(Aldridge)*
Shersby, Sir Michael
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Speed, Sir Keith
Spencer, Sir Derek
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*

Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stephen, Michael
Stern, Michael
Stewart, Allan
Streeter, Gary
Sweeney, Walter
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Thomason, Roy
Thompson, Sir Donald *(C'er V)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Townend, John *(Bridlington)*
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Tredinnick, David
Trend, Michael
Trotter, Neville
Twinn, Dr Ian
Vaughan, Sir Gerard
Viggers, Peter
Waldegrave, Rt Hon William
Walden, George
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wilkinson, John
Willetts, David
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Simon Burns and
Mr. Derek Conway.

NOES

Abbott, Ms Diane
Adams, Mrs Irene
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Austin-Walker, John
Banks, Tony *(Newham NW)*
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Beggs, Roy
Beith, Rt Hon A J
Bell, Stuart
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Berningham, Gerald
Berry, Roger
Betts, Clive
Blair, Rt Hon Tony
Blunkett, David
Boateng, Paul
Boyes, Roland
Bradley, Keith
Bray, Dr Jeremy
Brown, Gordon *(Dunfermline E)*
Brown, N *(N'c'tle upon Tyne E)*
Bruce, Malcolm *(Gordon)*
Burden, Richard
Byers, Stephen
Cabom, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(Fife NE)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Chidgey, David
Chisholm, Malcolm
Church, Judith
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Tom *(Monklands W)*
Clelland, David
Clwyd, Mrs Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cunliffe, Lawrence
Cunningham, Jim *(Covy SE)*
Cunningham, Rt Hon Dr John
Dafis, Cynog
Darling, Alistair
Davidson, Ian
Davies, Bryan *(Oldham C'tral)*
Davies, Chris *(L'Boro & S'worth)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Ron *(Caerphilly)*
Davis, Terry *(B'ham, H'dge H'l)*
Denham, John
Dewar, Donald
Dixon, Don
Dobson, Frank
Donohoe, Brian H
Dowd, Jim
Dunnachie, Jimmy
Dunwoody, Mrs Gwyneth
Eagle, Ms Angela
Eastham, Ken
Etherington, Bill
Evans, John *(St Helens N)*
Ewing, Mrs Margaret
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fisher, Mark
Forsythe, Clifford *(S Antrim)*
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foulkes, George
Fraser, John
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
Garrett, John
George, Bruce
Gerrard, Neil
Gilbert, Rt Hon Dr John
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mildred
Graham, Thomas
Grant, Bernie *(Tottenham)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike
Hanson, David
Hardy, Peter
Harman, Ms Harriet
Harvey, Nick
Hattersley, Rt Hon Roy
Henderson, Doug
Hendron, Dr Joe
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Howarth, Alan *(Strat'rd-on-A)*
Howarth, George *(Knowsley North)*
Howells, Dr Kim *(Pontypridd)*
Hoyle, Doug
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport E)*
Hughes, Simon *(Southwark)*
Hume, John
Hutton, John
Illsley, Eric
Ingram, Adam
Jackson, Glenda *(H'stead)*
Jackson, Helen *(Shef'ld, H)*
Jamieson, David
Janner, Greville
Jenkins, Brian *(SE Staff)*
Johnston, Sir Russell
Jones, Barry *(Alyn and D'side)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jones, Nigel *(Cheltenham)*
Jowell, Tessa
Kaufman, Rt Hon Gerald
Keen, Alan
Kennedy, Charles *(Ross,C&S)*
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Kilfoyle, Peter
Kirkwood, Archy
Lestor, Joan *(Eccles)*
Lewis, Terry
Liddell, Mrs Helen
Litherland, Robert
Livingstone, Ken
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Lynne, Ms Liz
McAllion, John
McAvoy, Thomas
McCartney, Ian
McCartney, Robert
McCrea, The Reverend William
McFall, John
McGrady, Eddie
McKelvey, William
Mackinlay, Andrew
McLeish, Henry
Maclennan, Robert
McMaster, Gordon
MacShane, Denis
Maddock, Diana
Maginnis, Ken
Mahon, Alice
Mandelson, Peter
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester, S)*
Martin, Michael J *(Springburn)*
Martlew, Eric
Maxton, John
Meacher, Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moonie, Dr Lewis
Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mowlam, Marjorie
Mudie, George
Mullin, Chris
Murphy, Paul
Nicholson, Emma *(Devon West)*
Oakes, Rt Hon Gordon
O'Brien, Mike *(N W'kshire)*
O'Brien, William *(Normanton)*
O'Hara, Edward
Olner, Bill
Paisley, The Reverend Ian
Parry, Robert
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pike, Peter L
Powell, Ray *(Ogmore)*
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Randall, Stuart
Raynsford, Nick
Reid, Dr John
Rendel, David
Robertson, George *(Hamilton)*
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ross, William *(E Londonderry)*
Rowlands, Ted
Ruddock, Joan
Salmond, Alex
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Shore, Rt Hon Peter
Short, Clare
Simpson, Alan
Skinner, Dennis
Smith, Andrew *(Oxford E)*

Smith, Chris *(Isl'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Smyth, The Reverend Martin
Snape, Peter
Soley, Clive
Spellar, John
Squire, Rachel *(Dunfermline W)*
Steel, Rt Hon Sir David
Steinberg, Gerry
Strang, Dr. Gavin
Straw, Jack
Sutcliffe, Gerry
Taylor, Mrs Ann *(Dewsbury)*
Taylor, Rt Hon John D *(Strgfd)*
Taylor, Matthew *(Truro)*
Thompson, Jack *(Wansbeck)*
Thurnham, Peter
Timms, Stephen
Tipping, Paddy
Touhig, Don
Trickett, Jon
Turner, Dennis
Tyler, Paul
Vaz, Keith
Walker, A Cecil *(Belfast N)*
Wallace, James
Walley, Joan
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Welsh, Andrew
Wicks, Malcolm
Wigley, Dafydd
Williams, Rt Hon Alan *(Sw'n W)*
Williams, Alan W *(Carmarthen)*
Wilson, Brian
Wise, Audrey
Worthington, Tony
Wray, Jimmy
Wright, Dr Tony
Young, David *(Bolton SE)*

Tellers for the Noes:
Mr. Eric Clarke and
Mr. Greg Pope

Question accordingly agreed to.

Clause read a Second time, and added to the Bill.

Mr. Henry McLeish (Fife, Central): On a point of order, Mr. Deputy Speaker. Tonight, the Government have been defeated in Committee in yet another attempt to increase prescription charges. Surely that decision must be respected. It must be wrong for Ministers to ride roughshod over the clear decision of a statutory Committee of the House. Is it in order for me to ask you to protect the House and the public against the actions of Ministers?

Mr. Deputy Speaker (Mr. Michael Morris): My job in the Chair is to ensure the safe passage of the Housing Bill, as amended. For the moment, that is my sole concern.

Mr. Hugh Bayley (York): On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Is it a new point of order?

Mr. Bayley: It is on the same matter, Mr. Deputy Speaker.

Mr. Deputy Speaker: I have ruled on that, so we shall move on.

New clause 15

APPOINTMENT OF MANAGER: TRANSFER OF JURISDICTION TO LEASEHOLD VALUATION TRIBUNAL

.—(1) Part II of the Landlord and Tenant Act 1987 (appointment of managers by the court) is amended as follows for the purpose of transferring to a leasehold valuation tribunal the jurisdiction of the court under that Part.

(2) In the following contexts for "the court", in the first (or only) place where it occurs, substitute "a leasehold valuation tribunal": section 21(1), section 22(2)(b), section 22(3), section 23(1), section 24(1), (2), (9) and (10); and in every other context, except section 21(6), for "the court" substitute "the tribunal".

(3) In section 21(6) (exclusion of application under inherent jurisdiction of court) for "any jurisdiction existing apart from this Act" substitute "any jurisdiction".

(4) In section 23(2) for "Rules of court" substitute "Procedure regulations".

(5) After section 24 insert—

"Jurisdiction of leasehold valuation tribunal

24A.—(1) The jurisdiction conferred by this Part on a leasehold valuation tribunal is exercisable by a rent assessment committee constituted in accordance with Schedule 10 to the Rent Act 1977 which when so constituted for the purposes of exercising any such jurisdiction shall be known as a leasehold valuation tribunal.

(2) The power to make regulations under section 74(1)(b) of the Rent Act 1977 (procedure of rent assessment committees) extends to prescribing the procedure to be followed in connection with any proceedings before a leasehold valuation tribunal under this Part.

Such regulations are referred to in this Part as "procedure regulations".

(3) Any order made by a leasehold valuation tribunal under this Part may, with the leave of the court, be enforced in the same way as an order of the county court.

(4) No costs incurred by a party in connection with proceedings under this Part before a leasehold valuation tribunal shall be recoverable by order of any court.

(5) Paragraphs 2, 3 and 7 of Schedule 22 to the Housing Act 1980 (supplementary provisions relating to leasehold valuation tribunals: appeals and provision of information) apply to a leasehold valuation tribunal constituted for the purposes of this section.

(6) On an appeal to the Lands Tribunal from a decision of a leasehold valuation tribunal under this Part—

(a) the Lands Tribunal may exercise any power available to the leasehold valuation tribunal in relation to the original matter, and

(b) an order of the Lands Tribunal may be enforced in the same way as an order of the leasehold valuation tribunal.

Leasehold valuation tribunal: applications and fees

24B.—(1) The Secretary of State may make provision by order as to the form of, or the particulars to be contained in, an application made to a leasehold valuation tribunal under this Part.

(2) The Secretary of State may make provision by order—

(a) requiring the payment of fees in respect of any such application, or in respect of any proceedings before, a leasehold valuation tribunal under this Part; and

(b) empowering a leasehold valuation tribunal to require a party to proceedings before it to reimburse any other party the amount of any fees paid by him.

(3) The fees payable shall be such as may be specified in or determined in accordance with the order; and the order shall be framed with a view to securing that taking one year with another the amount of the fees charged is sufficient to meet the reasonable cost of providing the service to which they relate.

(4) An order under this section may make different provision for different cases or classes of case or for different areas.

(5) An order may, in particular, provide for the reduction or waiver of fees by reference to the financial resources of the party by whom they are to be paid or met.

Any such order may apply, subject to such modifications as may be specified in the order, any other statutory means–testing regime as it has effect from time to time.

(6) An order under this section shall be made by statutory instrument which, unless the order contains only such provision as is mentioned in subsection (1), shall be subject to annulment in pursuance of a resolution of either House of Parliament.".

(6) In section 52 of the Landlord and Tenant Act 1987 (jurisdiction of county courts), in subsection (2)(a) for "Parts I to IV" substitute "Parts I, III and IV".—*[Mr. Gummer.]*

Brought up, and read the First time.

Mr. Gummer: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following: Government new clause 16—*Period after which acquisition order may be made.*

Government new clause 17—*Text of Part II of the Landlord and Tenant Act 1987, as amended.*

Government amendments Nos. 92, 93, 140 and 141.

Government new schedule 1—*Text of Part II of the Landlord and Tenant Act 1987, as amended.*

Mr. Gummer: Earlier, we discussed matters of equity. I suggested that the Bill included these provisions because, as Minister responsible for London, I recognised the continuing problems involved in leasehold enfranchisement. The management of a block of leasehold flats is a particularly important issue. It was put to us that leaseholders should have a right to manage, irrespective of the actions of the freeholder—in other words, that we should ignore whether a freeholder was good, bad or indifferent, and say that in all circumstances leaseholders should be able to manage the property.

We propose to remove clause 81 from the Bill. It gives leaseholders in a block of flats the right to take over responsibility for its management, irrespective of whether the freeholder is doing a good job. We consider that removal to be the correct procedure, because the clause suggests that a right that the freeholder clearly has should be removed without compensation, even if he is an excellent manager. I find that difficult to accept in terms of equity. I say that as someone who has been extremely angry about the activities of so-called freeholders—people who have bought up freeholds for speculative purposes.

The hon. Member for Hampstead and Highgate (Ms Jackson) made some pretty unpleasant comments about freeholders generally. To refer to all freeholders in that way removes the force of what I would say about those who do behave badly: they behave in a way that is wholly intolerable and damages the lives of their leaseholders. I have my proposals for change precisely because I find the action of those people unacceptable and current legislation does not provide proper protection.

Ms Glenda Jackson: I am not aware of ever having condemned all freeholders. Perhaps the Secretary of State could point out where I have made such allegations. I was certainly somewhat vehement in Committee in urging hon. Members not to believe that a freeholder who has a seemingly sound name is automatically a good freeholder or property manager.

Mr. Gummer: I am sorry if the hon. Lady feels that I have misjudged her. Certainly the tenor of her remarks in the previous debate did not allow the House to hear any exceptions when she suggested that all leaseholders had contributed more to the development, protection and maintenance of their properties than freeholders. I am afraid that that is not true. Many freeholders play a perfectly proper part in those arrangements.

I want to ensure that both sides are properly protected and that their rights are properly upheld. I do so having introduced measures to protect leaseholders who were not properly protected because I believed that they needed additional protection.

The difficulty with removing the rights of freeholders without compensation is that we would be removing something of value. Whether we like it or not, it is a fact that the price the landlord pays for property reflects the income available from management—not from exploitation, but from management—and genuine commercial business that would stand scrutiny about its fairness. The House must therefore think seriously before it removes the rights of people even when they have behaved wholly genuinely and absolutely properly.

Mr. Raynsford: Will the Secretary of State give way?

6.30 pm

Mr. Gummer: In a second.

The House has to take that into account because the House is here—in part, at least, and perhaps some would say overall—to protect the rights of all. It is also true that the policy of an unqualified right to take over management would give a landlord the possibility of mounting a challenge to the legislation before the European Court of Human Rights, which allows deprivation of rights only if that can be justified in the public interest and when a fair compensation is paid.

The problem that arises is whether it is reasonable to remove the rights of a good freeholder—somebody who is doing the job properly—or whether we should look for a way to remove those rights when the job is not properly done.

Mr. Ashby: Will my right hon. Friend give way?

Mr. Gummer: I promised to give way to the hon. Member for Greenwich (Mr. Raynsford), so I will give way to him first and then I will be happy to give way to my hon. Friend.

Mr. Raynsford: The Secretary of State has spoken at great length about the potential damage that would be done by removing freeholders' rights altogether. Will he recognise that the arrangement by which the right to manage would be exercised—we successfully included this in Committee and the measure now appears in the Bill—would involve the creation of a management company on which the freeholder would be guaranteed representation? That is a specific safeguard for the freeholders' interests.

Mr. Gummer: The best opinion I have had is that what is proposed would certainly give the opportunity to mount a challenge. As it stands, the Bill does not cover the rights that people have, and I wish to achieve equity. Therefore, if the hon. Gentleman will allow me, I am suggesting an alternative route that will meet the need.

Mr. Ashby: I know that my right hon. Friend will say that he has had the best possible advice, but I wonder

whether that advice was the best possible, for the following reason: the freeholders do not have the right to income from the management of the lease of the freehold. Up and down the country, the Lands Tribunal has upheld the fact that the landlord has no rights to income from the management of the company. The advice must be wrong. I can refer my right hon. Friend to many cases and I have copies of detailed judgments in which a marriage value has been ascertained from the freehold. In every single case, the Lands Tribunal has said that the manager—that is, the freeholder, owner and landlord—has no property or financial rights that can be included in the marriage value. Will my right hon. Friend please reconsider the advice that he has been given?

Mr. Gummer: I do not wish to use my lawyers' arguments against my hon. Friend, but the advice of the best lawyers is that there are other aspects that could have intrinsic value and that would open up the possibility of challenge. I am not basing my argument on that; I am merely saying that very good authority believes that.

Mr. Ashby: I do not agree.

Mr. Gummer: I spend a lot of my time disagreeing with legal advice and I fight my argument through. I have argued this point and I have been convinced by that legal advice. I would like my hon. Friend to listen to the fundamental principle. It is very difficult to say to people who have carried out their duties wholly properly and without any fault whatever that, although they entered a lease on the basis that they were going to manage, other people have a right to take the lease away, irrespective of how they have behaved. I do not think that many people would view that as equitable.

Mr. Ashby: My right hon. Friend is wrong.

Mr. Gummer: My hon. Friend can say that, but I do not think that I am wrong to say—even if his legal view is different from mine—that it would not be thought right in common fairness to take away people's rights when they have done nothing wrong and when, sometimes, they have done more than anyone might have expected. It is not possible for it to be fair in equity to do that. I looked for a way to overcome that problem.

Frankly, I was elected to the House to try to protect the interests of all, not of any one section. I also recognise that in this case there is a considerable difficulty with people getting the right to manage under the present legislation. The hon. Member for Greenwich and I had a joke between us about how many might have managed it or not. He is right: far too few do. I want to make it as easy as possible.

Mr. Raynsford: May I advise the Secretary of State not to be too harsh on the hon. Member for North–West Leicestershire (Mr. Ashby)? The Secretary of State will be aware that, without his hon. Friend's vote, the Government would not have had a majority in the Division.

If the Secretary of State feels that it is right to give the right to manage to tenants of local authorities, why is it wrong to give the same right to leaseholders?

Mr. Gummer: First, I was trying to be as helpful as possible to my hon. Friend the Member for North–West Leicestershire (Mr. Ashby). The Lands Tribunal has ruled that commission is part of landlords' income. Therefore, there is no doubt that the provision would be justiciable in the European Court of Human Rights.

Mr. Ashby: I have the judgments here.

Mr. Gummer: I am trying hard to be as even-handed as possible, and the advice I have is that that is what the Lands Tribunal has ruled. Therefore, we can say that there is at least a doubt. I do not want a situation in which there is a doubt, either for those who wish to manage or for anyone else. I also want to protect the rights of landlords and tenants and leaseholders. Therefore, I am proposing a solution that will get around the problems.

First, I want it to be absolutely clear that if leaseholders have any reasonable wish to manage because the freeholder has not behaved properly, they should be able to do so rapidly, simply and at very low cost. If I can meet that aim, I will be able to be equitable on both sides. I propose to face up to the thoroughly unscrupulous actions of a minority of landlords and that is why I put a substantial package of measures in the Bill in the first place. That package is not in the Bill because of Opposition pressure: it is there because the Government put it there. The pressure came not from the hon. Member for Greenwich but from my right hon. Friends the Members for City of London and Westminster, South (Mr. Brooke), for Chelsea (Sir N. Scott) and for Hove (Sir T. Sainsbury) and from my hon. Friends the Members for Southend, East (Sir T. Taylor), for Kensington (Mr. Fishburn) and for Fulham (Mr. Carrington). It came from Conservative Members, including my hon. Friend the Member for North–West Leicestershire, who has pressed those issues, as has my right hon. Friend the Member for Richmond and Barnes (Mr. Hanley). As Minister responsible for London, I could not have failed to see the problems, and that is why I brought forward a substantial package of measures.

The public expect the House to act with equity, and the first basic problem is that, whenever anybody tried to enforce a management arrangement, the unscrupulous landlord said, "If you lose in court, I will be in a position to get you out of your flat." That rarely happened, and I say that because I am not used to using the word "never". Nevertheless, the threat was often used and many people failed to take their landlord to court. I sought to have the decision made by a body that does not have the powers to remove somebody's leasehold right, so that no one need be frightened. Even though the worry that I have mentioned is largely, if not wholly, unreal, the tribunal seems to be the proper way of proceeding.

In addition, people would not take their landlords to court because it was too expensive. The freeholder would have the best legal advisers—no doubt some of them would be between us if I were to discuss the matter with my hon. Friend the Member for North–West Leicestershire. Such actions could be expensive and dragged out, and people would give in.

Mr. Ashby: I have not received any legal advice, but I have studied Lands Tribunal judgment after judgment. I cannot possibly see why a landlord has any right to profit from the management of a premises. That view has been fully upheld by all Lands Tribunal decisions that I have seen, including recent decisions.

Mr. Gummer: My hon. Friend's advice is challenged by people who have done precisely the same as my hon. Friend, but to an even greater extent. I am trying to be as helpful as I can to my hon. Friend. There is, at least, disagreement, so let us leave it at that.

One must devise a way of dealing with the situation that is not expensive and is readily available, which is why I have suggested that the leasehold valuation tribunal would be the suitable organisation. It will be able to make decisions immediately and reasonably cheaply. It will not be necessary for people to have legal representation, because applicable arguments will be much more readily understood by tribunal members, who will be able to use their professional expertise. My hon. Friend the Member for North–West Leicestershire would acknowledge that the problem with the courts is that a judge is not able to use his expertise, even if he has any. Tribunal members will be able to use their expertise and to seek from the freeholder details of how he failed to carry through his duty.

It seems to me that one should go further and reverse—I say this as a non-lawyer—the burden of proof. The Royal Institution of Chartered Surveyors will be publishing a guide to the way in which freeholders should manage property. It will be open to any leaseholder to say, "Here is the guide. My freeholder has failed to adhere to it"—then the tribunal will be able to introduce the manager to run the block of flats. That seems to be the proper way forward. It will ensure easy access to justice for people who need it, the cost will be reasonable and a landlord will have to prove that he has done the job properly—or that he has not for reasons readily acceptable as force majeure.

Labour's proposition would be difficult to defend because it would mean saying to a class of subject that something that they have will be taken away without compensation. I am trying to put in place a means of offering to anybody who wants to take over a property's management a clear, easy and accessible means of doing so.

The significant changes in the Bill are backed by a series of helpful mechanisms. We have added another ground for the tribunal to take into account in considering whether a manager should be appointed—that the freeholder has failed to comply with the relevant codes of practice to which I referred. The tribunal can refer to the code drawn up by the Association of Retirement Housing Managers, to which my hon. Friend the Member for Southend, East referred.

6.45 pm

Mr. Raynsford: The Secretary of State referred to the association's code of guidance and other codes. Which other codes are in existence?

Mr. Gummer: I said that the RICS was finalising a code, which I can approve under the Leasehold Reform, Housing and Urban Development Act 1993 and make statutory. I hope to approve the code and to make sure that it has legal force shortly.

We are proposing to shorten from three to two years the period for which a manager appointed by the LVT must be in place before the tenants have sufficient grounds to apply to acquire the freehold interest. That offers an attractive route for tenants to purchase the freehold at open market value.

We have produced a means of easy, reasonable and accessible redress that protects people from the harassment that we have seen from bad freeholders yet preserves the equity that otherwise would lead us into grave difficulties—even if I do not go too far in meeting the concerns of my hon. Friend the Member for North–West Leicestershire, which I do not underestimate, who referred to LVT decisions about the price to be paid for the freeholder's interest on enfranchisement. The Lands Tribunal has ruled that no separate amount needs to be allowed in respect of insurance commissions, because the price fixed by reference to evidence of market transactions already includes that value. The Lands Tribunal, which is superior to the LVT, has confirmed that insurance commissions are part of the value of the freehold. The leading case is that of Calthorpe estate. On that ground, any estate could appeal to the European Court of Human Rights—not the European Court of Justice, as my hon. Friend the Member for Southend, East knows. I do not want to be in that position. I want to give people certainty with equity, and the Government's proposals will achieve precisely that.

Mr. Ashby: The new clause and the schedule attempt to address the problem, and I am grateful to my right hon. Friend for introducing it. I shall not be so churlish as to say that I totally disagree with it, as that is not the point, but we are almost dealing with this as though we are in Committee.

I am fundamentally opposed to leaseholds and always have been. They are a form of confidence trick, established 200 years ago, when the only form of investment available was land. All the great landowners owned land. There was no equity market. No other form of investment was available. Later, landowners transferred ownership of the land, but for only 99 or 125 years, and in three generations would get it back. The high value of the land is repeated time and again. Those are the people whom we are talking about. I believe that, in a sense, we have got it fundamentally wrong.

The interests of the landlord are traded time and again. I am not talking about the people to whom reference has been made in the Chamber in glowing terms, because there are good and bad landlords. By and large, as soon as the landlord has sold off the leasehold, he trades the freehold. I am thinking of a case, which I mentioned in Committee, in which there was a long lease of 120 years, with 117 left to run. The leasehold was traded at auction and bought for £5,000. The price paid was about six or seven times the annual ground rent.

Why does someone in that position buy the leasehold? Because he hopes that he can do something with it, that in time he will be able to trade it up and that it will be a good investment and make money for him. One of the ways in which he does that is by looking at the services. He is able to do two things: first, he is able to charge an administration fee. "I am the landlord," he says, "I am administering this property, so I shall charge an administration fee, which I assess to be £200 per year per property." That is nice and easy. That is lovely to have. That includes, of course, the cost of various other things. Secondly, he says, "Well, I must also look after the property." That is marvellous. "So I shall have to appoint a surveyor. I just happen to have one in my company." That means more profit for him, because it is his own surveyor. "Oh," he says, "the property needs to be repaired, doesn't it? I shall use my own company, which charges costs plus 25 per cent. for the work." At the end of the day his return is about 35 or 40 per cent.

That is what I object to very strongly indeed. It is the tenant who suffers and will continue to suffer these high costs. The landlord's interest is in the freehold. The tenant's interest is in the management. He is concerned to see that his property is properly serviced and managed, and there is absolutely no reason why he should not. I cannot understand my right hon. Friend when he says that landlords are entitled to make these great profits, or make profits.

Mr. Gummer: I shall try to help my hon. Friend. I have not said that they are entitled to make either profits or great profits. I said that in law it is established that they have certain rights, and if one took them away without compensation, one would be subject to an appeal to the European Court of Human Rights. That is all that I am saying. I am not saying whether I think that it is a good thing or a bad thing. I just think that we must take that into account when having these discussions. I am trying to find a way that avoids that issue while still protecting the leaseholder in the way that I know my hon. Friend wants, and that I also want. That is why I put it in the Bill. If I did not care about it, I would not have put it in the Bill in the first place.

Mr. Ashby: Why cannot we all be adventurous in this? I shall not criticise the Secretary of State. The hon. Member for Greenwich (Mr. Raynsford) will not either. Let us say that landlords are not allowed to earn these profits and then see what happens in the European Court. We have a decision of the Lands Tribunal. It has not been taken to the Court of Appeal or to the House of Lords. The Lands Tribunal is just a court of first instance that has made a decision. It is not the law. It is merely a precedent. Parliament is sovereign and has the right to legislate and to make laws. I give the undertaking to my right hon. Friend that I would not dream of criticising the Government, and I know that the hon. Member for Greenwich would give the specific undertaking on behalf of his party that he would not dream of criticising the Government but would uphold them as trying their best to do the right thing and to be fair and just to everybody. Why not legislate and be damned? That is what we should do.

I am absolutely convinced morally, despite the decision of the Lands Tribunal, that landlords, by virtue of the fact that they hold the freehold, have no rights in that agreement other than to collect the ground rent and to nominate the insurance company that is to insure the building. Most leases are the same. Mine does not say that my landlord is entitled to commission, merely that he can nominate the insurance company, and when I next pay him his insurance, I shall deduct 15 per cent., because I know that that is his commission. He can take me to court for his 15 per cent. I shall put before him my lease and say, "It doesn't say anything, mate, about you being entitled to take commission."

We voted this in. We gave the right to manage. I cannot think of anything more fitting than that tenants should be allowed to choose their own management, to get away from the exorbitant profits of landlords who have bought these properties at auction. I am not talking about the good landlords, because good landlords do not "manage". The Grosvenor estate does not manage; it creates a head lease. Other people carry out the servicing. The big estates that we all want to praise do not manage.

I received a letter today from Mr. and Mrs. Mathew of Bristol. I grabbed it just before I came into the House. It says:

"Dear Mr. Ashby,

As members of a Residents' Association we are very much concerned with trying to manage our own flats, and were therefore pleased to read in 'The Times' April 3rd that you are supporting a 'right to manage' clause in the Housing Bill.

We are victims of extortionate management fees"—

this is important—

"which means that no-one in our block is able to sell their flat.

Knowing very little about procedures in the house, we would be most grateful if you could let us know how this bill has progressed and if and when it is likely to become law."

What am I to say in reply? I am to say, "Yes, we are giving you some sort of right. Let me tell you what you must do. It is very complicated. You must serve a notice, which must specify a number of things. Where those things are capable of being remedied by the landlord, he must

'take such steps for the purpose of remedying them as are so specified'

before an application can be made." A landlord can be bad, and then put things right; he can be bad for another year, and then put that right; and he can do the same for another year. Tenants can be given lousy service year after year, but they cannot get very far in doing anything about it, because section 22(2)(d) of the Landlord and Tenant Act 1987 makes it so complicated.

7 pm

I would then have to tell Mr. and Mrs. Mathew, "There are other problems. You must prove not only that the landlord is a bad landlord, but that

'the circumstances by virtue of which he is (or would be) in breach of any such obligation are likely to continue'."

My gosh! I suppose that a medium could be summoned to give evidence, and to explain what "likely to continue" means. I can envisage landlords coming along and saying, "I am terribly sorry, but the circumstances are not likely to continue."

An order can also be made

"where the court is satisfied . . . that unreasonable service charges have been made".

What constitutes "unreasonable"? I suppose that an administration charge, plus use of the landlord's own surveyor, plus a mark-up on the cost of his contractor, is not unreasonable. A mark-up of 10 per cent. or 15 per cent. is not unreasonable; the administration charge in itself is not unreasonable. The fact that the surveyor is subject to a charge of £120 an hour is not unreasonable. We are talking about the sum total. That is where the poor tenant is having a lousy time of it.

What worries me most is the provision that

"A leasehold valuation tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section".

It is a temporary order. Someone has gone to all that trouble, getting the tenants together; they have all put money into the kitty; he has gone to court, and had a terrible time trying to sort everything out; then he finds that the order is only temporary. The landlord then comes along and says, "I have appointed another director, and there is a new management company. It is my

[Mr. Ashby]

brother-in-law—not my other brother-in-law, this brother-in-law. He is much better than the other one. We shall have no more problems: things will be put right." The leasehold valuation tribunal may well—probably will—discharge the application and management order. Then, six months later, the poor tenants will be back in the same boat.

This is merely an attempt to deal with what I have complained about continually in regard to our whole approach to leasehold reform and the need to tackle rogue landlords. We make it so difficult for the tenant. We look at every way in which we can act, and always choose the most difficult path. Perhaps we consult too many lawyers. Why do we not consult the tenants, and ask them to tell us how to work things out? They will have a simpler approach: they will go straight to the heart of the matter. We have too many lawyers—and I say that as a lawyer myself. We view everything in the most complicated possible way. When I view leasehold reform as a whole, I see the complications involved.

In Committee, I tabled an amendment and two new clauses that would have simplified the whole matter, and gone to the crux of leasehold reform. We should get rid of marriage values and all that junk. When a person buys a freehold at auction, he looks at the ground rent and multiplies it by eight. Let us say that the value of the freehold multiplies it by 10—but no, that is not good enough; it is too simple. We have to turn to marriage values, which were created by surveyors so that they could give themselves more work and which are now enshrined in legislation. If I went to an auction, I should look at the return on the investment, as I would with a company, and save 10 times. That is good enough, surely. But people are buying the freehold at eight times, and asking whether there are ways of getting around it, such as the service charge. They will have a nice little business going, and it will be the tenant who suffers.

When someone buys a long lease, he has taken away most from that property. Let us think of it as a whole. When someone has bought a lease of 99, 125 or, in my case, 999 years, what is left? Nothing but ground rent: nothing of any value. All the talk of enhancing landlords' rights is nonsense. It is an anachronism from 200 years ago. We should view the matter in a cold, specific way, realising that we shall lose some friends on the way—although we shall lose very few, and make many more, while making our existing friends extremely happy.

I beg the Minister to examine the matter again. He has gone so far, but it is very complicated. We shall see hardly any applications. If the measure is passed, I shall write to poor Mr. and Mrs. Mathew telling them that there is not much hope. They can make the application, but it will cost them a lot of money and take a lot of time because the Government are not prepared to do anything substantial, simple and easy about that landlord. I hope that the Minister will tell me how I could write to them differently, but I am not sure that I can.

Sir Timothy Sainsbury (Hove): As my right hon. Friend the Secretary of State knows, Hove—like parts of London—contains many long leaseholders. Like my right hon. Friend, I am angry about the fact that too many have suffered for far too long from bad and, in some cases, unscrupulous management. Freeholders have sought to make money to which they are not entitled. Regrettably, the problem remains, despite our four bites at the cherry in 1980, 1985, 1987 and 1993, and the considerable progress made by Conservative Governments in helping long leaseholders.

I am delighted that my right hon. Friend has introduced this package of measures in response, as he said, to representations from a number of his right hon. and hon. Friends. I agree with him that both sides must be properly protected, and that we must be fair to both sides. I say that particularly to my hon. Friend the Member for North-West Leicestershire (Mr. Ashby). If we are not fair to both sides, it is unlikely that the proposed arrangements will stick. Let me also tell my hon. Friend that the landlord has an interest of value. It is not just a question of the ground rent; there is the reversion. The time involved may not be so long as his 999 years: in many cases, it may be 40 or even 30 years.

I welcome my right hon. Friend's new clause. In particular, on behalf of many constituents whose requests I have forwarded to him and whom I have seen personally—constituents who have asked for simple and cheap procedures—I welcome the use of tribunals. I think that there is a reasonable prospect of such simplicity and cheapness if they are used.

I wish to ask one more thing. Can we expect the tribunals to act with reasonable speed? If they do not and the leaseholders are left hanging around for some time while they try to get the right to manage, it will be very unsatisfactory.

The codes to which my right hon. Friend the Secretary of State referred are extremely important. Perhaps I should declare that I am an honorary fellow of the Royal Institution of Chartered Surveyors. I do not want to alarm my hon. Friend the Member for North-West Leicestershire too much. It is a non-pecuniary interest. The codes will be a great help. Will my right hon. Friend the Secretary of State ensure that maximum publicity is given not only to the still further enhancement of the rights of leaseholders, but to the codes? It is very important that the codes are publicised so that leaseholders know the basis on which they may bring cases before the tribunal and when it would be appropriate to do so.

I thank my right hon. Friend for responding to the representations. We have struck the right balance and it is very important that maximum publicity is given to the Bill.

Mr. Carrington: I am very grateful to my right hon. Friend the Secretary of State for proposing the measures. They enable leaseholders who suffer the depredations of bad freeholders to obtain some measure of justice. Whereas I accept the criticisms of my hon. Friend the Member for North-West Leicestershire (Mr. Ashby), I think that it is possible to overcome them. Although, like him, I have an instinctive preference for leaseholders' right to manage, we should not pretend that it has no problems. The right to manage suggests that leaseholders must have a common interest and operate—at least in the majority—in the same interests as one another. Sadly, and indeed perversely, I have come across instances in my constituency where that has not happened.

The valuation tribunal is a vast improvement on having to go to court, but I should like to ask one or two questions on the way in which it would operate. I should be most

grateful if my right hon. Friend could address them in his winding-up speech. The valuation tribunal will be successful only if it is possible to get a decision out of it very quickly—if the delays in hearings are brief and, once hearings start, the decision is taken speedily. That requires that, if there is overload in the number of cases going to such a tribunal, new valuation tribunals can be appointed. It also means that delays caused intentionally by the landlord claiming, for instance, that he is not yet ready with his evidence or other reasons, can be disregarded by the valuation tribunal. In other words, it means that a date can be set and justice can be delivered quickly. It also requires that the appeal process cannot be dragged out by the landlord. I am slightly concerned, not being a lawyer—as some of my hon. Friends who have spoken are—or a surveyor, that if the valuation tribunal decision is contested by the landlord, the landlord may take that decision to the courts and we might be back to square one and leaseholders having to undergo a very long and costly procedure to be able to get justice. We have to address the appeal process, and I should be grateful if my right hon. Friend the Secretary of State would consider it.

The principal mode of getting justice is through the guidelines of the Royal Institution of Chartered Surveyors, which of course we have not seen. To a considerable extent, therefore, we are taking the whole business on trust. I recognise that the guidelines will be improved and, one hopes, put into statute by the Department of the Environment. That is encouraging, but I should be grateful if my right hon. Friend would also confirm that the guidelines will be detailed, specific and prescriptive, so that it will not be possible for a landlord to claim that he is acting in accordance with the guidelines by taking, say, three quotations from related builders for maintenance work—the first being his brother, the second his cousin, and the third of course being himself in some guise. It is only right that the guidelines on the management of a building and whether the agent who is managing the building is related to the freeholder are very specific. Clearly, the latter should not be allowed under the guidelines.

On a happier note, I should also be grateful if my right hon. Friend would confirm whether individual leaseholders will be able to go to the tribunal. That is very important. If one leaseholder can go to the tribunal in his own right without having to refer to other leaseholders, the considerable problem in a very large number of inner-London blocks of flats that are owned by non-residential or foreign landlords who do not take a great deal of interest in the management of the block will be solved. If one leaseholder can go to the valuation tribunal and obtain justice and, in extreme circumstances, the appointment of an appropriate manager for the block, many of the wrongs that we see as Members representing inner-London constituencies will be put right. It is important that the right should be exercisable by the individual and not just by the group of leaseholders.

Having said that and in looking forward to the reassurances that I am sure that my right hon. Friend the Secretary of State will give me, I welcome the proposed move forward. It is capable of being made to work in a way that will benefit the vast majority of leaseholders. I hope that if the problems that my hon. Friend the Member for North–West Leicestershire described start to appear, my right hon. Friend will revisit the matter either by order or in another Bill. No matter how long it takes, we must get the management of blocks of flats in London right and ensure that leaseholders have justice.

7.15 pm

Mr. Raynsford: In response to the concluding comments of the hon. Member for Fulham (Mr. Carrington), I can assure him that if the present Secretary of State fails to provide justice for leaseholders, as I fear he will, the next Labour Government will have no such hesitation in doing what we know is right, to ensure that leaseholders have proper remedies and redress for the many problems that have rightly been highlighted in Committee and in the House.

In the earlier part of the debate, there was what I can describe only as an element of fantasy politics, which started with the Secretary of State and continued with the right hon. Member for Hove (Sir T. Sainsbury). If either of them believes that the debate is simply because of pressure from a few Conservative Members, they are living in cloud cuckoo land, as their right hon. Friend the Prime Minister would say.

We are having this debate because leaseholders have rightly been campaigning energetically for many months against the scandalous abuses that have been all too evident. Such abuses have been particularly highlighted by the *Evening Standard*, which has done a great service, especially for leaseholders in London and in the south-east, in exposing the antics of Mr. Bebbington and others of his ilk, who have nakedly abused their opportunities and extorted money on false pretences from their leaseholders, threatening them with forfeiture if they failed to pay up.

The campaign has been spearheaded by the splendid Campaign Against Residential Leasehold Abuse. Leaseholders and hon. Members owe it a great debt of gratitude for all its work in exposing the problem. The debate has arisen because of that campaign and because of the vote in Committee for a right to manage. If the Committee had not taken that decision, I can assure Conservative Members that we would not be having this debate.

The Secretary of State has admitted that the Landlord and Tenant Act 1987, which was supposedly designed to give remedies and redress to leaseholders, has not been as effective as it might have been. We agree with him. We warned him at the time that it would be ineffective, in just the same way as we warned the Government that the Leasehold Reform, Housing and Urban Development Act 1993 would be ineffective. The first main reason why the 1987 Act is ineffective is the cost of court procedures. That is well known, and I think that it is agreed by everyone.

The second reason why the Act is ineffective is the need for the leaseholder to prove that the landlord is in breach of his obligations, and that that breach is likely to continue. That is the wording of the Act, and, of course, it provides the easiest let-out in the book for the reluctant or dishonest landlord. All the landlord has to do is to come along to the court and say, "I am very sorry. I may have done wrong in the past, but I recognise it and I shall be a good boy in future. I shall not commit such offences again." Under the terms of the Act, the court has no option but to say, "Sorry, we cannot appoint a manager."

The third reason, or obstacle, is the immensely complex and bureaucratic procedures, to which the hon. Member for North–West Leicestershire (Mr. Ashby) alluded.

[Mr. Raynsford]

The procedures require an endless serving of notices, and that all sorts of procedural antics are gone through, which makes it all too easy for unscrupulous freeholders—often able to deploy large batteries of qualified experts, lawyers and professionals—to bamboozle and tie up leaseholders in complications and threats of mounting costs should they try to pursue the issue any further. Those are the three elements of the problem.

The Government lifted those provisions from part II of the 1987 Act, and put them into this Bill—with one significant and crucial amendment, that procedures would in future be effected through leasehold valuation tribunals rather than through the courts. I grant that that provision addresses the issue of costs, but it does not eliminate it. There will be costs, because the well-heeled freeholder will be able to deploy much expert advice and mount a very successful case in a leasehold valuation tribunal, which will inevitably lead the leaseholder to incur substantial costs to counter the case. So it is not true to say that the provision will eliminate costs for leaseholders, although it will reduce them. On that one aspect, I grant that the Government's proposal is better than the 1987 Act.

The Government's proposal does not address the other two issues. The wording that the Government are now proposing for the procedure, under which the leasehold valuation tribunal will have the discretion to appoint a manager, still requires the leaseholder to prove that the landlord has been at fault and that those faults will continue. As I said, it will be all too easy for freeholders with expert lawyers to mount a case to try to demonstrate that, even if they have made mistakes in the past, they have now turned over a new leaf and will be well behaved in future. There will be endless scope for freeholders to evade the provisions.

On the third point, as I said, the procedures are still immensely complex and tortuous, which again will give all too many opportunities for unscrupulous and reluctant freeholders to frustrate the wishes of leaseholders.

Our view, and the view of leaseholders, is that this provision simply will not work. Like the 1987 Act, it will be a sop and not a remedy. In case any hon. Member has any doubts about that, I can only quote the comments of Chas Johnson, of the Campaign Against Residential Leasehold Abuse, who has been tireless in campaigning on the issue, writing to many hon. Members about it and making the case most forcefully. He said:

> "Do not be misled. The proposed amendment is wholly inferior to 'the right to manage' and dilutes the impact of the Bill dramatically. It is effectively a rehash of existing, unsatisfactory legislation that has remained unused since its introduction in 1987. Its only novelty is a shift in jurisdiction from the courts to the LVT to make its nebulous provisions available on a more affordable basis."

That is the expert commentator's judgment on the new clause—a judgment that we endorse entirely.

The right to manage, by contrast, offers effective redress for leaseholders, and it also offers safeguards for freeholders. As I stressed in an intervention on the speech of the Secretary of State, the model of the right to manage provides for the freeholder to be represented in the management company that would be set up. Freeholders would not have their rights taken away without any compensation. They would have a continuing role to play and a continuing voice, to ensure that the properties were properly managed. They would have the ability to seek the termination of the management agreement if the management company failed.

There is no threat in these provisions to good landlords. The case was put very forcefully in 1992 by the Grosvenor estate, which stated that it saw no threat in a right to manage. It is not good freeholders who would have anything to lose by the right to manage; it is simply the crooks—the Bebbingtons of the world—who are only too happy to exploit their opportunity to extort unreasonable sums from leaseholders and to threaten them in a scandalous manner if they fail to cough up.

Our right to manage gives leaseholders an effective remedy against such threats, and is widely recognised by leaseholders as the right response. It is utterly inconsistent of the Government to reject it. As I have already pointed out to the Secretary of State, the Government were prepared to introduce a right to manage for council tenants, to enable them to take over the management of their homes, not if their landlord was at fault, but if the tenants wished to exercise the right to manage. I ask the Secretary of State how he can possibly justify those double standards, arguing for a right to manage for council tenants, while denying that same right to leaseholders.

We once again see the malign influence of the big landowners who bankroll the Tory party. They have gone to the Government and said, "We cannot stomach a right to manage." The landowners have once again forced the Government to show their true colours. The Government may talk about aiding and supporting leaseholders, but they will never do so. They will never do so because they are financially dependent on the big landowners, and they will not sacrifice their financial interests to achieve justice for leaseholders.

Earlier today, the Government survived by a whisker a vote in defence of their financial interests and in defence of landowners. But their time is running out, and they will shortly have to face the electorate. When they do, many leaseholders across the country will rightly and harshly judge them for betraying leaseholders' interests in the past few years, and particularly for what they are doing today.

The hon. Member for North–West Leicestershire spoke of the need to be brave and bold. I invite him, and other Conservative Members who want to be brave and bold, to vote with Opposition Members today in defence of leaseholders—to ensure that leaseholders get justice in 1996 rather than having to wait until next year, when Labour will ensure that they get justice.

Mr. Gummer: I suggest to the hon. Member for Greenwich (Mr. Raynsford) that those final flourishes have no connection at all with the truth. Indeed, it is a pity to be attacked for something which it would be rather nice to have. Unfortunately, we do not have the substance, so we do not deserve the criticism. I wish that the hon. Gentleman had examined rather more carefully what we proposed. As my hon. Friend the Member for Fulham (Mr. Carrington) said very clearly, we are seeking very much more than the hon. Gentleman would give us credit for.

I can assure my hon. Friend that if there is overloading, I shall ensure that there are sufficient tribunals to cover the pressure. He need not be worried about appeals, because they will be not to the courts but to the Lands

Tribunal—so the simplicity continues at that point. The guidelines must be specific, as he said. I have the powers to put them into statute, and I shall ensure that they are as I want them to be. I am sure that he will be happy with them, and I give him my assurance that individual leaseholders can use that mechanism, which is one of the major advantages.

I agree with my right hon. Friend the Member for Hove (Sir T. Sainsbury) about publicity for what we are doing and for how the codes will operate. I also need the publicity, because there is no doubt that measures to help leaseholders have been taken by this Government, as a result of pressure from Conservative Members of Parliament. A Conservative Secretary of State and Minister responsible for London introduced the measure at the earliest opportunity. The fact that one or two Opposition Members have suddenly discovered that this might be a subject to be interested in has not escaped those who know. A very high proportion of them will benefit from the legislation that we have introduced. It would be a pity if they had to wait for the next Labour Government, because they would have to wait for decades.

The hon. Member for Greenwich should have looked at the facts before he made the comments that he made. The question of "likely to continue" does not apply to any but the first ground, which is a breach. A breach might, for example, be forced on people by force majeure. Something might arise that is not the landlord's fault and is outwith his power, which means that he cannot provide the service that is necessary. It would be reasonable to allow him to plead that the position was not likely to continue. However, when it comes to unreasonable charges or, for example, a departure from the Royal Institution of Chartered Surveyors' codes, no such claim can be made. So the protection is much greater than the hon. Gentleman suggests.

7.30 pm

I believe that we have found a means of protecting the leaseholder without opening ourselves up to the damaging process of law. It is equitable. It provides certainty and it protects. It is another example of the Government's defence of the leaseholder. I hope that the House will support the Government's proposals.

Question put, That the clause be read a Second time:—

The House divided: Ayes 288, Noes 279.

Division No. 115] **[7.30 pm**

AYES

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alexander, Richard
Alison, Rt Hon Michael *(Selby)*
Allason, Rupert *(Torbay)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkinson, David *(Bour'mouth E)*
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Banks, Matthew *(Southport)*
Banks, Robert *(Harrogate)*
Bates, Michael
Batiste, Spencer
Bendall, Vivian
Beresford, Sir Paul
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & C'thorpes)*
Browning, Mrs Angela
Budgen, Nicholas
Burt, Alistair
Butcher, John
Butler, Peter
Carlisle, John *(Luton North)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Channon, Rt Hon Paul
Chapman, Sir Sydney
Churchill, Mr
Clappison, James
Clark, Dr Michael *(Rochford)*
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Congdon, David
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Cope, Rt Hon Sir John
Cormack, Sir Patrick
Couchman, James
Cran, James
Currie, Mrs Edwina *(S D'by'ire)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Devlin, Tim
Dicks, Terry
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Duncan Smith, Iain
Dunn, Bob
Durant, Sir Anthony
Elletson, Harold
Emery, Rt Hon Sir Peter
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fabricant, Michael
Fenner, Dame Peggy
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Gummer, Rt Hon John Selwyn
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Rt Hon Jeremy
Hannam, Sir John
Hargreaves, Andrew
Haselhurst, Sir Alan
Hawkins, Nick
Hawksley, Warren
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hendry, Charles
Heseltine, Rt Hon Michael
Higgins, Rt Hon Sir Terence
Hill, James *(Southampton Test)*
Horam, John
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howell, Rt Hon David *(G'dford)*
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Hunt, Sir John *(Ravensbourne)*
Hunter, Andrew
Hurd, Rt Hon Douglas
Jack, Michael
Jackson, Robert *(Wantage)*
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
Key, Robert
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Leigh, Edward
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
McNair-Wilson, Sir Patrick
Madel, Sir David
Maitland, Lady Olga
Major, Rt Hon John
Malone, Gerald
Mans, Keith
Marland, Paul
Marshall, John *(Hendon S)*
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Mawhinney, Rt Hon Dr Brian
Mayhew, Rt Hon Sir Patrick
Mellor, Rt Hon David
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*

Moate, Sir Roger
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Moss, Malcolm
Needham, Rt Hon Richard
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Patnick, Sir Irvine
Patten, Rt Hon John
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Porter, David *(Waveney)*
Portillo, Rt Hon Michael
Powell, William *(Corby)*
Rathbone, Tim
Redwood, Rt Hon John
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Rifkind, Rt Hon Malcolm
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Shepherd, Richard *(Aldridge)*
Shersby, Sir Michael
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Speed, Sir Keith
Spencer, Sir Derek
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stephen, Michael
Stern, Michael
Stewart, Allan
Streeter, Gary
Sweeney, Walter
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Thomason, Roy
Thompson, Sir Donald *(C'er V)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Townend, John *(Bridlington)*
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Tredinnick, David
Trend, Michael
Trotter, Neville
Twinn, Dr Ian
Vaughan, Sir Gerard
Viggers, Peter
Waldegrave, Rt Hon William
Walden, George
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wilkinson, John
Willetts, David
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Derek Conway and
Mr. Simon Burns.

NOES

Abbott, Ms Diane
Adams, Mrs Irene
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Austin-Walker, John
Banks, Tony *(Newham NW)*
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Beith, Rt Hon A J
Bell, Stuart
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blair, Rt Hon Tony
Blunkett, David
Boateng, Paul
Boyes, Roland
Bradley, Keith
Bray, Dr Jeremy
Brown, Gordon *(Dunfermline E)*
Brown, N *(N'c'tle upon Tyne E)*
Bruce, Malcolm *(Gordon)*
Burden, Richard
Byers, Stephen
Caborn, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(Fife NE)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Chidgey, David
Chisholm, Malcolm
Church, Judith
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Tom *(Monklands W)*
Clelland, David
Clwyd, Mrs Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cunliffe, Lawrence
Cunningham, Jim *(Covy SE)*
Cunningham, Rt Hon Dr John
Cunningham, Roseanna
Dafis, Cynog
Darling, Alistair
Davidson, Ian
Davies, Bryan *(Oldham C'tral)*
Davies, Chris *(L'Boro & S'worth)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Ron *(Caerphilly)*
Davis, Terry *(B'ham, H'dge H'l)*
Denham, John
Dewar, Donald
Dixon, Don
Dobson, Frank
Donohoe, Brian H
Dowd, Jim
Dunnachie, Jimmy
Dunwoody, Mrs Gwyneth
Eagle, Ms Angela
Eastham, Ken
Etherington, Bill
Evans, John *(St Helens N)*
Ewing, Mrs Margaret
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fisher, Mark
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foulkes, George
Fraser, John
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
Garrett, John
George, Bruce
Gerrard, Neil
Gilbert, Rt Hon Dr John
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mildred
Graham, Thomas
Grant, Bernie *(Tottenham)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hall, Mike
Hanson, David
Hardy, Peter
Harman, Ms Harriet
Harvey, Nick
Hattersley, Rt Hon Roy
Henderson, Doug
Hendron, Dr Joe
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Howarth, Alan *(Strat'rd-on-A)*
Howarth, George *(Knowsley North)*
Howells, Dr Kim *(Pontypridd)*
Hoyle, Doug
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport E)*
Hughes, Simon *(Southwark)*
Hume, John
Hutton, John
Illsley, Eric
Ingram, Adam
Jackson, Glenda *(H'stead)*
Jackson, Helen *(Sheffld, H)*
Jamieson, David
Janner, Greville
Jenkins, Brian *(SE Staff)*
Johnston, Sir Russell
Jones, Barry *(Alyn and D'side)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jones, Nigel *(Cheltenham)*
Jowell, Tessa
Kaufman, Rt Hon Gerald
Keen, Alan
Kennedy, Charles *(Ross,C&S)*
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Kilfoyle, Peter
Kirkwood, Archy
Lestor, Joan *(Eccles)*
Lewis, Terry
Liddell, Mrs Helen
Litherland, Robert
Livingstone, Ken
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Lynne, Ms Liz
McAllion, John
McAvoy, Thomas
McCartney, Ian
McCartney, Robert
McCrea, The Reverend William
McFall, John
McGrady, Eddie
McKelvey, William
Mackinlay, Andrew
McLeish, Henry
Maclennan, Robert
McMaster, Gordon
MacShane, Denis
Maddock, Diana
Mahon, Alice
Mandelson, Peter
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester, S)*
Martin, Michael J *(Springburn)*
Martlew, Eric
Maxton, John
Meacher, Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moonie, Dr Lewis

Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mowlam, Marjorie
Mudie, George
Mullin, Chris
Murphy, Paul
Nicholson, Emma *(Devon West)*
Oakes, Rt Hon Gordon
O'Brien, Mike *(N Wkshire)*
O'Brien, William *(Normanton)*
O'Hara, Edward
Olner, Bill
Paisley, The Reverend Ian
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pike, Peter L
Pope, Greg
Powell, Ray *(Ogmore)*
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Randall, Stuart
Raynsford, Nick
Reid, Dr John
Rendel, David
Robertson, George *(Hamilton)*
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruddock, Joan
Salmond, Alex
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Shore, Rt Hon Peter
Short, Clare
Simpson, Alan
Skinner, Dennis
Smith, Andrew *(Oxford E)*
Smith, Chris *(Islton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Spellar, John
Steel, Rt Hon Sir David
Steinberg, Gerry
Strang, Dr. Gavin
Straw, Jack
Sutcliffe, Gerry
Taylor, Mrs Ann *(Dewsbury)*
Taylor, Matthew *(Truro)*
Thompson, Jack *(Wansbeck)*
Thurnham, Peter
Timms, Stephen
Tipping, Paddy
Touhig, Don
Trickett, Jon
Turner, Dennis
Tyler, Paul
Vaz, Keith
Wallace, James
Walley, Joan
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Welsh, Andrew
Wicks, Malcolm
Wigley, Dafydd
Williams, Rt Hon Alan *(Sw'n W)*
Williams, Alan W *(Carmarthen)*
Wilson, Brian
Wise, Audrey
Worthington, Tony
Wray, Jimmy
Wright, Dr Tony
Young, David *(Bolton SE)*

Tellers for the Noes:
Mr. Jon Owen Jones and
Mr. Peter Hain.

Question accordingly agreed to.

Clause read a Second time, and added to the Bill.

New clause 16

PERIOD AFTER WHICH ACQUISITION ORDER MAY BE MADE

'. In Part III of the Landlord and Tenant Act 1987 (compulsory acquisition by tenants of their landlord's interest), in section 29(3) (conditions for making acquisition orders: period since appointment of manager under Part II) for "three years" substitute "two years".'.—*[Mr. Brandreth.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 17

TEXT OF PART II OF THE LANDLORD AND TENANT ACT 1987, AS AMENDED

'. The text of Part II of the Landlord and Tenant Act 1987 as amended by this Act is set out in Schedule (*Text of Part II of the Landlord and Tenant Act 1987, as amended*).'.—*[Mr. Brandreth.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 12

FORM OF NOTICES UNDER SECTION 21 OF THE HOUSING ACT 1988

'.—(1) Section 21 of the Housing Act 1988 (recovery of possession on expiry or termination of assured shorthold tenancy) shall be amended as follows.

(2) In subsection (1)(b) (which requires the landlord under a fixed term tenancy to give two months' notice to recover possession), after "notice" there shall be inserted "in writing".

(3) In subsection (4)(a) (corresponding provision for periodic tenancies), after "notice", where it first occurs, there shall be inserted "in writing".'.—*[Mr. Clappison.]*

Brought up, and read the First time.

Mr. Clappison: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Geoffrey Lofthouse): With this, it will be convenient to discuss amendment No. 150, in clause 86, page 59, line 31, at end insert—

'(8) The notices referred to in paragraph (b) of subsection (1) and paragraph (a) of subsection (4) above shall be in writing and in such form as may be prescribed by regulations.'.

Mr. Clappison: This new clause clarifies my undertaking in Committee to reconsider whether written notices should be given by a landlord who is seeking possession. Although the previous practice does not seem to have caused any problems, I agree that it would clarify matters if such notices were required to be in writing. The new clause seeks to achieve that.

I agree that notices should be in writing, but the matter should not be taken so far that a prescribed notice be required, as is proposed in the amendment tabled by the hon. Member for Christchurch (Mrs. Maddock). That would be an unnecessary formality and I advise the House to resist it.

7.45 pm

Mr. Chris Davies (Littleborough and Saddleworth): Following the proposal in Committee, the Minister's proposals simply do not go far enough. Amendment No. 150 is a simple, technical amendment that would reduce the need for clarification and for matters to be tested in court at a later date. It is in the Government's interest to accept it.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New clause 13

DUTY OF LANDLORD TO PROVIDE STATEMENT OF TERMS OF ASSURED SHORTHOLD TENANCY

'. After section 20 of the Housing Act 1988 there shall be inserted—

"Post-Housing Act 1996 tenancies: duty of landlord to provide statement as to terms of tenancy

20A.—(1) Subject to subsection (3) below, a tenant under an assured shorthold tenancy to which section 19A above applies may, by notice in writing, require the landlord under that tenancy to provide him with a written statement of any term of the tenancy which—

(a) falls within subsection (2) below, and

(b) is not evidenced in writing.

(2) The following terms of a tenancy fall within this subsection, namely—

(a) the date on which the tenancy began or, if it is a statutory periodic tenancy or a tenancy to which section 39(7) below applies, the date on which the tenancy came into being,

(b) the rent payable under the tenancy and the dates on which that rent is payable,

(c) any term providing for a review of the rent payable under the tenancy, and

(d) in the case of a fixed term tenancy, the length of the fixed term.

(3) No notice may be given under subsection (1) above in relation to a term of the tenancy if—

(a) the landlord under the tenancy has provided a statement of that term in response to an earlier notice under that subsection given by the tenant under the tenancy, and

(b) the term has not been varied since the provision of the statement referred to in paragraph (a) above.

(4) A landlord who fails, without reasonable excuse, to comply with a notice under subsection (1) above within the period of 28 days beginning with the date on which he received the notice is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(5) A statement provided for the purposes of subsection (1) above shall not be regarded as conclusive evidence of what was agreed by the parties to the tenancy in question.

(6) Where—

(a) a term of a statutory periodic tenancy is one which has effect by virtue of section 5(3)(e) above, or

(b) a term of a tenancy to which subsection (7) of section 39 below applies is one which has effect by virtue of subsection (6)(e) of that section,

subsection (1) above shall have effect in relation to it as if paragraph (b) related to the term of the tenancy from which it derives.

(7) In subsections (1) and (3) above—

(a) references to the tenant under the tenancy shall, in the case of joint tenants, be taken to be references to any of the tenants, and

(b) references to the landlord under the tenancy shall, in the case of joint landlords, be taken to be references to any of the landlords.".'.—*[Mr. Clappison.]*

Brought up, and read the First time.

Mr. Clappison: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss also amendment No. 17, in schedule 7, page 147, line 28, at end insert—'*Tenancies excluded by absence of written tenancy agreement*—

(4A) An assured tenancy for which there is no written tenancy agreement.'

Mr. Clappison: Amendment No. 17 deals with the question of what happens where a landlord and tenant do not put their agreement into writing. The amendment would cause such positions to result in a full assured tenancy being created. That is not a good idea. I have reflected on what the hon. Member for Greenwich (Mr. Raynsford) said in Committee about that. It is neither equitable nor logical that, when landlord and tenant do not put their agreement into writing, that consequence should follow.

It may not be entirely prudent for a landlord not to have an agreement in writing—not least from the landlord's own point of view—but a full assured tenancy should not be created for that reason, not least because that would defeat the landlord's intention. It is not fair—or right—when the landlord intends to create an assured shorthold tenancy and when a tenant agrees on that, for a full assured tenancy to be created merely because of the absence of an agreement in writing. The amendment should not be added to schedule 7 as one of the exceptions in relation to assured shorthold tenancies. I note that all the other exceptions where assured tenancies are created depend on the landlord's intention.

The amendment would defeat the landlord's intention. It runs contrary to what we are seeking to do throughout the Bill: it would create unnecessary formality and, in effect, a trap into which some unwary landlords might fall. It is reasonable, however, for landlords to provide more information to tenants. New clause 13 achieves that in a sensible way. It requires the landlord to provide the tenant, on request, with written details about the date that the tenancy began, the rent and other important details. That will provide tenants who have oral agreements with their landlords with the most important terms relating to rent and security of tenure, and will provide an adequate safeguard against the minority of landlords who might seek to exploit their tenants' rights.

Where a landlord fails to comply with his tenant's request within 28 days and there is no reasonable excuse for his failure, the landlord will be liable, on summary conviction, to a fine. That achieves an appropriate balance.

Mr. Raynsford: It will be no surprise to the Minister to learn that we profoundly disagree with him. His comments show the extent to which the Conservative party has, in the past decade, lurched to the right. When assured tenancies and assured shorthold tenancies were introduced by the late Lord Ridley—not someone who would be deemed to be on the wet side of the Conservative party—the assumption was that normal letting would take place through an assured tenancy. The shorthold tenancy was designed as a tenancy for separate purposes, such as when a landlord wanted to let only for a short period. I remember Lord Ridley saying that, for that reason, shorthold tenancies would attract a lower rent than assured tenancies.

Times have changed, and there has been a progressive erosion of tenants' rights. The shorthold tenancy has become far more popular than the assured tenancy and, because of the acute shortage of rented housing, it often commands a rent identical to that of the more secure assured tenancy. Consequently, landlords have no reason to offer an assured tenancy.

The Government are now compounding that problem by making the assured shorthold tenancy the default tenancy. We believe that there should be a proper fair balance between the interests of landlord and tenant, not the complete surrender that the Government are performing to the interests of the landlord at all costs, while the interests of tenants are abandoned.

We believe that, where a landlord fails to prescribe the fact that he wishes to let for a short period, it is right and proper that a full assured tenancy should be created, and that is the purpose of our amendment. We greatly regret

the fact that the Government will not accept it, but we understand why. Their lurch to the right says it all. Undoubtedly, the matter will need to be revisited after the general election.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New clause 24

SUCCESSION ON DEATH OF TENANT: HOUSING ACT 1985

'After subsection (4) of section 88 of the Housing Act 1985 there shall be inserted—

"(5) Nothing in this section shall be taken as preventing any person from qualifying to succeed a tenant in accordance with section 87 above where the tenant concerned has died and had himself succeeded from his spouse or from a joint tenancy with his spouse."'.—*[Mr. Betts.]*

Brought up, and read the First time.

Mr. Betts: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss also amendment No. 160, in clause 113, page 72, line 20, at end insert—

'(4) Nothing in this section shall be taken as preventing any person from qualifying to succeed a tenant in accordance with section 112 above where the tenant concerned has died and had himself succeeded from his spouse or from a joint tenancy with his spouse.'.

Mr. Betts: May I put on the record something that I forgot to say in my last contribution? I declare a potential interest in leasehold reform, in that I am a leaseholder. I declared that in Committee, and although my interest does not affect the new clause and amendment that we are discussing, I thought that it would be helpful to put the fact on the record.

New clause 24 and amendment No. 160 involve the issue of succession, which I raised in Committee. I did not get a satisfactory response from the Minister, but he promised the Committee that he would go away and consider how joint tenancies affected succession. The fact that he has not tabled an amendment on the subject implies that, although he could not find a reason for not tabling one, he failed to do so simply because the Government do not support the principle for which we are arguing.

That is a pity, because my new clause and amendment are an attempt to deal with the position of children who live for much of their lives with their parents, often so as to care for them, and with what happens to them when, when they are in their 40s or 50s and have lived in the family home all their lives, their parents die.

The perverse aspect is that if there are two parents and the father is the tenant but the mother dies first, the law as it stands allows the child to succeed to the tenancy, because there has not been a previous succession. But if the father dies, the mother succeeds to the tenancy and then the mother dies, the child cannot succeed automatically, because there has already been one succession. The child is potentially homeless, and can be evicted.

I do not say that that happens every time, but children in that position have no surety or guarantee that the succession will be theirs. That causes real concern both for the parents, who can often feel an element of guilt for having put the children in that position, and for the children, for whom there is a great element of uncertainty because when they lose their parents, they may also lose their home.

That difficulty has been compounded by the fact that joint tenancies are now much more usual in local authority properties. As the law stands, if there is a joint tenancy and one of the parents dies, the other parent succeeds as a sole tenant. Again, because of the way in which the law is written, the child cannot then have an automatic right to succeed to the tenancy. It cannot be right that, ultimately, accidents of history—such as which parent dies first, and whether there is a joint tenancy or a sole tenancy—decide whether the child has the right to succeed. That is not equitable.

No one argued in Committee that what I said was wrong, so this time I have tried to phrase the new clause and the amendment more narrowly, so that exclusions from the right of succession do not apply when, although there has been a previous succession, the tenancy has been passed only from one spouse to another, or to a spouse from a previous joint tenancy of both spouses. That seems to avoid the danger of drawing the provision too widely.

I hope that the Minister will rethink, and will accept the amendment, even at this late stage, not because I would get any personal credit thereby, but simply because there are so many people, especially elderly people, who are frightened and worried about what will happen to their children's home when they die, and so many children who do not have a guarantee that they can succeed to their parents' tenancy. In the interests of compassion and of fairness to those people, I hope that the Minister will reconsider.

The Minister for Local Government, Housing and Urban Regeneration (Mr. David Curry): The hon. Gentleman is talking about what should happen when there are exceptional circumstances; I presume that he does not envisage a sort of perpetual succession in normal circumstances. None the less, because of local authorities' need to make effective use of their stock, I do not believe that the one-succession rule should be abolished.

There has been considerable debate both inside and outside the Committee about whether succession rights should be extended to cover couples of the same sex who share a home, and we shall discuss that matter on a later amendment. I shall then suggest that the best approach to the difficult situation in which a person may lose his or her home because a tenant has died is for the local authority to grant a tenancy to the remaining person.

We propose to issue unequivocal guidance to local authorities recommending that course of action, which will be equally applicable to the position in which someone faces the loss of his or her home because the one-succession rule bites. I hope that, in the light of that assurance, which I shall be able to amplify on the later amendment, the hon. Gentleman will not feel the need to persist with his new clause and amendment.

Mr. Betts: I shall not push the new clause, but I am not totally satisfied with the Minister's answer. I realise that he will issue guidance, but I hope that, when he does, he will make it clear to authorities that they should include that right in their tenancy policies, up front. The right should not be given to people after their parents die; it should be available to them as a right, if local authorities put it in their policies, so that, before the unhappy event

[Mr. Betts]

of their parents' death, people will have the certain knowledge that they will be secure in their tenancy. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 78

DETERMINATION OF REASONABLENESS OF SERVICE CHARGES

Mr. Clappison: I beg to move amendment No. 87, in page 52, line 10, at end insert—

'(6) No appeal shall lie to the Lands Tribunal from a decision of a leasehold valuation tribunal under this Act without the leave of the leasehold valuation tribunal concerned or the Lands Tribunal.

(7) On any such appeal—

(a) the Lands Tribunal may exercise any power available to the leasehold valuation tribunal in relation to the original matter, and

(b) an order of the Lands Tribunal may be enforced in the same way as an order of the leasehold valuation tribunal.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 88 to 91.

Mr. Clappison: The amendment would establish affordable justice through the leasehold valuation tribunals. It is balanced with preserved rights of appeal in limited but appropriate circumstances.

Mr. Raynsford: Given the Secretary of State's penchant for fantasy politics, perhaps it is appropriate to remind the House that the amendment was moved by the Opposition in Committee, and the Government opposed it. That was done partly on technical grounds raised by the judge in charge of the Lands Tribunal, Judge Bernard Marder, with whom I corresponded, concerning the tribunal's methods of working.

I am glad to see that the Government have had second thoughts and have responded to our pressure for affordable justice. We want to ensure that landlords cannot use their financial muscle to deter leaseholders from obtaining justice. Rights of appeal should be allowed in proper circumstances, but we believe that they should be subject to controls to prevent abuse of the system whereby rich freeholders can exercise undue influence on the outcome, and deter leaseholders on modest incomes from pursuing their claims.

We therefore welcome the amendment, but we do not like to let it pass without ensuring that hon. Members are aware of its origin and ancestry, and of the Opposition's contribution to the measure that will now reach the statute book.

Amendment agreed to.

Amendments made: No. 88, in page 52, line 29, leave out 'about fees' and insert 'under this section'.

No. 89, in page 52, line 43, after 'which' insert

', unless the order contains only such provision as is mentioned in subsection (1),'.

No. 90, in page 53, line 4, after 'or' insert

'the Lands Tribunal, or in connection with'.

No. 91, in page 53, line 18, at end insert—

'( ) in the case of proceedings before the Lands Tribunal, to the tribunal;'.—*[Mr. Clappison.]*

Clause 80

APPOINTMENT OF MANAGER BY THE COURT

Amendment made: No. 92, in page 54, line 21, at end insert—

'(ac) where the court is satisfied—

(i) that the landlord has failed to comply with any relevant provision of a code of practice approved by the Secretary of State under section 87 of the Leasehold Reform, Housing and Urban Development Act 1993 (codes of management practice), and

(ii) that it is just and convenient to make the order in all the circumstances of the case;'.—*[Mr. Clappison.]*

Clause 81

RIGHT TO SELF-MANAGEMENT

Amendment made: No. 93, in page 54, line 42, leave out from beginning to end of line 21 on page 56.—*[Mr. Clappison.]*

Schedule 5

ASSESSMENT OF THE RELATIVE VALUE OF THE LANDLORD'S INTERESTS IN THE PREMISES AND OF THE QUALIFYING TENANT'S INTERESTS IN THE PREMISES: SCHEDULE INSERTED AFTER SCHEDULE 1 TO THE LANDLORD AND TENANT ACT 1987

Amendment made: No. 140, in page 145, line 17, leave out from beginning to end of line 31 on page 146.—*[Mr. Clappison.]*

Schedule 6

TERMS OF MANAGEMENT LEASE: SCHEDULE INSERTED AFTER SCHEDULE 1A TO THE LANDLORD AND TENANT ACT 1987

Amendment made: No. 141, in page 146, line 32, leave out from beginning to end of line 45.—*[Mr. Clappison.]*

Clause 82

VALUATION: COLLECTIVE ENFRANCHISEMENT

Mr. Clappison: I beg to move amendment No. 94, in page 56, line 37, leave out '4' and insert '5'.

In Committee, we promised to reconsider the level of fine for failing to offer tenants the right of first refusal. On reflection, we agreed that it should be raised to level 5, which is the highest point on the standard scale.

8 pm

Mr. Raynsford: I will not detain the House, but again I would not wish this opportunity to pass without the Government acknowledging that it was the Opposition who raised the issue in Committee. We welcome the increase but remain sceptical about whether it is an adequate penalty for the offence. The circumstances that led to this involved the failure of some very large landowners to comply with their obligations to offer the right of first refusal to their leaseholders. For them, a fine of £2,500 or even £5,000 is a relatively trivial sum.

We proposed a more effective alternative sanction: the withdrawal of the right to demand service charges and ground rent while they were in breach of their obligations.

Nevertheless, we are pleased that the Government have recognised that the penalty should be increased, although we notice that they propose only that some of the largest and wealthiest landowners in the country should be liable to a fine of exactly the same amount as the humblest homeless person pays, who fails to give accurate information in making a claim for housing under parts VI and VII. There is an extraordinary incongruity about those levels of penalty. I leave hon. Members to draw their own conclusions about where the Government's priorities lie.

Amendment agreed to.

Clause 86

RESTRICTION ON RECOVERY OF POSSESSION ON EXPIRY OR TERMINATION

Mr. Clappison: I beg to move amendment No. 58, in page 59, line 18, after first 'the' insert 'immediately preceding'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 59, 60A, 61A and 146.

Mr. Clappison: The amendments are concerned with the clarity of wording of the established minimum period of six months for an assured shorthold tenancy. We sought to enshrine that period through the Bill's previous wording, which had attracted some criticism in respect of its clarity. I hope that this wording is clearer and that it will win more plaudits.

Mr. Raynsford: I invite the House to judge what the Minister has just said. The clause as previously worded read:

"where the replacement tenancy came into being on the coming to an end of a tenancy which was not a replacement tenancy, to the tenancy on the coming to an end of which the replacement tenancy came into being, and".

That is being amended to read:

"where the replacement tenancy came into being on the coming to an end of a tenancy which was not a replacement tenancy to the immediately preceding tenancy on the coming to an end of which the replacement tenancy came into being, and".

I invite the Minister to explain whether that achieves any greater clarity and whether that gobbledegook will be understood by anyone other than the clerks and parliamentary draftsmen who concocted that extraordinary phrase.

Mr. Betts: Can the Minister confirm that, after the initial six-month period, even under the revised wording, there is no effective security for tenants and that they can be evicted from a property at a moment's notice by the landlord?

Mr. Clappison: The hon. Gentleman may know that that is the established situation and has been since the regime came into being. Assured shorthold tenancies were earlier praised by the hon. Member for Greenwich (Mr. Raynsford).

Amendment agreed to.

Amendments made: No. 59, in page 59, line 18, leave out from 'tenancy' to ', and' in line 19.

No. 60A, in page 59, line 21, leave out

'on the coming to an end of which'

and insert 'immediately preceding'.

No. 61A, in page 59, line 22, leave out 'came into being'.—*[Mr. Clappison.]*

Clause 88

MANDATORY POSSESSION FOR NON-PAYMENT OF RENT: REDUCTION IN ARREARS REQUIRED

Mr. Raynsford: I beg to move amendment No. 11, in page 60, line 5, leave out 'eight' and insert 'more than thirteen.'

Mr. Deputy Speaker: With this, it will be convenient to discuss also amendment No. 12, in page 60, line 7, leave out 'two' and insert 'more than three'.

Mr. Raynsford: Amendment No. 11 deals with the mandatory ground for possession for assured tenants. The Government propose to reduce the period covered by that ground from three months to two. That means that a tenant who is in arrears of only two months can be subject to a mandatory ground for possession against which there is no defence. I stress that there is an additional discretionary ground open to landlords to seek possession where there are any arrears. The opportunity to seek possession is available in any case. We are sceptical about the reduction of the period of the mandatory ground because it could lead to tenants suffering injustice through no fault of theirs.

In Committee, we highlighted the number of people who do not get their housing benefit entitlement in time. Sadly, some local authorities are less efficient than others and do not deliver it in the 14 days in which they are supposed to process claims. In some cases, they take several months to process claims. A tenant left waiting for several months for housing benefit who had no means of paying the rent would soon fall foul of this mandatory ground and be liable to lose his or her home. That would be an injustice.

We tabled amendments in Committee, but unfortunately the Government did not see fit to accept them. We therefore raise the issue again tonight. In view of the pressure on the timetable and to allow us make progress, and being aware that the issues will need to be revisited soon, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Simon Hughes (Southwark and Bermondsey): I beg to move amendment No. 37, in page 60, line 7, at end add

'and

(c) at the end of Ground 8 there shall be added—

"Provided that no order for possession shall be made under this Ground if the Court is satisfied that prior to the date of hearing the tenant has made a claim for housing benefit in respect of the period to which the arrears relate in whole or in part and which has not been finally determined by the local housing authority.".'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also amendment No. 38, in page 60, line 7, at end add

[Mr. Deputy Speaker]

'and

(c) at the end of Ground 8 there shall be added—

"Provided that no order for possession shall be made under this Ground if the Court is satisfied that the tenant has an arguable set–off against the unpaid rent of an amount of liquidated or unliquidated damages capable of reducing the rent outstanding to below the amounts claimed.".'.

Mr. Hughes: The amendments are the flesh on the bones of the argument that the hon. Member for Greenwich (Mr. Raynsford) was seeking to attribute to his amendments which were considered first. They are realistic and important. Even at this late stage, I ask the Minister to accede to them.

The amendments deal with possession in assured shorthold tenancies, and the problem that often arises of people who have not had their housing benefit paid. Many hon. Members will have met constituents who have faced possession proceedings when the whole of the arrears is attributable to a failure to pay housing benefit.

Amendment No. 37 gives the complete guarantee that was sought in Committee by my hon. Friend the Member for Christchurch (Mrs. Maddock). It states:

"no order for possession shall be made . . . if the Court is satisfied that prior to the date of hearing the tenant has made a claim for housing benefit in respect of the period to which the arrears relate . . . and which has not finally been determined".

If an application has been made, a person should not be at risk of losing his or her home while the bureaucracy is grinding, as it often does, exceeding slow.

Amendment No. 38 deals with a similar but arguably slightly less common occurrence, and says that, likewise, there should not be an order for possession if the court is satisfied that the tenant has a set-off against unpaid rent, perhaps for damages for disrepair. All sorts of situations can arise in which it is clear that there is a claim in the other direction that would reduce the rent arrears. It would be unjust that possession proceedings in such cases should be taken to a conclusion. That is especially important for constituencies in which assured shorthold tenancies are now common.

I hope that the Minister will be at least positive, and possibly generous, and make life easy by accepting both amendments. We could then both sit down and move on.

Mr. Clappison: I should like to be generous, but the issue was fully canvassed in Committee. The starting point needs to be that the order for possession will not be made immediately after two months. In practice, it will be a longer period, because, as the hon. Gentleman may know, an extra period of two weeks is required after proceedings commence before a hearing can take place. When one has to wait a little while for a court hearing, it will be longer than that.

I think that it was established in Committee that, in practice, the problem of housing benefit would be dealt with in that fairly lengthy period—somewhere in excess of three months. I respectfully remind the hon. Gentleman that, under social security legislation, housing benefit claims should be processed within the statutory 14 days of all the required information being received. If the deadline is not met, local authorities have a statutory duty to make—

Mrs. Maddock: That is the point—it is the getting together of the information so that the claims can be processed within the 14 days that is the problem. We discussed that in Committee, and I thought that the Minister understood our concerns.

Mr. Clappison: If the hon. Lady would allow me to continue, I will deal with her point.

Where the delay is not the fault of the tenant and the deadline is not met, local authorities have a statutory duty to make payments on account. We explored that issue fairly fully in Committee.

Mr. Simon Hughes: If the Minister is going to be bold enough to resist the amendments, can he at least ensure that his colleagues in other Departments instruct and inform all courts of the statutory duties, so that no court is in error about the fact that there is an obligation on someone to pay up? That would at least alleviate the problem.

Mr. Clappison: I will reflect on what the hon. Gentleman has said. I should have thought that, as a matter of basic knowledge, courts would be aware of their statutory duties.

On amendment No. 38, to amend ground 8 to require the court to offset liquidated and unliquidated damages against rent arrears would encourage tenants to counter-claim for damages due to disrepair in all ground 8 cases. That would lead to long and protracted disputes about the cause and extent of the damages claimed.

I have listened carefully to hon. Members' arguments, but the existing state of the law caters sufficiently well for the question of repairs and rent that is owed.

Mr. Simon Hughes: The Minister has not persuaded me. On the first issue, a period of time might in theory be wonderful, but the reality of the world we live in is that the system does not deliver even if one extends it for one, two or three months. I am afraid that we are not satisfied, so I shall allow the House to resolve the matter in the usual way.

Amendment negatived.

Clause 91

ASSURED PERIODIC TENANCIES: SAME SEX PARTNERS

Mr. Curry: I beg to move amendment No. 26, in page 60, leave out lines 29 to 33.

The outcome of our discussions in Committee on succession rights for same-sex partners left us with a Bill that faced two ways. According to the amendment that the hon. Member for Hampstead and Highgate (Ms Jackson) moved successfully, a couple of the same sex in an assured tenancy living together in a relationship corresponding to that of man and wife—I think that that indicates a homosexual relationship, which I assume was her intention—enjoy the right of succession when one partner dies. By contrast, a couple in the same position with a secure tenancy—that is, with a local authority—would not have that right, because a parallel amendment to that end failed. Clearly, that is not a sustainable position, and that is why the Government have tabled amendment No. 26, to delete clause 91 and put assured and secure tenants on the same footing.

We have taken that course rather than resolving the matter by introducing a clause similar to clause 91 to cover secure tenants, because we are concerned about the approach taken in clause 91 and feel that there are better ways to resolve the issues.

The law as it stood, before clause 91 was introduced, provided protection to adults of the same sex who planned to share their home on a long-term basis. Under the provisions of the Housing Acts 1985 and 1988, local authorities, housing associations and private landlords have the power to grant joint tenancies, which means that, when one tenant dies, the remaining tenant can keep his home.

That provides a distinct advantage over the rather narrow provisions of clause 91, which relate only to those same-sex couples who live as if they were man and wife. When the tenant dies in such a relationship, the remaining partner can find him or herself in a difficult position. The problem can be no less acute for those left on their own in other types of household.

A person may have acted for a tenant as an unpaid live-in carer, or a couple of elderly women, or men, may live together for companionship, or perhaps for economy. A joint tenancy would mean that a person left in that situation would not, at a time of great grief, have the added burden of worrying about losing his or her home. Clause 91, on the other hand, would deal only with the situation in which the tenant and the remaining resident had had a sexual relationship.

A joint tenancy is the better solution, but there may be situations where a person has been sharing a household with someone else who is a sole tenant but for some reason has not sought to have the tenancy converted to a joint one. When the tenant dies, the other person will not have the right to take up that tenancy. In such cases, if the person had been living with the tenant for the year before the tenant's death, had been looking after the tenant, or had, or accepted, responsibility for his or her dependants, we would normally expect the local authority to grant the tenancy to that person, or find them suitable alternative accommodation.

Another clear advantage in giving local authorities the flexibility to resolve those situations is that it does not lose sight of their primary obligation to meet housing need in their areas by making the most effective and equitable use of all the housing stock at their disposal.

8.15 pm

There has been concern about a lack of uniformity among local authorities in how they respond to such situations. I propose to deal with that by issuing guidance shortly, which will set out unambiguously the Government's view that, taking into account the need to make the best use of their stock, local authorities should normally provide—those will be the words that will appear in the guidance—for the type of cases that I have described by granting either joint tenancies or a further tenancy where a sole tenant has died. That will be unequivocal guidance, and it will not be confined to couples with a sexual relationship. We will pay close attention to the way in which local authorities implement it.

Mr. Michael Brown (Brigg and Cleethorpes): I am grateful to my hon. Friend as what he has said is helpful. May I press him a little further on the guidance? I assume that it will be published guidance to all local authorities. Can he say when we can expect it to be issued?

Mr. Curry: It will be published guidance to all local authorities, and it will be issued before the Whitsun recess.

Mr. Peter Bottomley (Eltham): My hon. Friend will know that I am new to this matter. I do not see any reference to sexual relationships in the lines that he is proposing to leave out. Is that relationship understood, or is it in some other part of the legislation?

Mr. Curry: My hon. Friend will find that the amendment moved by the hon. Member for Hampstead and Highgate referred to people living in a relationship corresponding to that of husband and wife. I drew the conclusion that that could bear only one interpretation. My concern was not to exclude those circumstances but to widen them, so that people living in the sort of relationships that I have described would also be covered by the scope of my proposals. I am proposing a more inclusive alternative, not an exclusive one.

Ms Glenda Jackson: I am grateful to the Minister, and also to the hon. Member for Brigg and Cleethorpes (Mr. Brown) for forwarding me a copy of the guidance that the Government intend—I presume—to forward to local authorities. I must be honest with the Minister. We have been given that promise before. It was made to the Standing Committee on the Leasehold Reform, Housing and Urban Development Bill in 1993. As we all know, nothing has happened.

Mr. Curry: I repeat here in the Chamber and in a full sitting of the House that the guidance will be issued before this Whitsun recess.

Ms Jackson: I am grateful for that assurance, which will appear in the public record. Even so, such guidance as has been drafted and will go to local authorities causes me concern in certain areas, not least the final paragraph of paragraph 6, which states:

"the local authority should normally grant a tenancy to the remaining person or persons, either in the same home or in suitable alternative accommodation".

This has caused me some concern.

We are discussing situations in which there have been relationships. When I introduced the amendment, I said that there must have been a stable relationship in the domestic residence for a year—that the rules that at present apply to heterosexual relationships must apply to single-sex relationships. We have been reassured that the guidelines will be sent to all local authorities. The words

"either in the same home or in suitable alternative accommodation"

cause me some concern. No doubt relationships will have been established within the community. For example, in a same-sex relationship where both partners are female, there may be children involved, and they may attend the local school. There will be disturbance and disorientation for the children if they are moved to another location. Human relationships are created within a particular environment.

From personal experience, I know that some gay people suffer abuse because of their relationships. The partner who is left may be moved from an area where gay

[Ms Jackson]

relationships are acknowledged and accepted, and where gay people are not abused, into an area where they are abused—I am talking not only about physical abuse, but about abuse in which their residence is attacked, with bricks thrown through windows and people hammering on doors in the middle of the night. This is something that causes me concern.

Is it possible for the Government to redraft the guideline or for them to be more precise about what they regard as "suitable alternative accommodation"? It has been my experience that, when people have physically to move from what has been regarded as their home—coming, as it invariably does, on the loss of a loved one—it creates extreme difficulties.

I am reassured by the Minister's assurance that the guidelines will be sent to local authorities before Whitsun this year. Is that a categorical assurance?

However, I remind the Minister that I am concerned about the paragraph to which I referred. Are the local authorities required to inform the Secretary of State that they have received the guidelines and that they are proceeding to implement them? Will local authorities be allowed a period before they regard the guidance as absolute in their treatment of these situations?

I understand that it has been the Government's intention for more than three years—even though the present Secretary of State has significantly failed to implement it—that local authorities should not be able to draw out these guidelines. Local authorities should guarantee that they will implement them.

Mr. Ashby: I congratulate the hon. Member for Hampstead and Highgate (Ms Jackson) on tabling her amendment in Committee, and on bringing it to the attention of the House. It resulted in a flurry of activity, which has produced some guidelines. The guidelines are not just good, they are excellent, and I am grateful for them. It is my experience in local government that local authorities will adhere to them, so that does not worry me at all.

However, I am worried about a number of things. We have withdrawn the transference of a lease in an assured tenancy that is in the private sector. I hate labels, but it seems to me that we are all looking for labels—especially the gutter press, the tabloids, which are always happy to talk about gay rights, and gay this and that. However, we are not only talking about gay relationships. If the gutter press wants to look for labels, perhaps it ought to think more about care in the community, about carers, and about carers who have been carers for a long time.

People start as carers by leaving their home and leaving it empty for a number of months. The work continues, and a year may stretch into two years, so they give up their previous home and live with the person for whom they are caring. Because the person is being cared for, they may survive for 10 years or more. They develop a close relationship. When the person dies, the carer is left bereft and saddened by the loss of what is effectively a partner—they might be the same sex—and they are also left homeless.

I heard about such a case on a radio programme I took part in recently. The person's name was Mark—I shall not give his full name. Mark was in a relationship with a man for 30 years. He had the most tremendous accident 12 years ago that left him a quadriplegic. For 10 years, he was cared for as a total quadriplegic. He died in 1994. Mark has lost the person for whom he cared—his partner—and he is now losing his home. Anyone who heard him speak could not be unaffected. I know that the hon. Member for Greenwich (Mr. Raynsford) heard the radio programme. He could not be unaffected, as I was not unaffected, by the depth of feeling expressed by this person—the bereavement and the loss, and the prospect of losing the home that they had shared for 30 years. I was very moved by it.

I think that people in this situation have had a pretty raw deal from Governments—not from our Government—over many years. They are judged by moral standards rather than factual standards. We hold ourselves up as great moralists, and we think that we should be able to judge people in this way—I do not know why we should; I certainly do not. I suppose, after the judgement of the jury in my libel action, I cannot. Putting that aside, I will still speak out. I do not care a bit about the press; it can say and do what it likes in tomorrow's papers; I do not care a damn about it.

I ask the Minister to look at a Bill that deals with landlords and tenants to see whether this amendment—an amendment giving fairness, justice and equal opportunity—cannot be put into it. The Conservative party has always stood for fairness and for justice. The Secretary of State said that, if there is one unfairness, it is one too many for him. I agree—one injustice is one too many.

I think we are being unfair—and ours is the party that stands for fairness and justice. I hope that, when we deal with a landlord and tenant Bill—not a social housing Bill, such as this Bill—we can have some sensible measures to deal with the real world in which we live, not a make-believe world. Perhaps we could reinstate some of the measures that the hon. Member for Hampstead and Highgate so properly put forward, so that the Bill covers assured tenancies as well as social housing.

I am content that we have achieved this much on social housing, and I rest on that. I hope that the Minister and his Department can see that, in future, we will have to go for fairness and for justice. This is not only a homosexual matter—it covers carers, maiden sisters, bachelor brothers and all sorts of relationships. It is a comprehensive issue—it does not relate only to the one issue that the tabloid press wants to raise.

Mr. Chris Davies: I welcome the Minister's approach to this matter—his attitude is sympathetic and sensitive—but his proposals about the issue of guidelines are hardly the same as clarifying the situation and giving the approach that will take the force of law.

Local authorities do prepare their own allocation policies; there is a great deal of variance in them, and different interpretations will be applied in different situations. It is suggested that the guidelines will provide that local authorities will wish to be assured of the likely continuance of such a partnership where no joint tenancy has been established, and assured that there are no adverse implications from the joint tenancy for good use of authorities' housing stock or for authorities' ability to continue to provide for housing need.

A homophobic authority could drive a coach and horses through such guidelines, and it would be very difficult for the partner of a tenant who had died to prove to sceptical

housing officers, backed up by a local authority unsympathetic to such problems, that the partnership would have been likely to continue. Such guidelines are not strong enough to deal with the problems that, I acknowledge, the Minister understands, and which were well expressed by the hon. Member for North–West Leicestershire (Mr. Ashby).

8.30 pm

Is there not a conflict with part VI of the Bill? Perhaps the Minister will explain. I understand that part VI says that, unless one is a tenant, one will be housed only from the register. Surely the guidelines suggest that the provisions in part VI would be overtaken by the words of a Department of the Environment circular.

Mr. Peter Bottomley: I stand in solidarity with my hon. Friend the Member for North–West Leicestershire (Mr. Ashby), who I believe spoke for many in the House tonight. I welcome what my hon. Friend the Minister has said about the guidance, and welcome the time scale he offered to the hon. Member for Hampstead and Highgate (Ms Jackson). My interest in this matter comes from those who may be in the category of elderly orphans—people who have looked after their parents without moving away from home or who may have moved back—and companions, as well as those who may have had a different type of relationship.

I think that the House is doing well tonight.

Mr. Raynsford: I shall briefly raise two points arising from the Minister's comments. First, he was slightly disingenuous when he said that it was necessary to vote down the amendment that was made in Committee, because it would be inconsistent without a similar provision applying to secure tenancies. The truth is that the Government themselves chose to vote down the parallel amendment that was moved to ensure consistency between secure tenancies on one side and assured tenancies in the private sector, so the problem is entirely of their own making.

Secondly, the reason that there has been considerable scepticism about the pledge of new guidance on this issue is partly to do with the timetable. I remind the Minister that it is now more than three years since Lord Strathclyde gave a written answer, confirming that the Government intended "shortly" to issue guidance on the subject. The Government have been a very long time indeed moving on this, so we welcome the assurance that there will be guidance before Whitsun.

I am also anxious about the contents of the guidance. Without having it before us, I do not wish to draw firm conclusions, but there is a fear that the guidance will not give the same legal rights and the same reassurance.

Mr. Michael Brown: My hon. Friend the Minister was kind enough to meet my right hon. Friend the Member for City of London and Westminster, South (Mr. Brooke), my hon. Friend the Member for South Derbyshire (Mrs. Currie) and me last week. We have not been easily satisfied with the guidance. I can assure the hon. Member for Greenwich (Mr. Raynsford) that the guideline that it is proposed to publish is pretty tough, and I am reasonably satisfied that it meets his points.

Mr. Raynsford: I am pleased to hear that from the hon. Gentleman, who I know has been especially worried about that issue and has spoken forcefully about it in the House. Our scepticism is partly based on the fact that we have not seen the guidance; I am delighted to know that he and some of his hon. Friends have, but we have not. Our scepticism is also partly to do with the difference between guidance and statutory rights. In the absence of a statutory backing, there will be a differential position for same-sex partners as against others; there is an issue of principle there.

Nevertheless, some progress is being made. The Minister has guaranteed that guidance will be issued, so this long fight for justice is at least moving in the right direction. We shall remain very sceptical indeed until we have seen positive and concrete results from what the Minister proposes.

Mr. Curry: Short of carving it on the Dispatch Box, I cannot do more than repeat that we shall issue guidance before Whitsuntide. It will be implemented by the local authorities immediately. I am not holding it back until we issue a general guidance flowing from the Housing Bill.

There is nothing sinister about the idea of suitable alternative accommodation. I had in mind the position when someone wished to move to smaller accommodation—easier to heat, with lower costs—which sometimes happens when someone's partner is deceased. Local authorities will be sensible about that. It seeks to embrace different circumstances.

I am grateful to my hon. Friend the Member for North–West Leicestershire (Mr. Ashby) for pointing out that this has a wide application in many circumstances. My hon. Friends the Members for Brigg and Cleethorpes (Mr. Brown) and for South Derbyshire (Mrs. Currie) have pressed me on this, as they will acknowledge. I hope that they feel that we have moved sensibly to deal with people in those circumstances, irrespective of what their sexuality happens to be or the specific circumstances in which they find themselves.

I am not interested in categorising certain people; I am interested in trying to deal with the position that exists, and doing so satisfactorily and fairly, in a way that is seen to be humane by the local authorities. We shall ensure that the guidance is implemented in that way.

Amendment agreed to.

Schedule 9

CONSEQUENTIAL AMENDMENTS

Amendments made: No. 146, in page 149, line 32 after 'of' insert 'Part I of'.

No. 21, in page 151, line 38, leave out from beginning to 'subsection' in line 39 and insert 'In'.

No. 22, in line 39, leave out from '(3)(d)(i),' to end of line 40.

No. 23, in line 41, after 'inserted' insert 'at the end'.—*[Mr. McLoughlin.]*

Clause 94

COLLECTIVE ENFRANCHISEMENT: EXCLUDED PREMISES

Mr. Gummer: I beg to move amendment No. 60B, in page 61, leave out lines 21 to 23.

[Mr. Gummer]

The amendment would delete clause 94. That clause was successfully moved by the Opposition; it would raise the limit for possible enfranchisement of blocks of flats from 10 per cent. commercial use to 25 per cent. I know that there are significant anxieties about that. I think we have mitigated them considerably by the changes that we have already made, in the form of the management improvements that the House has been pleased to support.

There should be a balance between the rights and the opportunities of the leaseholders and the question of commercial premises. Commercial premises—which are, in a mansion block, the bottom of the block—often provide great difficulty. If they are very successful, the price of the leasehold enfranchisement is so great that it is especially difficult for people to enfranchise. Most of them are not like that. They are often the sort of shops in which it is quite difficult to create a really decent retail environment. I am very keen on encouraging people to do more for these shops and improve them. I am therefore especially concerned about this matter.

I shall give two possible examples of what would happen if the 10 per cent. limit were raised. In the first example, the shops are very prosperous and expanding their trade. The residential leaseholders would have to pay a very high price to buy the freehold interest; in most cases, they would be unable to afford it, so raising the limit would have no effect. In the second example, the retail businesses are not doing so well and are struggling to keep afloat. The price would be more reasonable for the residential leaseholders, but enfranchisement might affect the viability of the marginal businesses and, on some occasions, drive it over the edge.

I am trying very hard to reinvigorate our city centres and groups of shops. I believe that it would be a mistake to increase the limit, and that it would strike against the idea of reinvigoration. I hope that the House will agree that we got it right in 1993 in setting the proportion at 10 per cent. and that we should not be contemplating raising it now. I believe that the damage that would be done to shops that were not very profitable would not be outweighed by those who would enfranchise successfully. When the shops were profitable, people would find it difficult to pay the leasehold price and they would be left in the position that they are in now. I hope that the House will agree that it is not a sensible way forward.

Mr. Raynsford: We have heard from the Secretary of State the same catalogue that he gave earlier this evening denying leaseholders the opportunity to enfranchise by simply proposing to reverse the gains that were made in Committee earlier this month.

I remind the Secretary of State that the Landlord and Tenant Act 1987 puts the threshold for non-residential accommodation at 50 per cent. In 1992-93, the hon. Member for Kensington (Mr. Fishburn) forecast incorrectly that it would be accepted at 20 per cent. He was conned by Ministers who persuaded him, after he had given a forceful speech in favour of increasing the percentage, that they would look sympathetically at his proposals. They conned the hon. Gentleman then in the same way as the Government have conned leaseholders today.

We deplore the way in which the Government are once again betraying leaseholders' interests through the amendment and trying to destroy the good work that was done in Committee. Ministers might like to reflect on comments of the Minister for Local Government, Housing and Urban Regeneration at the end of the Committee, when he described it as a very constructive Committee which reflected well on the British parliamentary system. It can hardly reflect well on the British parliamentary system if the Government seek to reverse on the Floor of the House amendment after amendment that was passed in Committee.

This is a discreditable move by the Government for which they will pay. Many leaseholders who live in blocks of flats that contain a small element of non-residential accommodation will be denied the opportunity to buy their freeholds. They will know that the Government have taken that right from them, and they will blame the Government at the next general election for that denial of their rights.

Amendment agreed to.

Clause 95

ENFRANCHISEMENT AND COLLECTIVE ENFRANCHISEMENT: QUALIFYING TENANTS

Amendment made: No. 152, in page 61, leave out lines 24 to 34.—*[Mr. McLoughlin.]*

New schedule 2

LOW RENT TEST: EXTENSION OF RIGHTS

Right to enfranchisement

1. In the Leasehold Reform Act 1967, after section 1A there shall be inserted—

"Additional right to enfranchisement only in case of houses whose rent exceeds applicable limit under section 4

1AA.—(1) Where—

(a) section 1(1) above would apply in the case of the tenant of a house but for the fact that the tenancy is not a tenancy at a low rent, and

(b) the tenancy falls within subsection (2) below and is not an excluded tenancy,

this Part of this Act shall have effect to confer on the tenant the same right to acquire the freehold of the house and premises as would be conferred by section 1(1) above if it were a tenancy at a low rent.

(2) A tenancy falls within this subsection if—

(a) it is granted for a term of years certain exceeding fifty years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise,

(b) it is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, unless it is a tenancy by sub-demise from one which is not a tenancy which falls within this subsection,

(c) it is a tenancy taking effect under section 149(6) of the Law of Property Act 1925 (leases terminable after a death or marriage), or

(d) it is a tenancy which—

(i) is or has been granted for a term of years certain not exceeding fifty years, but with a covenant or obligation for renewal without payment of a premium (but not for perpetual renewal), and

(ii) is or has been once or more renewed so as to bring to more than fifty years the total of the terms granted (including any interval between the end of a tenancy and the grant of a renewal).

(3) A tenancy is an excluded tenancy for the purposes of subsection (1) above if—

(a) the house which the tenant occupies under the tenancy is in an area designated for the purposes of this provision as a rural area by order made by the Secretary of State,

(b) the freehold of that house is owned together with adjoining land which is not occupied for residential purposes, and

(c) the tenancy was granted on or before the day on which section [*Low rent test: extension of rights*] of the Housing Act 1996 comes into force.

(4) Where this Part of this Act applies as if there were a single tenancy of property comprised in two or more separate tenancies, then, if each of the separate tenancies falls within subsection (2) above, this section shall apply as if the single tenancy did so.

(5) The power to make an order under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

2.—(1) In consequence of paragraph 1 above, the Leasehold Reform Act 1967 shall be amended as follows.

(2) In section 1(3A)(b) (extension of rights not to apply to existing lettings by charitable housing trusts), after "1A" there shall be inserted ", 1AA".

(3) In section 3(3) (provision for aggregation of successive tenancies), after "this Part of this Act" there shall be inserted ", except section 1AA,".

(4) In section 9(1C) (price payable by tenant on enfranchisement by virtue of section 1A or 1B), after "1A" there shall be inserted ", 1AA".

(5) In section 9A(1) (compensation payable where right to enfranchisement arises by virtue of section 1A or 1B), after "1A" there shall be inserted ", 1AA".

(6) In section 32A(1)(b) (extensions to right to enfranchisement not to apply in relation to existing tenancies of property transferred for public benefit), at the end there shall be inserted "or if section 1AA above were not in force".

(7) In section 37(4) (treatment for the purposes of Part I of tenancy granted to continue as a periodical tenancy after the expiration of a term of years certain), after "this Part of this Act" there shall be inserted ", except section 1AA,".

(8) In Part II of Schedule 3 (procedural provisions), in paragraph 6 (which makes provision about the contents of a tenant's notice under Part I), after sub-paragraph (1) there shall be inserted—

"(1A) Where the tenant gives the notice by virtue of section 1AA of this Act, sub-paragraph (1) above shall have effect with the substitution for paragraph (b) of—

"(b) such particulars of the tenancy as serve to identify the instrument creating the tenancy and show that the tenancy is one in relation to which section 1AA(1) of this Act has effect to confer a right to acquire the freehold of the house and premises;"."

(9) In that Part of that Schedule, in paragraph 7(4) (admission in landlord's notice of tenant's right to have freehold to be binding on landlord, so far as relating to matters mentioned in section 1(1)(a) and (b)), for "mentioned in section 1(1)(a) and (b) of this Act" there shall be substituted "relevant to the existence of that right".

Right to collective enfranchisement

3.—(1) Chapter I of Part I of the Leasehold Reform, Housing and Urban Development Act 1993 (collective enfranchisement in case of tenants of flats) shall be amended as follows.

(2) Section 5 (qualifying tenants) shall be amended as follows—

(a) in subsection (1) (which defines a qualifying tenant as a tenant of a flat under a long lease at a low rent), for "at a low rent" there shall be substituted "which is at a low rent or for a particularly long term", and

(b) in subsection (2)(c) (which excludes from the definition a tenant under a lease granted in breach of the terms of a superior lease which is not a long lease at a low rent), after "rent" there shall be inserted "or for a particularly long term".

(3) After section 8 there shall be inserted—

"Meaning of "particularly long term"

8A.—(1) For the purposes of this Chapter a long lease is for a particularly long term if—

(a) it is granted for a term of years certain exceeding 50 years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise,

(b) it is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal (other than a lease by sub-demise from one which is not for a particularly long term),

(c) it takes effect under section 149(6) of the Law of Property Act 1925 (leases terminable after a death or marriage), or

(d) it is a lease which—

(i) is or has been granted for a term of years certain not exceeding 50 years, but with a covenant or obligation for renewal without payment of a premium (but not for perpetual renewal), and

(ii) is or has been renewed on one or more occasions so as to bring to more than 50 years the total of the terms granted (including any interval between the end of a lease and the grant of a renewal).

(2) A long lease which does not fall within subsection (1) above shall nonetheless be treated for the purposes of this Chapter as being for a particularly long term if it is a long lease by virtue of paragraph (c) or (d) of section 7(1).

(3) Where this Chapter applies as if there were a single lease of property comprised in two or more separate leases, then, if each of the separate leases is for a particularly long term, this Chapter shall apply as if the single lease were for such a term."

(4) In section 13(3)(e) (particulars to be included in initial notice which relevant to whether person a qualifying tenant), in sub-paragraph (ii), for "a lease at a low rent" there shall be substituted "at a low rent or for a particularly long term".

Right to new lease

4.—(1) Chapter II of that Part (individual right of tenant of flat to acquire new lease) shall be amended as follows.

(2) In section 39(3) (provisions of Chapter I which apply for the purposes of Chapter II), at the end of paragraph (c) there shall be inserted ", and

(d) section 8A,".

(3) In section 42(3) (particulars to be included in notice by qualifying tenant of claim to exercise right), in paragraph (b)(iii), there shall be inserted at the end "or, in accordance with section 8A (as that section so applies), a lease for a particularly long term".

5.—(1) In Chapter VII of that Part (general), section 94 (Crown land) shall be amended as follows.

(2) In subsection (3) (disapplication of restriction imposed by section 3(2) of the Crown Estate Act 1961 on term for which lease may be granted by Crown Estate Commissioners), in paragraph (a), for "at a low rent" there shall be substituted "which is at a low rent or for a particularly long term".

(3) In subsection (4) (power to shadow statutory rights), for "at a low rent" there shall be substituted "which is at a low rent or for a particularly long term".

(4) For subsection (12) there shall be substituted—

"(12) For the purposes of this section "long lease which is at a low rent or for a particularly long term" shall be construed in accordance with sections 7, 8 and 8A."." —*[Mr. Gummer.]*

Brought up, read the First and Second time, and added to the Bill.

New schedule 1

TEXT OF PART II OF THE LANDLORD AND TENANT ACT 1987, AS AMENDED

PART II

APPOINTMENT OF MANAGERS BY LEASEHOLD VALUATION TRIBUNAL

Tenant's right to apply to tribunal for appointment of manager

21.—(1) The tenant of a flat contained in any premises to which this Part applies may, subject to the following provisions of this Part, apply to a leasehold valuation tribunal for an order under section 24 appointing a manager to act in relation to those premises.

(2) Subject to subsection (3), this Part applies to premises consisting of the whole or part of a building if the building or part contains two or more flats.

(3) This Part does not apply to any such premises at a time when—

(a) the interest of the landlord in the premises is held by an exempt landlord or a resident landlord, or

(b) the premises are included within the functional land of any charity.

(4) An application for an order under section 24 may be made—

(a) jointly by tenants of two or more flats if they are each entitled to make such an application by virtue of this section, and

(b) in respect of two or more premises to which this Part applies;

and, in relation to any such joint application as is mentioned in paragraph (a), references in this Part to a single tenant shall be construed accordingly.

(5) Where the tenancy of a flat contained in any such premises is held by joint tenants, an application for an order under section 24 in respect of those premises may be made by any one or more of those tenants.

(6) An application to the court for it to exercise in relation to any premises any jurisdiction to appoint a receiver or manager shall not be made by a tenant (in his capacity as such) in any circumstances in which an application could be made by him for an order under section 24 appointing a manager to act in relation to those premises.

(7) References in this Part to a tenant do not include references to a tenant under a tenancy to which Part II of the Landlord and Tenant Act 1954 applies.

Preliminary notice by tenant

22.—(1) Before an application for an order under section 24 is made in respect of any premises to which this Part applies by a tenant of a flat contained in those premises, a notice under this section must (subject to subsection (3)) be served on the landlord by the tenant.

(2) A notice under this section must—

(a) specify the tenant's name, the address of his flat and an address in England and Wales (which may be the address of his flat) at which the landlord may serve notices, including notices in proceedings, on him in connection with this Part;

(b) state that the tenant intends to make an application for an order under section 24 to be made by a leasehold valuation tribunal in respect of such premises to which this Part applies as are specified in the notice, but (if paragraph (d) is applicable) that he will not do so if the landlord complies with the requirement specified in pursuance of that paragraph;

(c) specify the grounds on which the tribunal would be asked to make such an order and the matters that would be relied on by the tenant for the purpose of establishing those grounds;

(d) where those matters are capable of being remedied by the landlord, require the landlord, within such reasonable period as is specified in the notice, to take such steps for the purpose of remedying them as are so specified; and

(e) contain such information (if any) as the Secretary of State may by regulations prescribe.

(3) A leasehold valuation tribunal may (whether on the hearing of an application for an order under section 24 or not) by order dispense with the requirement to serve a notice under this section in a case where it is satisfied that it would not be reasonably practicable to serve such a notice on the landlord, but the tribunal may, when doing so, direct that such other notices are served, or such other steps are taken, as it thinks fit.

(4) In a case where—

(a) a notice under this section has been served on the landlord, and

(b) his interest in the premises specified in pursuance of subsection (2)(b) is subject to a mortgage,

the landlord shall, as soon as is reasonably practicable after receiving the notice, serve on the mortgagee a copy of the notice.

Application to tribunal for appointment of manager

23.—(1) No application for an order under section 24 shall be made to a leasehold valuation tribunal unless—

(a) in a case where a notice has been served under section 22, either—

(i) the period specified in pursuance of paragraph (d) of subsection (2) of that section has expired without the landlord having taken the steps that he was required to take in pursuance of that provision, or

(ii) that paragraph was not applicable in the circumstances of the case; or

(b) in a case where the requirement to serve such a notice has been dispensed with by an order under subsection (3) of that section, either—

(i) any notices required to be served, and any other steps required to be taken, by virtue of the order have been served or (as the case may be) taken, or

(ii) no direction was given by the tribunal when making the order.

(2) Procedure regulations shall make provision—

(a) for requiring notice of an application for an order under section 24 in respect of any premises to be served on such descriptions of persons as may be specified in the rules; and

(b) for enabling persons served with any such notice to be joined as parties to the proceedings.

Appointment of manager by the tribunal

24.—(1) A leasehold valuation tribunal may, on an application for an order under this section, by order (whether interlocutory or final) appoint a manager to carry out in relation to any premises to which this Part applies—

(a) such functions in connection with the management of the premises, or

(b) such functions of a receiver,

or both, as the tribunal thinks fit.

(2) A leasehold valuation tribunal may only make an order under this section in the following circumstances, namely—

(a) where the tribunal is satisfied—

(i) that the landlord either is in breach of any obligation owed by him to the tenant under his tenancy and relating to the management of the premises in question or any part of them or (in the case of an obligation dependent on notice) would be in breach of any such obligation but for the fact that it has not been reasonably practicable for the tenant to give him the appropriate notice, and

(ii) that the circumstances by virtue of which he is (or would be) in breach of any such obligation are likely to continue, and

(iii) that it is just and convenient to make the order in all the circumstances of the case;

(ab) where the court is satisfied—

(i) that unreasonable service charges have been made, or are proposed or likely to be made, and

(ii) that it is just and convenient to make the order in all the circumstances of the case;

(ac) where the court is satisfied—

(i) that the landlord has failed to comply with any relevant provisions of a code of practice approved by the Secretary of State under section 87 of the Leasehold Reform, Housing and Urban Development Act 1993 (codes of management practice), and

(ii) that it is just and convenient to make the order in all the circumstances of the case; or

(b) where the court is satisfied that other circumstances exist which make it just and convenient for the order to be made.

(2A) For the purposes of subsection (2)(ab) a service charge shall be taken to be unreasonable—

(a) if the amount is unreasonable having regard to the items for which it is payable,

(b) if the items for which it is payable are of an unnecessarily high standard, or

(c) if the items for which it is payable are of an insufficient standard with the result that additional service charges are or may be incurred.

In that provision and this subsection "service charge" means a service charge within the meaning of section 18(1) of the Landlord and Tenant Act 1985, other than one excluded from that section by section 27 of that Act (rent of dwelling registered and not entered as variable).

(3) The premises in respect of which an order is made under this section may, if the tribunal thinks fit, be either more or less extensive than the premises specified in the application on which the order is made.

(4) An order under this section may make provision with respect to—

(a) such matters relating to the exercise by the manager of his functions under the order, and

(b) such incidental or ancillary matters,

as the tribunal thinks fit; and, on any subsequent application made for the purpose by the manager, the tribunal may give him directions with respect to any such matters.

(5) Without prejudice to the generality of subsection (4), an order under this section may provide—

(a) for rights and liabilities arising under contracts to which the manager is not a party to become rights and liabilities of the manager;

(b) for the manager to be entitled to prosecute claims in respect of causes of action (whether contractual or tortious) accruing before or after the date of his appointment;

(c) for remuneration to be paid to the manager by the landlord, or by the tenants of the premises in respect of which the order is made or by all or any of those persons;

(d) for the manager's functions to be exercisable by him (subject to subsection (9)) either during a specified period or without limit of time.

(6) Any such order may be granted subject to such conditions as the court thinks fit, and in particular its operation may be suspended on terms fixed by the tribunal.

(7) In a case where an application for an order under this section was preceded by the service of a notice under section 22, the tribunal may, if it thinks fit, make such an order notwithstanding—

(a) that any period specified in the notice in pursuance of subsection (2)(d) of that section was not a reasonable period, or

(b) that the notice failed in any other respect to comply with any requirement contained in subsection (2) of that section or in any regulations applying to the notice under section 54(3).

(8) The Land Charges Act 1972 and the Land Registration Act 1925 shall apply in relation to an order made under this section as they apply in relation to an order appointing a receiver or sequestrator of land.

(9) A leasehold valuation tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section; and if the order has been protected by an entry registered under the Land Charges Act 1972 or the Land Registration Act 1925, the tribunal may by order direct that the entry shall be cancelled.

(10) An order made under this section shall not be discharged by a leasehold valuation tribunal by reason only that, by virtue of section 21(3), the premises in respect of which the order was made have ceased to be premises to which this Part applies.

(11) References in this section to the management of any premises include references to the repair, maintenance or insurance of those premises.

Jurisdiction of leasehold valuation tribunal

24A.—(1) The jurisdiction conferred by this Part on a leasehold valuation tribunal is exercisable by a rent assessment committee constituted in accordance with Schedule 10 to the Rent Act 1977 which when so constituted for the purposes of exercising any such jurisdiction shall be known as a leasehold valuation tribunal.

(2) The power to make regulations under section 74(1)(b) of the Rent Act 1977 (procedure of rent assessment committees) extends to prescribing the procedure to be followed in connection with any proceedings before a leasehold valuation tribunal under this Part.

Such regulations are referred to in this Part as "procedure regulations".

(3) Any order made by a leasehold valuation tribunal under this Part may, with the leave of the court, be enforced in the same way as an order of the county court.

(4) No costs incurred by a party in connection with proceedings under this Part before a leasehold valuation tribunal shall be recoverable by order of any court.

(5) Paragraphs 2, 3 and 7 of Schedule 22 to the Housing Act 1980 (supplementary provisions relating to leasehold valuation tribunals: appeals and provision of information) apply to a leasehold valuation tribunal constituted for the purposes of this section.

(6) On an appeal to the Lands Tribunal from a decision of a leasehold valuation tribunal under this Part—

(a) the Lands Tribunal may exercise any power available to the leasehold valuation tribunal in relation to the original matter, and

(b) an order of the Lands Tribunal may be enforced in the same way as an order of the leasehold valuation tribunal.

Leasehold valuation tribunal: applications and fees

24B.—(1) The Secretary of State may make provision by order as to the form of, or the particulars to be contained in, an application made to a leasehold valuation tribunal under this Part.

(2) The Secretary of State may make provision by order—

(a) requiring the payment of fees in respect of any such application, or in respect of any proceedings before, a leasehold valuation tribunal under this Part; and

(b) empowering a leasehold valuation tribunal to require a party to proceedings before it to reimburse any other party the amount of any fees paid by him.

(3) The fees payable shall be such as may be specified in or determined in accordance with the order; and the order shall be framed with a view to securing that taking one year with another the amount of the fees charged is sufficient to meet the reasonable cost of providing the service to which they relate.

(4) An order under this section may make different provision for different cases or classes of case or for different areas.

(5) An order may, in particular, provide for the reduction or waiver of fees by reference to the financial resources of the party by whom they are to be paid or met.

Any such order may apply, subject to such modifications as may be specified in the order, any other statutory means-testing regime as it has effect from time to time.

(6) An order under this section shall be made by statutory instrument which, unless the order contains only such provision as is mentioned in subsection (1), shall be subject to annulment in pursuance of a resolution of either House of Parliament.".'. —*[Mr. Gummer.]*

Brought up, read the First and Second time, and added to the Bill.

Schedule 10

ADMINISTRATION OF HOUSING BENEFIT, &C

Mr. Betts: I beg to move amendment No. 143, in page 159, line 24, at end insert—

'(4A) For subsection (8) substitute—

"(8) An authority shall disregard, in determining a person's income (whether he is the occupier of a dwelling or any other person whose income falls to be aggregated with that of the occupier of a dwelling), the whole of any war disablement pension or war widows pension payable to that person.

(8A) An authority may modify the housing benefit scheme administered by the authority to such an extent as may be prescribed and any such modification may be adopted by resolution of the authority.".'.

Madam Deputy Speaker (Dame Janet Fookes): With this, it will be convenient to discuss also the following amendments: No. 144, in page 160, line 2, at end insert—

'(1A) For subsection (6) substitute—

"(6) An authority shall disregard, in determining a person's income (whether he is the occupier of a dwelling or any other person whose income falls to be aggregated with that of the occupier of a dwelling), the whole of any war disablement pension or war widows pension payable to that person.

(6A) An authority may modify the council tax benefit scheme administered by the authority to such an extent as may be prescribed and any such modification may be adopted by resolution of the authority.".'.

No. 145, in page 160, line 2, at end insert—

'(1B) In subsection (7), for the words "(6)(a)", there shall be substituted the words "(6) and (6A)".'.

Mr. Betts: The amendments address a problem in the current legislation concerning the disregard of war pensions. An injustice is being perpetrated on many war pensioners and their widows up and down the country.

At present, the first £10 of any war disablement pension or war widow's pension is disregarded mandatorily in the benefit calculations of local authorities for both housing and council tax purposes. Local authorities then have the discretion to extend the disregard to the maximum total pension. In doing so, they must pay for any additional disregard out of their resources.

I do not think that it is fair to complain that some local councils choose not to extend the disregard. After all, it is the Government who lay down the national benefit guidelines. It is they who determine what is included mandatorily in the benefit policies applied by local authorities and it is the Government who have chosen not to extend the disregard to all pensions. The Government decided that the mandatory allowance should be only £10.

Because of the local structure, local authorities must weigh the cost of any additional disregard against total expenditure on other services—given that they are almost universally capped by central Government—and against the cost of extending the benefit system to any other case of hardship. I believe that it is an anomaly that the only extension of disregard in the benefit system that is incorporated in legislation applies to war disablement pensions and war widows' pensions. That is the only issue mentioned in addition to the statutory scheme, where local authorities have the right to extend the statutory scheme and to pay for the extension out of their resources.

The issue is very simple. We examined the matter in Committee, but it is important to raise it again in the House. We shall continue to raise it until either we persuade the Government to change the legislation or there is a new Government.

8.45 pm

Mr. Peter L. Pike (Burnley): My hon. Friend will recognise that the councils that have chosen to include war pensions in the disregard face extreme financial difficulties. We should recognise our debt to the people who served this country in the world wars and accept the principle espoused in the amendments.

Mr. Betts: My hon. Friend is absolutely right: it is a national issue. War pensions are paid to ex-service men and their widows in recognition of the service that they gave to the whole country. People did not fight in wars for Sheffield, Burnley or for any other city: they fought for our country. As such, they receive a national pension which should be disregarded as part of the national benefit scheme. The cost should be met by the nation out of national taxation. That is the principle.

It is wrong that people who have fought in a war for their country and who receive a disability pension should be treated differently from others who fought alongside them but who come from a different part of the country. That is an unjustifiable anomaly. I move the amendment in an attempt to ensure that there is coverage under a national scheme, that costs are borne nationally and that all pensioners, wherever they live, are treated in the same way.

The Government said in Committee that they could not meet the £75 million cost. However, when I inquired again recently, the cost had reduced to £60 million. We owe a debt to those who fought for our country. Surely we can manage to find £60 million in order to rectify an anomaly and to remove a gross injustice perpetrated on many people who do not receive the full benefit of the pension that they earned in fighting for their country.

Mr. Simon Hughes: I support the amendment moved by the hon. Member for Sheffield, Attercliffe (Mr. Betts). He will know that there has been a succession of campaigns on the issue. I have introduced two ten-minute Bills that were supported on both sides of the House and I have also led an all-party delegation to the Department. Amendments were tabled in the past and there is an early-day motion on the subject which has been signed by about 140 Members of Parliament.

I do not want to duplicate the hon. Gentleman's comments, but, according to my figures, 60 per cent. of local authorities currently operate the full disregard. Some 79 per cent. of local authorities in England and Wales operate a total disregard on war disability and war widows' pensions. The reality is not as the Government have stated. The Government's figures are misleading: they overestimate the numbers, as they have not caught up with all the responses from local authorities. I am informed that only 4 per cent. of authorities—18 in total—refuse to give any further concessions.

I make two more points. The hon. Gentleman is absolutely correct: simply by accident of residence—a factor over which people may have no control—pensioners may be treated entirely differently. The right hon. Member for Lagan Valley (Sir J. Molyneaux) has been a strong advocate in this place of the war pensions issue. People receive war pensions as a reward or recompense for national service. It is not a local authority matter; it is a Government matter and a state matter. Therefore, it should be treated in a similar way throughout the United Kingdom. The Royal British Legion has advised some war pensioners not to claim their entitlement to war pension, as it would be financially disadvantageous to them.

We are not satisfied that the Government understand that equity is worth far more than relatively small sums of public money. I hope that the Minister will respond positively to the amendment. If he does not, a diminishing number of those affected will consider the Government to be unnecessarily inflexible. Having celebrated VE day, VJ day and all the other commemorations, we should now be generous. The Government waste money on many things; this should not be one of them. I hope that they respond positively to the amendment.

The Parliamentary Under-Secretary of State for Social Security (Mr. Roger Evans): The Government recognise that war disabled and war widows are a special case. I should stress that all war pensions and the wide ranges of associated allowances that are paid on top of the basic war pension are now completely tax free. Those pensions and allowances are paid at a much higher rate compared with their social security counterparts.

We are debating not whether those pensions and allowances should be tax free but whether, regardless of their means, those who enjoy tax-free pensions and allowances should also be eligible for income-related benefits. The Government believe that there should be a £10 mandatory disregard in respect of housing benefit and council tax benefit, but the provision goes further than the hon. Member for Sheffield, Attercliffe (Mr. Betts) suggests: 80 per cent. of war widows also receive the pre-1973 allowance of £51.71 a week. That is also a mandatory disregard for the purposes of housing benefit and council tax.

Although considerable generosity is being shown, the hon. Member for Attercliffe is suggesting that, in respect of income-related benefits that are designed to help those most in need, a total disregard of all such income should be introduced nationally. *[Interruption.]* The hon. Member for Greenwich (Mr. Raynsford) laughs. I take that to be in dissent, but let me give him an example that is rather surprising in terms of social security. It is a example of the anomalies that would arise if the hon. Member for Attercliffe succeeded in his campaign.

A 75-year-old war widow may have a total weekly income made up of two parts, the first of which is her tax-free war widow's pension of a little over £148 a week. She may also have a second income comprising her state retirement pension or private means of up to £70 a week. Therefore, she would have a total income of £220 a week, get her rent paid by housing benefit and her council tax paid in full. In social security terms, that would be extraordinarily generous and we suggest that it would be going too far.

At present, local authorities have discretion as to whether to meet those costs. Some exercise it and some do not. The hon. Member for Attercliffe said bluntly that he wanted it paid centrally. His amendments are defective, however. They do not achieve that. If they were passed, their only effect would be to require Sheffield city council to meet those costs when it has chosen not to do so. On that basis, I cannot believe that the hon. Gentleman will wish to press the amendments.

Sir James Molyneaux (Lagan Valley): I do not dispute the generosity of present and past Governments in this matter, but as we recently discussed issuing fairly stringent guidelines to local authorities, would it not be possible to issue similar guidelines to the defaulting councils, many of which, unfortunately, are dominated by the same party?

Mr. Evans: The right hon. Gentleman is correct. It is for local authorities to determine such matters and for their electors to form a judgment. A national scheme would involve extra public expenditure. According to our lowest estimate, it would cost an extra £30 million a year in housing benefit and an extra £10 million in council tax benefit. Local authority returns suggest that it could cost as much as £60 million a year. That is a considerable sum, given that it would be in addition to the £20 million already incurred through mandatory disregards.

Mr. Pike: Does the Minister not understand that those of us who are arguing the case and the nation believe that we owe such people the greatest possible debt for our freedom and our society and that is why we support the amendment?

Mr. Evans: Of course we owe them everything, but it is for local authorities to decide how much weight to attach to that debt.

I cannot accept the amendment. I suggest that it is technically defective and that, given the totality of existing provision, it is reasonable in all the circumstances.

Mr. Betts: I was interested to hear the Minister's explanations. We shall send a copy of his speech to the Royal British Legion, whose members will be interested in the Government's attitude in these matters.

The Minister claimed that the amendment was technically defective. I was surprised that his colleagues did not make that assessment in Committee. I also refer him to the comments of the Secretary of State in another Committee that was considering the same issues. He said that Committees and the Government should not hide behind technicalities on matters of principle, but should face up to them.

Mr. Roy Beggs (East Antrim): Does the hon. Gentleman agree that it might be necessary to embarrass those councils by listing them? That might encourage them to provide the same benefits as 60 per cent. of councils are affording in due respect to the war service of their residents.

Mr. Betts: The Royal British Legion has already listed councils according to their response on this issue. The purpose of the amendment is that individual councils should not be creating a patchwork quilt of policy across the country. It is a national issue that should be tackled by the Government and incorporated into a national benefits system.

The Minister referred to technical deficiencies. In my view, his entire speech was deficient and some of his comments were disgraceful. He said that the Government had dealt with taxation issues by making war disability pensions and war widows' pensions tax exempt. That would benefit those on high incomes who receive a war disability pension or a war widow's pension, while those on lower incomes would have some of their benefit clawed back. So Government policies hit poorer war pensioners and widows.

The Minister quoted the case of a war widow who received a war widow's pension of £148. He asked why she should have that pension disregarded. However, he then said that local authorities already had that discretion. If the Government do not believe that such a person should have her pension disregarded, why do they allow that discretion to operate as part of the current scheme? I do not accept the Government's arguments or their logic, but, because of time pressure, I shall ask leave to withdraw the amendment.

The Government are wrong in principle. Their treatment of war pensioners is little short of disgraceful. It should be a national issue dealt with by central Government and paid for out of national taxation. We shall continue to support the campaign of the Royal British Legion until this Government—or a future Government—recognise it and put it into legislation. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 109

NOTICE OF PROCEEDINGS FOR POSSESSION

The Parliamentary Under-Secretary of State for Wales (Mr. Gwilym Jones): I beg to move amendment No. 95, in page 70, line 34, at end insert—

'( ) The notice shall also inform the tenant that if he needs help or advice about the notice, and what to do about it, he should take it immediately to a Citizens' Advice Bureau, a housing aid centre, a law centre or a solicitor.'.

In Committee, Opposition Members proposed that the notice stating that the landlord is seeking possession should tell the tenant that he has a right to seek advice. Amendment No. 95 would require the notice to inform the tenant that if he wants advice he should ask a citizens advice bureau, a housing aid centre, a law centre or a solicitor. I believe the amendment to be more helpful than requiring the notice simply to inform the tenant that he has the right to seek advice, as it would instead tell him where he can go to obtain such advice.

Amendment agreed to.

9 pm

Clause 110

RIGHT TO REQUEST REVIEW OF DECISION TO SEEK POSSESSION

Mr. Simon Hughes: I beg to move amendment No. 154, in page 70, line 36, leave out 'a' and insert 'an independent'.

Madam Deputy Speaker: With this, it will be convenient to discuss also amendment No. 155, in page 70, leave out lines 40 to 44.

Mr. Hughes: Amendments Nos. 154 and 155 would apply to the part of the Bill dealing with the conduct of tenants and introductory tenancies. The Bill, as currently drafted, provides that if possession proceedings are started under section 109, the tenant shall be told that he or she has a right

"to request a review of the landlord's decision to seek an order for possession by serving a notice".

Amendment No. 154 would change "a" review into "an independent" review and amendment No. 155 would delete clause 110(2), which as currently drafted provides that the review is carried out by the landlord

"in such manner as it considers appropriate".

The tenant must also be notified.

The defect of the present system is that we would leave it to the landlord to carry out the review, but it is the landlord who is taking the possession proceedings. The landlord may also carry out the review in a way that it considers appropriate. That gives all the power and all the cards to the landlord and no power and none of the cards to the introductory tenant. All I ask is that we allow the review to be independent, for the protection of the tenant. I cannot believe that a reasonable landlord would object and, in equity, I hope that my amendments will be easily and readily accepted.

Mr. Gwilym Jones: Amendments Nos. 154 and 155 seek to ensure that the review is independent of the local

authority, although they do not specify who will carry out such a review. Authorities will seek to evict a tenant only when anti-social behaviour justifies such action. Clause 109(3) provides that the notice seeking possession spells out the reasons why the tenant is being asked to leave. He will then have 14 days to seek a review.

We shall issue comprehensive guidance on introductory tenancies, to ensure that authorities have in place a fair and equitable system. The review procedure should clearly be carried out by an independent person or body within the council—not by anyone who was involved in the original decision to begin the eviction proceedings. I do not believe that an independent body could improve on that. Local authorities will have to have fair and rigorous procedures in place to ensure that tenants are not treated unfairly. As with all such matters, there is always the risk of judicial review of the local authorities' actions if they have not been exercised properly or reasonably. I do not believe that local authorities will take that risk.

The issue is whether a tenant should be allowed to continue living in council accommodation and the best judge of that must be the authority itself.

Mr. Simon Hughes: The Minister has made his case and the guidelines will doubtless be helpful, but he must accept that—from the point of view of the tenant—justice has not only to be done but to be seen to be done. If the landlord evicts a tenant, the fact that somebody else employed by the landlord will carry out a review is not persuasive.

I must tell the Minister that people do not believe in the independence of a review behind closed doors. He has not said whether the review will be in public, whether there will be a time for people to put evidence to the review and whether the tenant may bring somebody with him to argue the case. Constituents regularly come to tell me that a review is to take place in four days, and that it will be carried out by another officer from the same department—a colleague of the person who made the original decision. That officer is therefore not entirely independent.

The Minister's argument is not persuasive. Even with the guidelines that the Minister promised, the provision is supportive of landlords and not helpful to tenants. I do not feel able to seek leave to withdraw the amendment, and it would not be in the interests of tenants for me to do so. I hope that the Government will think again and ensure that the review is properly independent.

The Minister said that I have not specified who should carry out the review. As the Minister will know, I have not specified anyone in the amendments in order to allow a greater opportunity for somebody to be designated. There are plenty of people available, and the Government regularly set up independent agencies. It is entirely possible for the review to be done by an independent agency. We must move away from the position in housing law in which the judge and the jury are the same body.

Amendment negatived.

Clause 113

CASES WHERE THE TENANT IS A SUCCESSOR

Mrs. Maddock: I beg to move amendment No. 41, in page 72, line 11, after 'proceedings)', insert

'or under section 15 of and Schedule 1(2)(e) to the Children Act 1989 (transfer of property in the interests of a child).'.

Madam Deputy Speaker: With this, it will be convenient to discuss also the following amendments: No. 42, in clause 114, page 72, line 36, after 'proceedings)', insert

'or under section 15 of and Schedule 1(2)(e) to the Children Act 1989 (transfer of property in the interests of a child).'.

No. 43, in clause 115, page 72, line 43, after 'proceedings)', insert

'or under section 15 of and Schedule 1(2)(e) to the Children Act 1989 (transfer of property in the interests of a child).'.

Mrs. Maddock: The amendments are meant to be helpful, as they would ensure that the new provisions for introductory tenancies deal with both statutory provisions under which a family court might order transfer of the tenancy. The amendments make good an important drafting deficiency. Family courts have the power to order the transfer of tenancies under the Matrimonial Causes Act 1973 and the Children Act 1989. The amendments will ensure that the Bill ties up with that legislation. In Committee, the Minister indicated that the omission might be the result of the powers in the 1989 Act being overlooked. The amendments give the Minister the opportunity to correct that error, and I press him to accept them in that spirit.

Mr. Gwilym Jones: We are aware that provisions in the Children Act 1989 cut across the Bill's provisions relating to succession and transferred tenancies. We are in touch with other Departments to ascertain the consequential amendments required to tidy up the statute. We are willing to consider the three amendments in principle and will, where appropriate, introduce amendments in another place. With that assurance, I hope that the hon. Lady will be minded to withdraw amendment No. 41.

Mrs. Maddock: I will convey the Minister's comments to my colleagues in another place, who will be pressing to ensure that my points are taken on board. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 118

CONSULTATION ON MATTERS OF HOUSING MANAGEMENT

Mr. Simon Hughes: I beg to move amendment No. 156, in page 73, line 31, leave out

'it considers appropriate to enable'

and insert 'will guarantee.'

Madam Deputy Speaker: With this, it will be convenient to discuss also the following amendments: No. 157, in page 73, line 40, after 'arrangements', insert

'and replies with a reasonable response to each and every representation made.'.

No. 158, in page 74, line 25, at end insert—

'(c) be given to all tenants affected.'.

Mr. Hughes: Clause 118(2) states:

"The authority or trust"—

the landlord—

"shall maintain such arrangements as it considers appropriate to enable those of its introductory tenants who are likely to be substantially affected by a relevant matter of housing management—

(a) to be informed of the proposals of the authority or trust . . .

(b) to make their views known".

I want a guarantee that tenants

"who are likely to be substantially affected"

are informed. People often are not. The council may say that it has sent a notice or posted a letter, but often such communications never arrive. I am not so trusting of local authorities. My experience in Southwark has taught me to be untrusting often of Southwark council's housing department. I would be far more trusting if the law gave tenants a guarantee that they will be consulted—and if it can be proved that the council did not consult, it can be taken to task.

Amendment No. 157 would give some teeth to subsection (2), which embodies a wonderful tradition of legislating by stating that local government

"shall, before making a decision on the matter, consider any representations made to it in accordance with those arrangements."

That can mean placing one piece of paper in front of a council officer, who considers it for one second before dismissing it. If one is really lucky, the matter might appear on an agenda and be nodded through in a meeting without formal consideration. The amendment would make certain that any representation is answered, and answered reasonably. Any tenant who says, "This is my view: you ought to run the show this way; you ought to do something different," will know that his comments will be taken into account.

Probably more pieces of paper from tenants have gone missing in Southwark council than in any other authority in the world. People are told, "Sorry, we cannot find the files. We cannot find the paperwork. We don't think that we received the document." Tenants go to the council day after day, sometimes week after week, to complain but nothing happens. We must give tenants the right to an answer. Democracy in housing management needs answers, and if there is to be equity as between tenants and landlords, tenants must have a right to them.

Amendment No. 158 would ensure that the authority or trust publishes details of the arrangements that it makes under this section, that it publishes a copy of the documents and that a copy is given to all tenants affected. Yes, it can be perfectly proper to place the information in the council's principal office. Yes, it may be made available, on payment of a reasonable fee, to any member of the public. It is, however, important to ensure that it reaches the people affected. Although in that respect Labour-run Southwark council is better than it was, people are regularly not given information. Some people must have it put through their door and drawn to their attention. It is no good saying, "It is in the council office," or, "You can come and see it," or, "Get your friend to go along and pay 20p to get a copy." We must ensure that tenants are given the information.

Democratic housing management, which, above all, is about the rights of tenants, requires that tenants are given information. That should be the duty of the landlord. My amendments simply seek to ensure that we give teeth and a bit of toughness to the proposal, to deal with authorities, which, like Southwark over many years, have often been poor at ensuring that tenants are given information to which they are entitled, and which we have legislated that tenants should have.

Mr. Gwilym Jones: Amendment No. 156 would require local authorities to guarantee that their tenants are consulted on housing management matters. As the hon. Member for Southwark and Bermondsey (Mr. Hughes) said, clause 118 already requires local authorities to maintain such arrangements as they feel appropriate to ensure that introductory tenants are consulted. The provision is based on the Housing Act 1985, which requires local authorities to consult their secure tenants on the same basis. I have no reason to suppose that the current system has not worked for both tenants and local authorities.

Authorities are already required to consider any representation made during consultation, but amendment No. 157 would require them to reply to each and every representation. I am sure that local authorities will make every reasonable effort to reply.

Mr. Simon Hughes: But they do not, so what is the sanction? How can tenants know that any representation that they make is considered properly and what the considered view is? I can assure the Minister that representations regularly disappear into a black hole or into thin air and tenants never hear anything from the council again.

Mr. Jones: I am struck by the hon. Gentleman's regard for local democracy and accountability. He must have even more experience than I have of Labour and Liberal councillors.

Amendment No. 158 would be a costly and wasteful exercise. Authorities are already required to make details of consultation arrangements available and can make a small charge should anybody want a copy. I cannot see that the hon. Gentleman's amendments would improve the situation, and I urge him not to pursue them.

Mr. Simon Hughes: I am entirely unsatisfied. If the Minister thinks that all councils are the wonderful paragons of virtue that we legislate to make them, he has another think coming. Not all councils are as bad in their housing management as Southwark traditionally is, but I am afraid that it is not a happy story in many cases. I could bring in an army of tenants, who could fill the Gallery and Central Lobby. They would tell the Minister just how bad it is. Even now, under the so-called new management of Southwark, things have barely improved in that respect.

I shall not withdraw the amendments. The Government can vote them down if they want to, but I sincerely hope that the Minister will not try to make party political points. We need good management by all councils, of whichever party. The rights of tenants must be looked after. I should have thought that it was in the Government's interest to do that.

Amendment negatived.

Clause 123

EXTENSION OF GROUND OF NUISANCE OR ANNOYANCE TO NEIGHBOURS, &C

Mr. Curry: I beg to move amendment No. 96, in page 75, line 29, after 'of' insert '—(i)'.

Madam Deputy Speaker: With this, it will be convenient to discuss also Government amendments Nos. 97, 102, 103, 106 and 107.

Mr. Curry: In Committee, Opposition Members tabled a number of amendments to try to strengthen local authorities' powers to deal with drug dealers. I undertook to examine which of those would make a further impact on the problem.

As a result of that undertaking, I have introduced amendments Nos. 96 and 97, which will extend the scope of local authorities' powers by allowing eviction to take place where the tenant has been convicted of an arrestable offence in the locality of the dwelling. At the moment, the tenant must have used his or her home for the offence. I believe that this will be a particularly useful measure to deal with drug dealing cases where the traffic may well take place in the common parts of the estate rather than in a person's home.

Amendments Nos. 106 and 107 replicate that provision for assured tenancies.

Amendments Nos. 102 and 103 are consequential.

Mr. Raynsford: The Minister has confirmed that the amendments were tabled in response to amendments tabled by the Opposition in Committee, which were specifically aimed to deal with the problem of people using their tenancies as a basis for drug dealing. We recommended that a conviction for a drugs-related offence committed in, or in the immediate vicinity of, a person's home should provide a mandatory ground for possession. Tenants throughout the country are extremely anxious about the damage caused to their communities by the behaviour of drug dealers and they want tough responses.

9.15 pm

I accept that the Government have brought back an amendment which goes some way towards doing what we want, but it could have unintended consequences. It refers only to tenants who are convicted of a criminal offence related to the area where they live. That could involve offences that are inherently anti-social, such as drug dealing, but it could equally involve an offence with no anti-social implications for the neighbourhood or to other tenants in the area. While no one would condone an offence committed from a council property, or indeed from any other property, I question whether the purpose for which we tabled the original amendment was to take double action against someone who has been convicted—quite properly—of an offence when that offence has caused no nuisance to that person's neighbours.

Although we are pleased that the Government have responded, we are not satisfied that the amendment goes all the way, and we fear that there might be unforeseen consequences that we certainly did not intend. As we are glad that some progress has been made, however, we will support the amendment.

Amendment agreed to.

Amendment made: No. 97, in page 75, line 30, at end insert

', or

(ii) an arrestable offence committed in, or in the locality of, the dwelling-house.'.—*[Mr. Brandreth.]*

Clause 124

NEW GROUND OF DOMESTIC VIOLENCE: SECURE TENANCIES

Mr. Gwilym Jones: I beg to move amendment No. 98, in page 75, line 37, leave out 'the violence of' and insert 'violence or threats of violence by'.

Madam Deputy Speaker: With this, it will be convenient to discuss Government amendments Nos. 99 to 101 and 108 to 112.

Mr. Jones: The amendments take on board three suggestions made in Committee. Amendment No. 98 will make the domestic violence ground for possession available where a partner has left the home permanently where violence has been threatened, not just when violence has taken place. I believe that provision to be entirely justified, as the constant threat of violence over a sustained period will often lead to a partner fleeing the family home.

Amendment No. 99 replaces the reference to violence or the threat of violence to a "child" with a reference to a "member of the family". That is a sensible widening of the scope of the provision to cover cases such as the example given in Committee of violence directed at an elderly mother-in-law, in circumstances in which it was reasonable for the wife to leave the dwelling with her mother because of violence on the part of her husband.

Amendments Nos. 100 and 101 remove the requirement in paragraph (d) that the remaining partner should be under-occupying the family home. It was put to us in Committee that domestic violence alone should be a sufficient ground for eviction. We think that that is right, and that the clause as drafted is too restrictive because it requires the remaining partner to be over-accommodated.

I commend the amendments to the House.

Mr. Raynsford: The Opposition welcome the amendments, which, as the Minister said, emanated from issues raised by Opposition amendments in Committee. As he has said, they will make it easier to obtain possession in cases in which there has been a threat of violence rather than actual violence. Moreover, there will be no restriction on possession to cases in which there is under-occupation of the property. That is right and proper, and we welcome the amendments.

Mrs. Maddock: As the hon. Member for Greenwich (Mr. Raynsford) has said, we discussed the issues in detail in Committee. I am very pleased that the Minister has tabled these important amendments, which will affect many people who are likely to suffer violence and be unable to escape from it. They have my support, and that of my hon. Friends.

Amendment agreed to.

Amendments made: No. 99, in page 76, line 1, leave out 'child' and insert 'member of the family'.

No. 100, in page 76, line 2, at end insert ', and'.

No. 101, in page 76, line 4, leave out from 'return' to end of line 7.—*[Mr. Brandreth.]*

Clause 125

PROCEEDINGS FOR POSSESSION OR TERMINATION

Amendments made: No. 102, in page 76, line 28, leave out 'annoyance to neighbours, etc.' and insert 'other anti–social behaviour'.

No. 103, in page 77, line 46, leave out 'annoyance to neighbours, etc.' and insert 'other anti–social behaviour'.

No. 104, in page 78, line 9, leave out 'after subsection (3) insert' and insert

'(grounds and orders for possession), for subsection (3) substitute—

"(3) Where a notice under section 83 has been served on the tenant, the court shall not make such an order on any of those grounds above unless the ground is specified in the notice; but the grounds so specified may be altered or added to with the leave of the court.'.

No. 105, in page 78, line 13, at end insert—

'( ) In Schedule 2 to that Act, in Ground 16, after "notice of the proceedings for possession was served under section 83" insert "(or, where no such notice was served, the proceedings for possession were begun)".'.—*[Mr. Brandreth.]*

Clause 126

EXTENSION OF GROUND OF NUISANCE OR ANNOYANCE TO ADJOINING OCCUPIERS &C

Amendments made: No. 106, in page 78, line 22, after 'of' insert '—(i)'.

No. 107, in page 78, line 23, at end insert

', or

(ii) an arrestable offence committed in, or in the locality of, the dwelling–house.'.—*[Mr. Brandreth.]*

Clause 127

NEW GROUND OF DOMESTIC VIOLENCE: ASSURED TENANCIES

Amendments made: No. 108, in page 78, line 32, leave out 'the violence of' and insert

'violence or threats of violence by'.

No. 109, in page 78, line 33, leave out from 'a' to 'immediately' in line 34 and insert

'member of the family of that partner who was residing with that partner'.

No. 110, in page 78, line 35, at end insert ', and'.

No. 111, in page 78, line 37, leave out from 'return' to end of line 40.

No. 112, in page 78, line 41, leave out 'has' and insert 'and "member of the family" have'.—*[Mr. Brandreth.]*

Clause 130

POWER OF ARREST FOR BREACH OF INJUNCTIONS AGAINST ANTI-SOCIAL BEHAVIOUR

Amendment made: No. 113, in page 81, line 10, at end insert—

'( ) Nothing in this section prevents the grant of an injunction relating to other matters, in addition to those mentioned above, in relation to which no power of arrest is attached.'.—*[Mr. Brandreth.]*

Clause 131

POWER OF ARREST FOR BREACH OF OTHER LOCAL AUTHORITY INJUNCTIONS

Mr. Raynsford: I beg to move amendment No. 13, in page 81, leave out lines 24 to 28 and insert—

'(4) For the purposes of this section, any premises occupied as residential accommodation are qualifying premises.'.

The amendment would clarify the grounds on which an injunction with power of arrest could be obtained to cover persons other than local authority tenants. We are concerned that the local authority should be able to act effectively against anyone who is causing a nuisance and making their neighbours' lives a misery. We do not accept the premise, which has been to some extent set out by the Government in the title of part V, that such offences are only the responsibility of tenants. I remind the Minister that the title of part V is "Conduct of Tenants". We are very well aware that such anti-social conduct can be perpetrated by other people as well, and we think that it is insulting to tenants to suggest that only tenants can be guilty of such behaviour.

We therefore want to make it quite clear that the local authority or the landlord taking action in such cases can take action against people occupying any premises as residential accommodation, whether under a council tenancy or not. On many estates, where properties have been sold either as freehold houses or as leasehold flats, owners of properties live cheek by jowl with tenants and may themselves be guilty of anti-social behaviour. We want effective action against behaviour, whoever it is perpetrated by. The amendment would clarify those powers to ensure an even-handed approach in the fight against anti-social behaviour.

Mr. Gwilym Jones: I have much sympathy with the amendment. The Government have never tried to suggest that anti-social behaviour is suffered only by those who live in public sector rented property. In part V, we are trying to help local authorities to improve the quality of life on their estates by introducing a strong power to deal with troublemakers—whether tenants or non-tenants—who cause problems. Attaching a power of arrest to an injunction in this context is a new development. Our new power is a bold step and has been made available only once before, in cases of domestic violence.

It would be prudent to see where we are once things have bedded in and how effective the power has been before considering extending it more widely. Anti-social behaviour and what can be done about it are high on the agenda and, I assure the hon. Member for Greenwich (Mr. Raynsford), will remain so. In future, if the Bill's powers work effectively, it may be appropriate to consider whether local authorities need similar, stronger powers to deal with the private sector or owner-occupiers.

Mr. Betts: Is it not an anomaly that there are powers in the Bill to deal with anti-social behaviour by tenants against tenants, by tenants against owner-occupiers, by owner-occupiers against tenants, but not by owner-occupiers against owner-occupiers? Removing the idea of qualifying premises would allow the latter category of anti-social behaviour to be covered by legislation.

Mr. Jones: I am trying to express sympathy with the point being made by the hon. Gentleman and his hon.

Friend the Member for Greenwich. I rule nothing out in what we need to consider further. I am suggesting that we should take this first step, see how it goes and then consider what more we might need to do.

Mr. Raynsford: My hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) rightly made the good point that the current legislation is in this respect partly defective. We would therefore have been happier if the Minister had agreed to accept the amendment, but on the understanding that the matter will be kept under review and that there will be scope for further changes at a future date, and in view of the need to press on because other very important matters, especially the issues of homelessness, need to be considered, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 114, in page 81, line 34, at end insert—

'( ) Nothing in this section prevents the grant of an injunction relating to other matters, in addition to those mentioned above; in relation to which no power of arrest is attached.'.—*[Mr. Brandreth.]*

Clause 133

ARREST AND REMAND

Amendments made: No. 115, in page 82, line 12, at end insert—

'A constable shall after making any such arrest forthwith inform the person on whose application the injunction was granted.'.

No. 116, in page 82, line 20, leave out from first 'in' to end of line 21 and insert

'circumstances such that a power of arrest could have been attached under section 130 or 131'.—*[Mr. Brandreth.]*

New clause 1

ABSOLUTE PRIORITY IN HOUSING ALLOCATION FOR CERTAIN CATEGORIES OF PERSONS

'1.— A local housing authority shall ensure as far as is reasonably practicable that absolute priority in the allocation of housing accommodation is given to the following persons—

(a) a young person leaving care who is referred to the authority by a voluntary organisation;

(b) a person who is referred to the authority by a social services authority;

(c) a person who is referred to the authority by a health authority;

(d) a person who is referred to the authority by a registered social landlord or voluntary organisation providing temporary accommodation for single homeless people, and which has nomination rights with that authority;

(e) a person who is referred to the authority by a voluntary organisation which has nomination rights with that authority.'.—*[Mrs. Maddock.]*

Brought up, and read the First time.

Mrs. Maddock: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this, it will be convenient to discuss the following: New clause 2—*Priority in housing allocation to be accorded to persons owed a duty under sections 167 and 174*—

'1.— The local housing authority shall ensure as far as is reasonably practicable that absolute priority in the allocation of housing accommodation is given to a person to whom the authority has a duty under sections 167 and 174.'.

New clause 27—*Right to be allocated similar property*—

'. Any social housing tenant shall have the right to request and be offered specifically identified identically sized property owned by the same social housing landlords, unless the landlord can show that that identified property is specifically needed for a particular tenant on the grounds of medical or disability needs.'.

Amendment No. 3, in clause 137, page 84, line 14, after '(1)', insert—

'Except where otherwise directed by this Part or by Part Seven of this Act,'.

Amendment No. 4, in clause 138, page 85, line 2, at end insert—

'(1A) They do not apply to a person to whom the authority are subject to a duty under sections 167 and 174 (a person found to be homeless).'.

Government amendment No. 121, in clause 143, page 87, line 11, leave out '(2)' and insert—

'(2A) As regards priorities, the scheme shall be framed so as to secure that reasonable preference is given to—

(a) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions,

(b) people occupying housing accommodation which is temporary or occupied on insecure terms,

(c) families with dependent children,

(d) households consisting of or including someone who is expecting a child,

(e) households consisting of or including someone with a particular need for settled accommodation on medical or welfare grounds, and

(f) households whose social or economic circumstances are such that they have difficulty in securing settled accommodation.

The scheme shall also be framed so as to secure that additional preference is given to households within paragraph (e) consisting of someone with a particular need for settled accommodation on medical or welfare grounds who cannot reasonably be expected to find settled accommodation for themselves in the foreseeable future.

(2B) The Secretary of State may by regulations—

(a) specify further descriptions of people to whom preference is to be given as mentioned in subsection (2A), or

(b) amend or repeal any part of subsection (2A).

(2C) The Secretary of State may by regulations specify factors which a local housing authority shall not take into account in allocating housing accommodation.

(2D) As regards the procedure to be followed,'.

Amendment (a) to the proposed amendment, at end of paragraph (f), insert—

'(g) persons to whom the authority are, or have been, subject to a duty under sections 164, 167, 171 and 174 of this Act.'.

Government amendments Nos. 122, 124 and 125.

Mrs. Maddock: We now come to what, for me, is without doubt the most important part of the Bill, because there can be no greater measure of housing need than being homeless. That principle seems to be common sense, but as I shall explain, the Government seem determined to disregard it in the Bill. Until very recently,

[Mrs. Maddock]

that principle was accepted by all parties in Parliament. It was first set down in law in the Housing (Homeless Persons) Act 1977.

That historic Act was the first ever to give homeless people a right to a home, and was introduced by the then Liberal Member of Parliament Stephen Ross, who is sadly no longer with us. The Act received support from hon. Members of all political parties, including many Labour Members—who, of course, were then in government—and many Conservative Members. Three Conservative Members were sponsors of the Bill.

Many hon. Members who supported that Act and spoke in favour of it in 1977, including then Ministers, thought of it as only the first step towards ending the dreadful horror of homelessness. It did not give a blanket right to be housed to all homeless people; it simply stated that certain groups were in priority need. The criteria that had to be met were quite harsh, such as being homeless through no direct fault of their own. People included in the priority need category were those in any household including or expecting a child, any household including an elderly person or a disabled person and any household made homeless as a result of an emergency, such as flood or fire.

Provision for homeless people before the 1977 provisions was patchy at best, and short-termism was the order of the day. The problem was seen not as a real need for long-term housing but as a temporary requirement caused by some inadequacy on the part of the family concerned.

The 1977 Act changed all that. Its raison d'être was to help individual families achieve a long-term solution to their individual crises of homelessness. Temporary accommodation cannot achieve such solutions, because it hinders children at school, makes it harder for people to get jobs and affects people's health—mentally and physically.

In short, homelessness is hell, and most people who become homeless do so as a direct or indirect result of losing their job. Homelessness means that people become excluded. It divides society. It shuts people out from opportunities for education, from meaningful work, often from health care, from financial support and, fundamentally, from decent housing.

Many homeless people become trapped in a downward spiral. Their escape routes are shut off by measures that have been enacted in recent years. Homelessness deprives people of their stake in society, and we know that it can drive them into crime.

The effects of homelessness often continue well after people have a roof over their head. By depriving people of the security of knowing that they have long-term accommodation, we make their lives much harder, which is the very last thing that families want when they have been made homeless.

I believe, as do many people outside the House, that we are turning the clock back to the days of "Cathy Come Home". A few years after that documentary was shown, a local authority housing officer was quoted—in a 1971 study of homeless families—as saying of homeless people:

"I have to pay attention to the ordinary standards of decent people. We don't want these dead legs. They muck up the books and make life a misery for ordinary folk."

The days when local authorities could get away with such an attitude are now, thankfully, over.

The Housing (Homeless Persons) Act 1977 has not been perfect, but it has helped the more than 1.5 million people who have been accepted for rehousing by local authorities because of it.

The amendments and new clauses in this group are about who should be given reasonable preference in the allocation of social housing and, in particular, whether vulnerable homeless people should be included in lists of people who receive such preference. That is what my amendment (a) to Government amendment No. 121 is about. It is not an ideal solution. The only amendments that would keep intact the right of homeless people to long-term accommodation are in a group led by my amendment No. 35, due for discussion later. However, amendment (a) would deal with the ridiculous situation in which almost anything is accepted as a measure of housing need but homelessness.

9.30 pm

I have no argument with the criteria that the Government have included. I shall not attempt to vote against their amendment. But I cannot see what justification the Minister can have for saying that, while insanitary and insecure accommodation will give someone reasonable preference, homelessness will not. That is unless he is saying that being homeless is extremely insanitary and extremely insecure.

Many people outside the House are extremely worried about what is not in Government amendment No. 121. It is welcome as far as it goes, but it fails explicitly to include homeless people as a group to be given priority. Homelessness is a distinct form of need in itself, and it should be recognised in any allocations criteria. The Government amendment gives wide powers to the Secretary of State to prescribe the details of allocation procedures. I believe that adding homeless people to the new allocations criteria will result in a fairer system that will allow the needs of that group to be considered alongside the needs of others.

Amendment (a) is the most crucial amendment in the group. It is supported by the hon. Member for Greenwich (Mr. Raynsford). I have also tabled several other amendments, and I hope that right hon. and hon. Members will be sympathetic to them.

New clause 1 deals with several groups of people whom I and others outside the House believe should have priority above persons who have reasonable preference. I shall deal with each of those groups briefly. I start with young persons leaving care. We had much discussion about that group in Committee, and later I shall move an amendment to ensure that children who are dealt with under the Children Act 1989 are prioritised. If the Minister can tell me in response to the points that I make that he recognises that that group of children needs to be written down and recognised in the Bill, it may not be necessary for me to press a later amendment to a vote.

Other people who should be given priority are those referred by a social services authority to a housing authority, people referred by a health authority and people referred by a landlord providing temporary accommodation for single homeless people. All those groups were discussed in Committee, and I shall not do

so further at this point, other than to say that I hope that the Minister will listen carefully not only to me, but to all the groups outside that are pushing for those people to be given priority.

New clause 2 goes further than amendment (a) in ensuring that homeless households have priority over and above people who have reasonable preference in the allocation of housing. The arguments for that are the same as I have already outlined. I shall highlight only the Department of the Environment's recognition in the housing White Paper that homelessness is a searing experience as a reminder of how widespread the recognition of the problem of homelessness is.

New clause 27, tabled by my hon. Friend the Member for Southwark and Bermondsey (Mr. Hughes), has my firm support and I shall allow him to propound its merits.

Amendment No. 3 is to some extent a technical amendment that could stand in its own right, but it is designed to make it clear that any duty given to local authorities, particularly with regard to homeless persons, by part VI or part VII of the Bill will override the general allocation provisions.

Amendment No. 4 would exempt households to whom the local authority has a duty under the homeless persons provisions from the allocations criteria, with the clear indication that the duty to house them is separate from and additional to general allocation schemes operated by the local authority. I have no quarrel with the final three Government amendments and I welcome the Secretary of State's recognition that any changes to regulations on the matter should be passed by an affirmative resolution of each House of Parliament. I pressed Ministers on that in Committee.

As Liberal Democrats, we recognise that there is a serious problem with the length of local authority waiting lists throughout the country and, especially, that problems in some regions lead to people blaming homeless people for the length of time that others wait on the list. The Government claim that the solution of putting homeless people into temporary accommodation and then on to a waiting list is the answer, but it will not make waiting lists any shorter or make any significant difference to the speed with which most people on them will be housed.

The Government's proposals will not reduce housing need or demand and they will certainly not increase housing supply. Some of their proposals have immediately led to a reduction in the supply of social housing. In that way, they are failing everyone in housing need.

The challenge for us all is to strike a balance between the long-term housing needs of everyone who is adequately housed in Britain today and the immediate requirements of homeless families. Liberal Democrats believe that that can be done by a single route of entry, but only if certain conditions prevail: that all homeless households are registered on the waiting list as soon as they present themselves to the local authority; that the local authority has a duty to find them temporary accommodation of as stable a nature as possible for as long as it takes; that they are found permanent accommodation or find their own accommodation in the private sector; and that councils should be able properly to recognise the problems of homelessness and the inadequacies of temporary accommodation in the point systems that they use for allocating tenancies.

The last of those is what amendment (a) is about. It is about not queue jumping, but putting some fairness and common sense back into the Bill. It is about allowing local authorities to consider the full picture of a person's position and ensuring that people who become homeless can be helped back on to their feet and given some stability at the earliest possible moment.

In their 1989 homelessness review, the Government concluded:

"there is little doubt that"

homeless

"people would and should expect to have priority in any system of housing allocation based on need".

My colleagues and I are trying to ensure that that principle is in the Bill. I intend to press amendment (a) to a vote and I urge hon. Members on both sides of the House to support it.

I am sorry only that certain hon. Members here tonight believe that this is not an interesting topic. There are people sleeping on the streets and, if we are not careful, we shall undo all the progress that we have made in recent years with the support of all parties, the Churches and all groups that have to deal with homelessness. If we are not careful, we shall undo all the work of those groups over a number of years. I strongly urge all hon. Members who care about homelessness to support amendment (a).

Mr. Raynsford: Homelessness is one of the crucial housing and social issues of our time, and it is right that the House should have an opportunity for an albeit brief debate on those crucial elements in the Bill. Sadly, homelessness is and has been for the past few years all too evident a feature of life in Britain. It is a scar on our society, and blights the lives of hundreds of thousands of our fellow citizens. It is an affront to any civilised society to see the extent of homelessness in Britain today.

The fact that homelessness exists on such a scale is testimony to the failure of the Government's housing policy to ensure the provision of adequate homes for people in need. It is no coincidence that the past five years have seen the lowest output of new homes for renting of any period since the end of the second world war—an average of 28,000 new homes a year, compared with more than 120,000 new rented homes a year during the five years of the Labour Government.

The failure to provide adequately for housing needs has inevitably led to the appalling problems of homelessness that we face today. But rather than addressing those problems directly, with measures to increase the output of rented housing, and responding to people's needs, the Government are behaving in a shabby and disreputable way, by seeking to reduce local authorities' statutory responsibilities towards the homeless.

In summary, the Government are making the victims of the homelessness crisis pay for the Government's own failure to provide adequately for people's housing needs. They are making an entirely unjustified attack on the Housing (Homeless Persons) Act 1977, which has provided the statutory framework for the relief of homelessness throughout the past 18 years.

As the hon. Member for Christchurch (Mrs. Maddock) said, that Act was passed with support from hon. Members from all parties. Although essentially it was passed by the Labour Government with the active

[Mr. Raynsford]

involvement of Stephen Ross, the Liberal Member who promoted it as a private Member, it also attracted support from some Conservative Members.

That legislation has been reviewed twice during the lifetime of the Government—in the early stages of the Government, in the early 1980s, when the current Deputy Prime Minister was Secretary of State for the Environment, and again in the late 1980s, when the late Lord Ridley and Mr. Chris Patten, who is now Governor of Hong Kong, were Secretary of State for the Environment.

Both those reviews concluded that the legislation was working well, and that there was no need for change. It is a comment on today's Tory party that it now sees the need to interfere, and to damage legislation that the Government's predecessors regarded as working well. There is no justification for what the Government are doing; there has been no objective change in circumstances to merit it.

The Bill is a mean, shabby piece of legislation that will withdraw assistance from many people in need by reducing local authorities' existing obligations, thus facilitating matters for local authorities that do not wish to accept their responsibilities towards the homeless. It will also break the link established by the 1977 Act, between the provision of housing for the homeless and that for all other categories of need.

Bringing the homeless into the mainstream, rather than condemning them to a period in temporary accommodation, was one of the most important gains made under the 1977 Act. That Act put an end to some of the most disgraceful features of the treatment of the homeless, so well portrayed in the television programme that shocked the nation in the 1960s, "Cathy Come Home"—practices such as the splitting of families and the degradation of families, and the use of squalid and disgusting former workhouses and other forms of temporary accommodation for the homeless.

The fact that the 1977 Act got away from that and concentrated on the permanent housing of homeless people was one of the great gains that it made. Yet the Government are now acting directly to reverse that, and seeking to put homeless people into temporary accommodation again.

Believe it or not, if the Bill gets through Parliament, it will make it impossible for local authorities to provide direct rehousing for homeless people, other than in the exceptional circumstance of their already being registered on the housing waiting list and having sufficient points to qualify—or rather, to use the slightly curious term that the Minister used in Committee, of their having "almost enough" points to qualify. The Minister has never clarified how that definition would work; we know that it is a mess, and will prove unworkable.

The Government's action is a dereliction of their responsibility to one of the most vulnerable sections of our community. It shows that today's Tory party has turned its back on the poor, the homeless and the vulnerable and demonstrates the Government's failure to ensure that the needs of all members of our society are properly met. I pledge that the Labour party, on its return to government, will ensure that there is a proper and effective statutory framework to guarantee the rights of homeless people and make sure that they get proper treatment and help in the form of permanent accommodation.

9.45 pm

We shall restore the framework created in 1977 if the Government succeed in their intention of dismantling it. Whatever happens tonight, I hope that this legislation will not pass unscathed in another place. It runs against all our country's instincts for fairness that underpinned the 1977 Act, which gained enormous support throughout the country—as has its retention. When the Government consulted on the proposal to change the law, more than 10,000 people responded. Almost all said that the legislation should stay, that the Government should abandon their proposals and that the 1977 Act was working well. It is only the Government who want to pursue their proposals. They are flying in the face of all informed opinion, the voluntary organisations that work with the homeless, the local authorities and the people who know and care most. Their proposals are wrong-headed and will not work or last. We will vote firmly tonight against those measures because they are wrong and we want in their place a proper framework to ensure the maintenance of responsibilities towards the homeless.

Mr. Curry: The hon. Member for Christchurch (Mrs. Maddock) prefaced her remarks with the words "as Liberal Democrats". I might say, "as Conservatives" or "as Labour"—new or old—because this issue engages and concerns the whole House. The hon. Member for Greenwich (Mr. Raynsford) made some accusations about whether we cared. I do not claim such exclusivity for my concerns. They are general. There is a legitimate political argument about how we translate them into practical politics. It is not legitimate to bandy about qualitative concerns to try to show that we have more concern than other people.

I spent part of this morning dealing with people who operate the rough sleepers initiative. That deals with the street homeless—the worst-off people in the most difficult circumstances, who are often difficult to help. I am concerned about that and I want to drive that policy forward, but I do not claim that, if I were to be replaced, it would come to a halt. The determination to tackle the problems is real and goes across the House. I stake my claim on an ecumenical basis for what I believe is an essential policy.

I would like Opposition Members to point out where the difference lies, because in many respects it is more apparent than real. There were concerns, and I hope that I have tried to meet them. I agreed to put the allocations criteria in the Bill and to attach a power to change them by affirmative resolution so that, if it became necessary to make subsequent changes, it could be done. I have never claimed biblical certainty. We are trying to deliver something. There may be occasions when it has to be amended. That is part of normal political life if one is sensible about what one tries to put forward.

I also changed the period of duty to two years because I thought that it was more reasonable. We are left with what I believe is the one central issue that divides the House. There is no point in denying that it does. I believe that it is reasonable to seek to distinguish between people who become homeless as a manifestation of a deep-seated, long-term need and who will require long-term help, and people who become homeless because they are overwhelmed by a particular circumstance, but who, if they are given emergency help, may be able to climb out of the

difficulty. I recognise that a great many people will fall into the former category, but some 18 per cent. of those who are accepted as statutorily homeless never take up social housing, so there are people who fall into the latter category. Everyone needs emergency help; no one is proposing to tear that away. Indeed, the Awua judgment, which I have never prayed in aid—we intended to reform the legislation before it, so I am not prepared to make a claim that is not honest—has virtually removed the safety net in its entirety. So the practical effect of the proposals is to replace that safety net.

All those who find themselves in that situation need that emergency help, but we need to find out whether they need the long-term accommodation and help that carries with it the right to buy and, perhaps, succession rights, or whether they can subsequently manage by themselves, which means that the social housing can be made available for those who need it on a long-term basis. That is a reasonable and honourable proposition.

Mr. David Nicholson (Taunton): My hon. Friend has certainly moved since Second Reading, when widespread concerns were expressed. He will have seen the note that I let him have from Shelter housing aid in Taunton, which pointed out that the placing of families in short-term private rented accommodation would result in greater insecurity. It emphasised that 38 per cent. of those accepted as homeless applicants in Taunton Deane in my constituency had lost private rented tenancies compared with an average for the whole country of 11 per cent., according to DOE figures. That concerns me very much. What assurances can my hon. Friend give me?

Mr. Curry: I recognise my hon. Friend's concerns. He will know that I have had extensive discussions with Shelter and many of the voluntary organisations. My response is twofold. First, if there is not suitable private sector accommodation, people in those circumstances can be accommodated in local authority or housing association stock. Secondly, to try to make more private sector accommodation available, we are discussing allowing local authorities to lease such accommodation for 10 years, so that they can exercise more effective management under the capital financing rules—those have been widely welcomed. I should be perfectly willing to discuss a particular circumstance in my hon. Friend's constituency with him, because circumstances differ across the country.

The Government are proposing a sensible measure. I recognise that it has raised a dispute. We are seeking to help the people in the greatest need. I am not concerned about morality, or about any of the emotional overtones that people sometimes falsely bring to a debate. There is a real emotion about this debate, which is about people in need. My focus is to help people in need. That is my sole criterion, and I therefore commend our amendments to the House. I ask the House to support us in putting those allocations criteria, as they stand, on the face of the Bill. I am confident that they will embrace the circumstances and pick up the needs that we must identify.

We had a serious debate in Committee and I have no doubt that that debate will continue. Of course, I shall continue to discuss with colleagues across the Floor of the House how the legislation is working. I shall be ready to make changes if it appears, in practice, that it is not working as we intended. That is a sensible precaution in politics. Despite being a low Methodist and not having biblical truth in this matter—a primitive—I shall not enter into an argument with the hon. Member for Greenwich. I also have a quotation. Perhaps it is a curious measure, but there we are. We have had a debate across the Floor of the House. I think that the hon. Member for Greenwich was brought up in Raynsford hall and I was brought up in a council property—it is a funny old world.

I commend the amendments to the House.

Mr. Betts: I shall not go into the Labour party's general opposition to the dismantling of the 1977 legislation. My hon. Friend the Member for Greenwich (Mr. Raynsford) has already done so very well, both here and in Committee.

I shall raise three issues about the relationship between the allocations criteria that the Minister intends to put on the face of the Bill and the rights of homeless families. The first is an issue that came up in Committee, when the Minister said that a homeless family who got nearly enough points to be at the top of the list could nevertheless be offered a permanent home immediately by the local authority.

The Minister said that he would respond and he has done so in writing to a number of questions that we raised in Committee. I thank him for doing so. Generally, he has clarified issues, but he has done nothing to clarify this issue. Indeed, he has obscured it further. He said that, if a homeless family has nearly enough points to be at the top of the list but is not right at the top, the authority does not

"have to allocate housing mechanistically to the person at the very top of the list."

If local authorities started allocating houses to people who are not at the top of the list, there would quickly be a lot of complaints to the ombudsman about their allocations policy.

The Minister went on to say:

"I understand that, in the sorts of situations that Mr Betts had in mind, some authorities would treat the household as a special case on an exceptional basis, and would give it additional priority; there would be nothing to prevent them from doing that in the future."

It is not acceptable for there to be a complete dismantling of the homeless persons legislation, to be replaced by the Minister saying that there is nothing to stop local authorities giving additional priority to homeless families on an exceptional basis. That is not the current fundamental right of homeless families. That is not acceptable, and it will not be workable in practice.

I draw the Minister's attention to two other issues where the relationship between the allocations policy and the rights of homeless families appears to be flawed. The Minister said about allocations policy that authorities should give reasonable preference to people who are living in unsatisfactory housing conditions. The irony of the situation is that a homeless family who are living in housing that it is unreasonable for them to continue to occupy can be categorised as homeless and can receive automatic accommodation—according to the Minister's rehousing allocation policy.

However, a homeless family who have no home at all cannot be rehoused under the allocations policy because there is no reference in the policy to the rights of homeless families to be awarded points under the allocation system. It is nonsensical that an allocations policy can give

[Mr. Betts]

preference to someone who is homeless but who has a home that is unsatisfactory, but cannot give preference to someone who has no home at all. That stupidity is contained in the Minister's policy, which he is proposing tonight.

Finally, paragraph (b) of the allocations policy says that people who are occupying housing accommodation that is temporary or occupied on unsecured terms can have preference. That means that a homeless family who would now be eligible for rehousing with permanent accommodation straight away can get preference only once they have been given temporary accommodation by the local authority. In other words, a homeless family have to be moved into temporary accommodation before they can get priority for permanent accommodation. Moving homeless families around from one area to another adds to family insecurity, adds different schools for their children and adds other insecurities in relation to relationships. The Government are supposed to espouse family life, but this proposal would destroy families.

I hope that the amendments are accepted tonight, particularly amendment (a), because it would mean that, despite the rise in homeless families under the Government's allocation policy, they would be protected in a way that they are not currently.

Mr. Simon Hughes: My hon. Friend the Member for Christchurch (Mrs. Maddock) did not deal with one point; however, she made perfectly proper points about the difference between the Minister's approach and our approach. My hon. Friend sustained the tradition of Stephen Ross; that is a perfectly valid view. Many people believe—this is not a party point—that the one thing that would provide the opportunity for those who are homeless to be more adequately housed would be if the Government restored the substantial cuts in housing investment that have cut housing more than any other public investment sector since the Government have been in office.

I put a separate issue to the Minister in relation to new clause 27. Five years ago, or thereabouts, an elderly tenant on a council estate in Bermondsey, the Arnold estate, asked to move to a vacant property—the same type of property that she was already in; a one-bedroom property—next door to her elderly sister. They wanted to live next door to each other so that if they were sick in the night, they could bang on the wall. The council said that it could not allocate the property to her and that she would have to go into the pool and that she would come up if she was lucky. The property was allocated to someone else. Eventually, we persuaded the council that that was an inhumane way to proceed. When the property next became vacant, the council said that it would move the lady in, but it was too late because her sister had died.

We believe that when someone lives on an estate and an identical property comes up—no bigger, no grander, no more expensive—that is more suitable because of their immobility, disability or illness, they should be able to move into it, thereby releasing their property into the housing pool for allocation to someone else. That should happen without prejudice to those who need to be allocated a particular property on a council estate.

One of the great iniquities of the allocation of council housing is that it is done in an inhumane way and that existing tenants cannot move where their family needs and their requirements require them to be. I hope that the Minister will be sympathetic to what is a new clause rooted in practical experience in south London.

Question, That the clause be read a Second time, *put and negatived.*

New clause 25

CONDITION OF OFFERED PROPERTY

'. Social housing shall not be allocated and prospective tenants shall not be required to accept an offer or be penalised for refusing to accept an offer unless the offered property is, at the time of the offer, in a state which would at that time be reasonable for a tenant immediately to occupy.'.—*[Mr. Simon Hughes.]*

Brought up, and read the First time.

Mr. Simon Hughes: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this, it will be convenient to discuss also new clause 26—*Independent appeals system for allocating social housing*—

'. Prospective tenants shall have the right of an independent appeal against any offer that the tenant believes to be unreasonable.'.

10 pm

It being Ten o'clock, further consideration of the Bill stood adjourned.

Motion made, and Question put forthwith, pursuant to Standing Order No. 14 (Exempted business),

That, at this day's sitting, the Housing Bill may be proceeded with, though opposed, until any hour.—*[Mr. Brandreth.]*

Question agreed to.

As amended (in the Standing Committee), again considered.

Question again proposed, That the clause be read a Second time.

Mr. Hughes: I am not sure whether the noes had it in the previous decision, but I shall let that pass. I think that the ayes did have it this time, because otherwise we would be in some difficulty.

First, I shall speak about a significant day-to-day problem of prospective tenants of council houses. At the moment, people can—*[Interruption.]*

Madam Deputy Speaker: Order. There are too many private conversations going on. If Members want to have private conversations, they can go outside.

Mr. Hughes: Thank you very much, Madam Deputy Speaker. We are all trying to go as quickly as possible. I am conscious that other colleagues have entered the Chamber for a vote, but obviously there are a fair number of amendments and new clauses.

I make a very simple proposal—that, if someone is made an offer of a property by a social landlord—either a council or housing association—they should not be expected to accept the offer, and they certainly should not be penalised for refusing the offer, if, at the time that the property was offered, it was not in a fit state to occupy.

One of the problems at the moment is that, understandably, councils are desperately trying to reach high targets of re-letting and have few void or empty properties. In the interests of trying to meet its targets, my local authority of Southwark, a Labour-run authority with the largest local housing stock in London, regularly offers property that is obviously not in a fit state for anyone to move into. It says to people, "Here is your offer; you must take it; we shall then clear it up and sort it out."

People do not believe that, and it is very unrealistic to expect someone to say, "This is my dream home," or even, "This is my less than dream home," if it is in a filthy state, needs a great deal of work, needs to be cleared out and so on. I seek to establish that people who are offered public sector or social housing stock should not be required to accept the offer until the housing is in a fit state to be occupied.

The second issue is that, when someone is made an offer, at the moment they may appeal. They may say, "I do not want to take it because it is not in a fit state, not habitable, unsafe, the electrics have not been done, the building has not been done." They have an internal appeal, if they are lucky. If they are allowed to, they can say, "I want to appeal," and someone, hidden away somewhere in the council, decides whether the offer was reasonable.

There is no independence; the appeal is not conducted by people who are not part of the same landlord authority. Often, the appeal is carried out without the tenant being present; the tenant does not see the process or know about the process. All the tenant knows is that the appeal has been turned down.

Real issues, in inner London boroughs like mine, require people to be made decent offers of property that they can accept. I understand that the Minister may not want to accept these two new clauses, but I should be grateful if he would say what we can do to ensure that accommodation is offered in a fit state to be received and that there is an independent system for working out whether an offer is reasonable.

Mr. Curry: I recognise the hon. Gentleman's concerns. Yesterday and in debate earlier today, he referred to the problems in his constituency. As he suspected, I cannot accept the new clauses as they stand, but I am willing to discuss his concerns and how the law would operate in practice—particularly in the circumstances of his constituency to which he referred. In light of that assurance, perhaps the hon. Gentleman will be willing to withdraw the new clause.

Mr. Beggs: Does the Minister agree that properties are often declined when offered because they are in a filthy state? Does he agree that it is not unreasonable to expect the housing authority to inspect the property and, if necessary, to arrange for it to be cleaned properly before it is offered? The new tenant could then move into a reasonably clean property.

Mr. Curry: The hon. Gentleman makes an extremely valid point. I shall reflect on ways in which we might achieve that purpose.

Mr. Simon Hughes: I am grateful to the Minister for that response, which is entirely reasonable. Like the hon. Member for East Antrim (Mr. Beggs), I will be happy to discuss the matter further with the Minister, as I believe that it is within our power to remedy the problem. On that basis, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 137

ALLOCATION OF HOUSING ACCOMMODATION

Mr. Curry: I beg to move amendment No. 117, in page 84, line 39, at end insert—

'( ) The provisions of this Part do not apply to the allocation of housing accommodation by a local housing authority to two or more persons jointly if—

(a) one or more of them is a person within subsection (5)(a), (b) or (c), and

(b) none of the others is excluded from being a qualifying person by regulations under section 139(2).'.

Madam Deputy Speaker: With this, it will be convenient to discuss also Government amendment No. 118.

Mr. Curry: The amendments deal with exemptions from the requirement for housing to be allocated through the register and the allocation process. They allow existing tenants to become joint tenants without having to go through the housing register and the allocation process. They are commonsense measures which ensure that allocations work effectively, and I commend them to the House.

Amendment agreed to.

Clause 138

CASES WHERE PROVISIONS ABOUT ALLOCATION DO NOT APPLY

Amendment made: No. 118, in page 85, line 31, after 'excluded' insert

'—

(a) in relation to specified descriptions of persons, or

(b)''. —*[Mr. Brandreth.]*

Clause 140

THE HOUSING REGISTER

Amendment made: No. 119, in page 86, line 8, at end insert 'housing'.—*[Mr. Brandreth.]*

Clause 142

INFORMATION ABOUT HOUSING REGISTER

Amendment made: No. 120, in page 86, line 39, leave out from beginning to end of line 42 and insert—

'( ) to be given such general information as will enable him to assess how long it is likely to be before housing accommodation appropriate to his needs becomes available for allocation to him.'.—*[Mr. Brandreth.]*

Clause 143

ALLOCATION IN ACCORDANCE WITH THE ALLOCATION SCHEME

Amendment proposed: No. 121, in page 87, line 11, leave out '(2)' and insert—

'(2A) As regards priorities, the scheme shall be framed so as to secure that reasonable preference is given to—

(a) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions,

(b) people occupying housing accommodation which is temporary or occupied on insecure terms,

(c) families with dependent children,

(d) households consisting of or including someone who is expecting a child,

(e) households consisting of or including someone with a particular need for settled accommodation on medical or welfare grounds, and

(f) households whose social or economic circumstances are such that they have difficulty in securing settled accommodation.

The scheme shall also be framed so as to secure that additional preference is given to households within paragraph (e) consisting of someone with a particular need for settled accommodation on medical or welfare grounds who cannot reasonably be expected to find settled accommodation for themselves in the foreseeable future.

(2B) The Secretary of State may by regulations—

(a) specify further descriptions of people to whom preference is to be given as mentioned in subsection (2A), or

(b) amend or repeal any part of subsection (2A).

(2C) The Secretary of State may by regulations specify factors which a local housing authority shall not take into account in allocating housing accommodation.

(2D) As regards the procedure to be followed,'.—*[Mr. Brandreth.]*

Amendment proposed to the proposed amendment: (a), at end of paragraph (f), insert—

'(g) persons to whom the authority are, or have been, subject to a duty under sections 164, 167, 171 and 174 of this Act.'.—*[Mrs. Maddock.]*

Question put, That the amendment be made:—

The House divided: Ayes 271, Noes 304.

Division No. 116] **[10.07 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene
Ainsworth, Robert *(Cov'try NE)*
Anderson, Donald *(Swansea E)*
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Austin-Walker, John
Banks, Tony *(Newham NW)*
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Beith, Rt Hon A J
Bell, Stuart
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blunkett, David
Boateng, Paul
Boyes, Roland
Bradley, Keith
Bray, Dr Jeremy
Brown, N *(N'c'tle upon Tyne E)*
Bruce, Malcolm *(Gordon)*
Burden, Richard
Byers, Stephen
Cabom, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(Fife NE)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Carlile, Alexander *(Montgomery)*
Chidgey, David
Chisholm, Malcolm
Church, Judith
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Tom *(Monklands W)*
Cleiland, David
Clwyd, Mrs Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cunliffe, Lawrence
Cunningham, Jim *(Covy SE)*
Cunningham, Rt Hon Dr John
Cunningham, Roseanna
Dafis, Cynog
Darling, Alistair
Davidson, Ian
Davies, Bryan *(Oldham C'tral)*
Davies, Chris *(L'Boro & S'worth)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Ron *(Caerphilly)*
Davis, Terry *(B'ham, H'dge Hl)*
Denham, John
Dewar, Donald
Dixon, Don
Dobson, Frank
Dowd, Jim
Dunwoody, Mrs Gwyneth
Eagle, Ms Angela
Eastham, Ken
Etherington, Bill
Evans, John *(St Helens N)*
Ewing, Mrs Margaret
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fisher, Mark
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foulkes, George
Fraser, John
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
Garrett, John
George, Bruce
Gerrard, Neil
Gilbert, Rt Hon Dr John
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mildred
Graham, Thomas
Grant, Bernie *(Tottenham)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike
Hanson, David
Hardy, Peter
Harman, Ms Harriet
Harvey, Nick
Hattersley, Rt Hon Roy
Henderson, Doug
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Howarth, Alan *(Strat'rd-on-A)*
Howarth, George *(Knowsley North)*
Howells, Dr Kim *(Pontypridd)*
Hoyle, Doug
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport E)*
Hutton, John
Illsley, Eric
Ingram, Adam
Jackson, Glenda *(H'stead)*
Jackson, Helen *(Sheffld, H)*
Jamieson, David
Janner, Greville
Jenkins, Brian *(SE Staff)*
Johnston, Sir Russell
Jones, Barry *(Alyn and D'side)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jones, Nigel *(Cheltenham)*
Jowell, Tessa
Kaufman, Rt Hon Gerald
Keen, Alan
Kennedy, Charles *(Ross,C&S)*
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Killoyle, Peter
Lestor, Joan *(Eccles)*
Lewis, Terry
Liddell, Mrs Helen
Litherland, Robert
Livingstone, Ken
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Lynne, Ms Liz
McAllion, John
McAvoy, Thomas
McCartney, Ian
McCartney, Robert
McFall, John
McGrady, Eddie
McKelvey, William
Mackinlay, Andrew
McLeish, Henry
Maclennan, Robert
McMaster, Gordon
MacShane, Denis
Maddock, Diana
Mahon, Alice
Mandelson, Peter
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester, S)*
Martin, Michael J *(Springburn)*
Martlew, Eric
Maxton, John
Meacher, Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moonie, Dr Lewis
Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mowlam, Marjorie
Mudie, George
Mullin, Chris
Murphy, Paul
Nicholson, Emma *(Devon West)*
Oakes, Rt Hon Gordon
O'Brien, Mike *(N W'kshire)*
O'Brien, William *(Normanton)*
O'Hara, Edward
Olner, Bill
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pike, Peter L
Pope, Greg
Powell, Ray *(Ogmore)*
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Purchase, Ken

Quin, Ms Joyce
Radice, Giles
Randall, Stuart
Raynsford, Nick
Reid, Dr John
Rendel, David
Robertson, George *(Hamilton)*
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruddock, Joan
Salmond, Alex
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Shore, Rt Hon Peter
Short, Clare
Simpson, Alan
Skinner, Dennis
Smith, Andrew *(Oxford E)*
Smith, Chris *(Isl'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Spellar, John
Squire, Rachel *(Dunfermline W)*
Steel, Rt Hon Sir David
Steinberg, Gerry
Strang, Dr. Gavin
Straw, Jack
Sutcliffe, Gerry
Taylor, Matthew *(Truro)*
Thompson, Jack *(Wansbeck)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Trickett, Jon
Turner, Dennis
Tyler, Paul
Vaz, Keith
Wallace, James
Walley, Joan
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Welsh, Andrew
Wicks, Malcolm
Wigley, Dafydd
Williams, Rt Hon Alan *(Sw'n W)*
Williams, Alan W *(Carmarthen)*
Wilson, Brian
Wise, Audrey
Worthington, Tony
Wray, Jimmy
Wright, Dr Tony
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Archy Kirkwood and
Mr. Simon Hughes.

NOES

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alexander, Richard
Alison, Rt Hon Michael *(Selby)*
Allason, Rupert *(Torbay)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkins, Rt Hon Robert
Atkinson, David *(Bour'mouth E)*
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Banks, Matthew *(Southport)*
Banks, Robert *(Harrogate)*
Batiste, Spencer
Beggs, Roy
Bendall, Vivian
Beresford, Sir Paul
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & Cl'thorpes)*
Browning, Mrs Angela
Budgen, Nicholas
Burns, Simon
Burt, Alistair
Butcher, John
Butler, Peter
Carlisle, John *(Luton North)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Channon, Rt Hon Paul
Chapman, Sir Sydney
Churchill, Mr
Clappison, James
Clark, Dr Michael *(Rochford)*
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Cope, Rt Hon Sir John
Cormack, Sir Patrick
Couchman, James
Cran, James
Currie, Mrs Edwina *(S D'by'shire)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Deva, Nirj Joseph
Devlin, Tim
Dicks, Terry
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Duncan Smith, Iain
Dunn, Bob
Durant, Sir Anthony
Elletson, Harold
Emery, Rt Hon Sir Peter
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fabricant, Michael
Fenner, Dame Peggy
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forsythe, Clifford *(S Antrim)*
Forth, Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gill, Christopher
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Gummer, Rt Hon John Selwyn
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Rt Hon Jeremy
Hannam, Sir John
Hargreaves, Andrew
Haselhurst, Sir Alan
Hawkins, Nick
Hawksley, Warren
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hendry, Charles
Heseltine, Rt Hon Michael
Higgins, Rt Hon Sir Terence
Hill, James *(Southampton Test)*
Horam, John
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howell, Rt Hon David *(G'dford)*
Howell, Sir Ralph *(N Norfolk)*
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Hunt, Sir John *(Ravensbourne)*
Hunter, Andrew
Hurd, Rt Hon Douglas
Jack, Michael
Jackson, Robert *(Wantage)*
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
Key, Robert
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Leigh, Edward
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
McNair-Wilson, Sir Patrick
Madel, Sir David
Maitland, Lady Olga
Major, Rt Hon John
Malone, Gerald
Mans, Keith
Marland, Paul
Marshall, John *(Hendon S)*
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Mawhinney, Rt Hon Dr Brian
Mayhew, Rt Hon Sir Patrick
Mellor, Rt Hon David
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Moate, Sir Roger
Molyneaux, Rt Hon Sir James
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Moss, Malcolm
Needham, Rt Hon Richard
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Patnick, Sir Irvine
Patten, Rt Hon John
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Porter, David *(Waveney)*
Portillo, Rt Hon Michael
Powell, William *(Corby)*
Rathbone, Tim
Redwood, Rt Hon John
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Rifkind, Rt Hon Malcolm
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Londonderry)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Shepherd, Richard *(Aldridge)*

Shersby, Sir Michael
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Speed, Sir Keith
Spencer, Sir Derek
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stephen, Michael
Stern, Michael
Stewart, Allan
Sweeney, Walter
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Thomason, Roy
Thompson, Sir Donald *(C'er V)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Townend, John *(Bridlington)*
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Tredinnick, David
Trend, Michael
Trotter, Neville
Twinn, Dr Ian
Vaughan, Sir Gerard
Viggers, Peter
Waldegrave, Rt Hon William
Walden, George
Walker, A Cecil *(Belfast N)*
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wilkinson, John
Willetts, David
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Michael Bates and
Mr. Gary Streeter.

Question accordingly negatived.

Main Question put and agreed to.

Amendments made: No. 122, in page 87, line 13, leave out 'any such regulations' and insert

'the above provisions, and to any regulations made under them,'.

No. 123, in page 87, line 14, at end insert—

'( ) Before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, a local housing authority shall—

(a) send a copy of the draft scheme, or proposed alteration, to every registered social landlord with which they have nomination arrangements (see section 137(4)), and

(b) afford those persons a reasonable opportunity to comment on the proposals.'.—*[Mr. Curry.]*

Clause 148

REGULATIONS

Amendments made: No. 124, in page 88, line 7, leave out 'which' and insert—

'( ) No regulations shall be made under section 143(2B) (regulations amending provisions about priorities in allocating housing accommodation) unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.

( ) Any other regulations under this Part'.

No. 125, in page 88, line 9, after 'Part' insert

'may contain such incidental, supplementary and transitional provisions as appear to the Secretary of State appropriate, and'.—*[Mr. Curry.]*

New clause 8

POWER EXERCISABLE AFTER MINIMUM PERIOD OF DUTY UNDER SECTION 167

'.—(1) Where a local housing authority have been subject to the duty under section 167 in relation to a person until the end of the minimum period, they may continue to secure that accommodation is available for his occupation.

(2) They shall not do so unless they are satisfied on a review under this section that—

(a) he has a priority need,

(b) there is no other suitable accommodation available for occupation by him in their district, and

(c) he wishes the authority to continue securing that accommodation is available for his occupation;

and they shall not continue to do so for more than two years at a time unless they are satisfied on a further review under this section as to those matters.

The review shall be carried out towards the end of the minimum period, or subsequent two year period, with a view to enabling the authority to make an assessment of the likely situation at the end of that period.

(3) They shall cease to do so if events occur such that, by virtue of section 167(6) or (7), they would cease to be subject to any duty under that section.

(4) Where an authority carry out a review under this section they shall make such inquiries as they consider appropriate to determine—

(a) whether they are satisfied as to the matters mentioned in subsection (2)(a) to (c), and

(b) whether any of the events referred to in subsection (3) has occurred;

and on completing the review they shall notify the applicant of their determination and of whether they propose to exercise, or continue to exercise, their power under this section.

(5) The authority may at any time, whether in consequence of a review or otherwise, give notice to the person concerned that they propose to cease exercising their power under this section in his case.

(6) The notice must specify—

(a) the day on which they will cease exercising their power under this section, and

(b) any action that they intend to take as a result,

and must be given not less than the prescribed period before the day so specified.'.—*[Mr. Curry.]*

Brought up, read the First and Second time, and added to the Bill.

Clause 168

PERIODIC REVIEW OF CIRCUMSTANCES WHEN DUTY OWED

Amendment made: No. 9, in page 96, line 1, leave out from beginning to end of line 23.—*[Mr. Curry.]*

Clause 153

WHETHER IT IS REASONABLE TO CONTINUE TO OCCUPY ACCOMMODATION

Mrs. Maddock: I beg to move amendment No. 5, in page 89, line 15, at end insert—

'(1A) It is not reasonable for a person to continue to occupy accommodation if the local housing authority for the area in which the accommodation is situated are satisfied that it is unfit for human habitation within the meaning of section 604 of the Housing Act 1985'.

The amendment would ensure that occupiers of housing unfit for human habitation would automatically be dealt with as homeless. It would avoid the uncertainty that can arise if a council's housing officers first decide that a property is not reasonable for continued habitation and designate it as unfit—but, when the occupier applies as

homeless, the homelessness officers of the same council must ask themselves again whether the property is reasonable to occupy.

Previously, there has been a failure to dovetail the unfitness and homelessness tests, which has caused litigation. The amendment introduces a simple, workable and uniform test. I hope that the Minister will see it that way and accept the amendment.

Mr. Curry: I acknowledge the hon. Lady's concerns, but I cannot go as far as accepting her amendment. The provisions that establish whether a person is homeless are broadly stated in part III. They provide that, in considering the appellant's circumstances, housing authorities must have regard to general housing conditions in the area.

That sensible provision is rooted in the circumstances—which will particularly concern the hon. Member for Southwark and Bermondsey (Mr. Hughes) in his constituency—and acknowledges that some housing authorities will be under great pressure from a lot of people seeking housing assistance. It would be unreasonable to expect an authority to assess the condition of a person's housing against an ideal absolute standard if the general condition of housing for large numbers of people presented some difficulties. An absolute standard would not be a practical proposition. I appreciate the sentiments that animate the hon. Lady's amendment, but it would not make a sensible addition to the Bill.

Mrs. Maddock: In the interests of progressing business, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 160

ELIGIBILITY FOR ASSISTANCE

Mrs. Maddock: I beg to move amendment No. 148, in page 91, leave out from line 34 to line 2 on page 92.

Madam Deputy Speaker: With this, it will be convenient to discuss amendment No. 14, in page 91, line 39, leave out from 'regulations' to end of line 41 and insert

'shall not apply to a person who is not unlawfully in the UK'.

Mrs. Maddock: Amendment No. 148 would remove the Secretary of State's power to make regulations excluding persons from abroad from receiving housing assistance under part VII—a proposal that has the support of many people who have to deal with persons who come to our country and are in housing need.

Clause 160 empowers the Secretary of State to exclude certain groups of people from emergency housing, and, although they are not defined, the Department proposes that they should be groups who are ineligible for housing benefit. We want to ensure that they still receive housing advice. I hope that the Minister will look favourably on that proposal, which has widespread support.

Mr. Curry: The issue raised by these amendments is whether people who have sought leave to enter the country on the understanding that they should have no recourse to public funds should be entitled to set aside that undertaking. The immigration rules state explicitly that the homelessness legislation falls within the definition of public funds.

People who have applied for asylum after entering the country will have obtained their leave to enter by satisfying the entry clearance officer that they have the resources to maintain themselves. Only 5 per cent. of asylum applications are eventually accepted; even allowing for exceptional leave granted on compassionate grounds, the refusal rate is still 79 per cent.

The purpose of the homelessness legislation is to ensure that families of vulnerable individuals who lose their home through no fault of their own are provided with a proper safety net. It is one component of a wider set of welfare provisions that we have in place to help people through a crisis and continue their normal lives, but it focuses, naturally and rightly, on people who are settled in this country.

I appreciate the hon. Lady's concerns, but she will know that I must ensure that there is consistency between the proposed legislation and legislation passed by the House. She will understand, therefore, that I must reject her amendments.

Mrs. Maddock: I understand what the Minister has said, but I wish to press the amendment. If the Government want to shout it down, they can do so.

Amendment negatived.

Clause 163

PRIORITY NEED FOR ACCOMMODATION

Mrs. Maddock: I beg to move amendment No. 6, in page 93, line 27, at end insert—

'(e) any young person aged 16 or 17'.

Madam Deputy Speaker: With this, it will be convenient to discuss also amendment No. 7, in page 93, line 27, at end insert—

'(e) a person who qualifies for advice and assistance under section 24(2) of the Children Act 1989 or who is taken to be in need under section 17(10) of that Act.'.

Mrs. Maddock: These amendments are about giving priority need to young people and to children.

Amendment No. 6 says that 16 and 17-year-olds should be classed as priority need when they seek advice from local government.

Amendment No. 7 is supported by many children's societies, including Barnardo's. In the past two days, I have received a letter from Centre Point, which is very anxious about this amendment, the purpose of which is to ensure that young people leaving care, or those assessed as being in priority need under the Children Act 1989, are regarded as having priority for homeless assistance. The amendment is supported by Barnardo's, the Children's Society, NCH Action for Children, Family Service Units, the St. Christopher Fellowship, the Catholic Children's Society, and Save the Children.

Centre Point has pointed out that, during 1994-95, despite the Children Act, 38 per cent. of homeless young people seen by Centre Point were 17 years old or younger, and that 86 per cent. of them had been forced to leave home.

[Mrs. Maddock]

[HON. MEMBERS: "Rubbish!"] I am hearing sedentary interventions that say that this is rubbish. That is precisely the attitude that causes young people to be scapegoated.

In my area, before Christmas, when a charity made an appeal to help young homeless people and give them places in a hostel where they would get help to continue their education and do their job, it received hate mail. We have heard from some hon. Members tonight who think that, if young people are homeless, it is their own fault, or that they wished to leave their family. I suggest that those hon. Members go to a hostel, as I did, and speak to them. Are hon. Members saying that Centre Point—a charity that I thought we all recognised does good work—is wrong? I can supply them with the excellent documentation that it has provided.

We are asking that the Minister amends the Bill to ensure that legislation works together, and that the Children Act means something. There is evidence throughout the country that the Housing Act and the Children Act do not work together properly. This is our opportunity. The amendment has the support of many hon. Members in the House, and of all the groups I mentioned.

I hope that the Minister will take the amendment on board. It is sensible and simple; all he has to do is accept it on behalf of all young people who need help to mount the ladder of life rather than being pushed off the bottom rung.

10.30 pm

Mr. Curry: I would be sorry if the hon. Member for Christchurch (Mrs. Maddock) pressed the amendment to a vote, thereby encapsulating a difference of view that I do not think exists in practice.

The choice is between a statutory entitlement and finding a more integrated approach to tackling a problem that I fully recognise. My own dealings with the rough sleepers initiative have shown me how difficult life can be for some young people. I know that, even in my rural constituency, youngsters, particularly those going from a background of care into foyer projects, need considerable support to give them the confidence—if nothing else—to cope with life.

The question does not really relate to the concerns involved; it relates to whether one route is better than the other. We need a comprehensive approach. For example, young people under 18 cannot hold a legal estate in land, so there are practical problems in giving them tenancies. There is some doubt about whether they can live by themselves, unsupported, at that age. Entitlement under the homelessness legislation does exist for that group: under clause 163, anyone who is vulnerable has priority need. We do, however, need to consider carefully what can be done to give young people better access to permanent social housing.

The proposals on referrals would allow local housing authorities to make accommodation available to young people referred to them by an appropriate welfare agency, where there is enough support, without having to compete with others on the housing register. In the light of the consultations on regulations, I am seriously considering the possibility of requiring a local authority to give an entitlement to register to anyone over the age of 18 who has been living in the area for a specified period. Anyone in that group to whom a reasonable preference should be afforded under the allocation criteria could expect to receive serious consideration for social housing under the register.

The homelessness code of guidance was written before the Children Act came into effect. It needs updating in the light of experience gained from its operation, and to link with the new provisions in the Bill. I shall use the opportunity to make clear the real need for the different services to work together to meet young people's needs, and to suggest how that may be done. We need the co-operation of the Department of Health, which has the main responsibility for the Children Act.

I believe that that integrated approach is right. If, while we are preparing the package, it becomes apparent that the current legislation is inadequate, or is being intepreted too restrictively by some housing authorities, I shall be prepared to use the order-making power to ensure that the legislation takes proper account of the needs of vulnerable young people. I think that that is the right way forward.

I do not want to have to advise the House to reject the amendment, because that would suggest the existence of a divide between us, which, in practical terms, does not exist.

Mr. Simon Hughes: Will the Minister do one more thing? He must try to persuade some of his Back Benchers that young people leaving home are not leaving some luxury accommodation where all is happiness and light and everyone gets on swimmingly in order to move, at public expense, to equally luxurious accommodation where they can be on their own.

The Minister knows from his experience, as I know from mine, that most young people who leave home end up in a much more precarious position. The accommodation with which they may be provided, under statutory instrument or other legislation, is normally hostel accommodation. It is by nature temporary, and involves living with other people. It is not ideal; it is not long-term. We must get away from the idea that this is a jolly good thing which young people use to exploit the system.

The Minister's experience, like mine, will tell him that we risk seeing more and more young people, for whatever reason, leaving home and becoming the sort of people with whom the rough sleepers initiative must deal. All the centres I visited in the winter told me that more young people were turning up than in previous years. The state is not suddenly giving young people independence and a life of luxury. If we can make that message understood, we can start to respond in a way that ensures that, whatever the law says, we treat youngsters as a priority. If we can make them secure when they are young, they are far more likely to become secure adults who bring up secure families in secure homes.

Mr. Curry: That is one reason why the winter shelter programme will be extended next year to provide up to 450 beds—with, of course, specialist provision for those in particular need.

Mrs. Maddock: I know that the Minister takes the matter very seriously, and I hear what he says. If hon. Members who have been dismissive look at the figures, they will see that the majority of young people who have presented themselves as homeless left their families because they had been abused—often physically, and

often sexually. The issue is incredibly important. The Minister has made a very good case for amendment No. 7, and I shall press it to a vote.

Amendment negatived.

Amendment proposed: No. 7, in page 93, line 27, at end insert:

'(e) a person who qualifies for advice and assistance under section 24(2) of the Children Act 1989 or who is taken to be in need under section 17(10) of that Act.'.—*[Mrs. Maddock.]*

Question put, That the amendment be made:—

The House divided: Ayes 252, Noes 291.

Division No. 117] **[10.37 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Austin-Walker, John
Banks, Tony *(Newham NW)*
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Beith, Rt Hon A J
Bell, Stuart
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blunkett, David
Boateng, Paul
Bradley, Keith
Brown, N *(N'c'tle upon Tyne E)*
Bruce, Malcolm *(Gordon)*
Burden, Richard
Byers, Stephen
Cabom, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(Fife NE)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Carlile, Alexander *(Montgomery)*
Chidgey, David
Chisholm, Malcolm
Church, Judith
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Tom *(Monklands W)*
Clelland, David
Clwyd, Mrs Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cunliffe, Lawrence
Cunningham, Jim *(Covy SE)*
Cunningham, Rt Hon Dr John
Cunningham, Roseanna
Dafis, Cynog
Darling, Alistair
Davidson, Ian
Davies, Bryan *(Oldham C'tral)*
Davies, Chris *(L'Boro & S'worth)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Ron *(Caerphilly)*
Davis, Terry *(B'ham, H'dge H')*
Denham, John
Dewar, Donald
Dixon, Don
Dobson, Frank
Dowd, Jim
Dunwoody, Mrs Gwyneth
Eagle, Ms Angela
Eastham, Ken
Etherington, Bill
Evans, John *(St Helens N)*
Ewing, Mrs Margaret
Fatchett, Derek
Field, Frank *(Birkenhead)*
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
George, Bruce
Gerrard, Neil
Gilbert, Rt Hon Dr John
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mildred
Graham, Thomas
Grant, Bernie *(Tottenham)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike
Hanson, David
Hardy, Peter
Harman, Ms Harriet
Harvey, Nick
Hattersley, Rt Hon Roy
Henderson, Doug
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Howarth, Alan *(Strat'rd-on-A)*
Howarth, George *(Knowsley North)*
Howells, Dr Kim *(Pontypridd)*
Hoyle, Doug
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport E)*
Hutton, John
Illsley, Eric
Ingram, Adam
Jackson, Glenda *(H'stead)*
Jackson, Helen *(Sheffld, H)*
Jamieson, David
Jenkins, Brian *(SE Staff)*
Johnston, Sir Russell
Jones, Barry *(Alyn and D'side)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jones, Nigel *(Cheltenham)*
Jowell, Tessa
Kaufman, Rt Hon Gerald
Keen, Alan
Kennedy, Charles *(Ross,C&S)*
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Kilfoyle, Peter
Lestor, Joan *(Eccles)*
Lewis, Terry
Liddell, Mrs Helen
Livingstone, Ken
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Lynne, Ms Liz
McAllion, John
McAvoy, Thomas
McCartney, Ian
McCartney, Robert
McFall, John
McGrady, Eddie
McKelvey, William
Mackinlay, Andrew
McLeish, Henry
Maclennan, Robert
McMaster, Gordon
MacShane, Denis
Maddock, Diana
Mahon, Alice
Mandelson, Peter
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester, S)*
Martin, Michael J *(Springburn)*
Martlew, Eric
Maxton, John
Meacher, Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moonie, Dr Lewis
Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mowlam, Marjorie
Mudie, George
Mullin, Chris
Murphy, Paul
Nicholson, Emma *(Devon West)*
Oakes, Rt Hon Gordon
O'Brien, Mike *(N W'kshire)*
O'Brien, William *(Normanton)*
O'Hara, Edward
Oliner, Bill
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pike, Peter L
Pope, Greg
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Randall, Stuart
Raynsford, Nick
Reid, Dr John
Rendel, David
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruddock, Joan
Salmond, Alex
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Shore, Rt Hon Peter
Short, Clare
Simpson, Alan
Skinner, Dennis
Smith, Chris *(Isl'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Rachel *(Dunfermline W)*
Steel, Rt Hon Sir David
Steinberg, Gerry
Straw, Jack
Sutcliffe, Gerry
Taylor, Matthew *(Truro)*
Thompson, Jack *(Wansbeck)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Trickett, Jon
Turner, Dennis
Tyler, Paul
Vaz, Keith
Wallace, James
Walley, Joan
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Welsh, Andrew
Wicks, Malcolm
Wigley, Dafydd
Williams, Rt Hon Alan *(Sw'n W)*
Williams, Alan W *(Carmarthen)*
Worthington, Tony
Wray, Jimmy
Wright, Dr Tony
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Archy Kirkwood and
Mr. Simon Hughes.

NOES

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alexander, Richard
Alison, Rt Hon Michael *(Selby)*
Allason, Rupert *(Torbay)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James

Arnold, Jacques *(Gravesham)*
Ashby, David
Atkins, Rt Hon Robert
Atkinson, David *(Bour'mouth E)*
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Banks, Matthew *(Southport)*
Banks, Robert *(Harrogate)*
Batiste, Spencer
Beggs, Roy
Bendall, Vivian
Beresford, Sir Paul
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brown, M *(Brigg & Cl'thorpes)*
Browning, Mrs Angela
Burns, Simon
Burt, Alistair
Butcher, John
Butler, Peter
Carlisle, John *(Luton North)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Channon, Rt Hon Paul
Chapman, Sir Sydney
Churchill, Mr
Clappison, James
Clark, Dr Michael *(Rochford)*
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Cope, Rt Hon Sir John
Couchman, James
Cran, James
Currie, Mrs Edwina *(S D'by'ire)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Devlin, Tim
Dicks, Terry
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Duncan Smith, Iain
Dunn, Bob
Durant, Sir Anthony
Elletson, Harold
Emery, Rt Hon Sir Peter
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fabricant, Michael
Fenner, Dame Peggy
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forsythe, Clifford *(S Antrim)*
Forth, Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gill, Christopher
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Gummer, Rt Hon John Selwyn
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Rt Hon Jeremy
Hannam, Sir John
Hargreaves, Andrew
Haselhurst, Sir Alan
Hawkins, Nick
Hawksley, Warren
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hendry, Charles
Heseltine, Rt Hon Michael
Higgins, Rt Hon Sir Terence
Hill, James *(Southampton Test)*
Horam, John
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howell, Rt Hon David *(G'dford)*
Howell, Sir Ralph *(N Norfolk)*
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Hunt, Sir John *(Ravensbourne)*
Hunter, Andrew
Hurd, Rt Hon Douglas
Jack, Michael
Jackson, Robert *(Wantage)*
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
Key, Robert
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Leigh, Edward
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
McNair-Wilson, Sir Patrick
Madel, Sir David
Maitland, Lady Olga
Major, Rt Hon John
Malone, Gerald
Mans, Keith
Marland, Paul
Marshall, John *(Hendon S)*
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Mawhinney, Rt Hon Dr Brian
Mayhew, Rt Hon Sir Patrick
Mellor, Rt Hon David
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Moate, Sir Roger
Molyneaux, Rt Hon Sir James
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Moss, Malcolm
Needham, Rt Hon Richard
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Patnick, Sir Irvine
Patten, Rt Hon John
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Porter, David *(Waveney)*
Portillo, Rt Hon Michael
Powell, William *(Corby)*
Rathbone, Tim
Redwood, Rt Hon John
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Riffkind, Rt Hon Malcolm
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Londonderry)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Shepherd, Richard *(Aldridge)*
Shersby, Sir Michael
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Speed, Sir Keith
Spencer, Sir Derek
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Stephen, Michael
Stern, Michael
Stewart, Allan
Sweeney, Walter
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Thomason, Roy
Thompson, Sir Donald *(C'er V)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Tredinnick, David
Trend, Michael
Trotter, Neville
Twinn, Dr Ian
Vaughan, Sir Gerard
Viggers, Peter
Waldegrave, Rt Hon William
Walden, George
Walker, A Cecil *(Belfast N)*
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wilkinson, John
Willetts, David
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Michael Bates and
Mr. Gary Streeter.

Question accordingly negatived.

Clause 167

DUTY TO PERSONS WITH PRIORITY NEED WHO ARE NOT HOMELESS INTENTIONALLY

Mrs. Maddock: I beg to move amendment No. 35, in page 94, leave out lines 44 to 45.

Mr. Deputy Speaker (Sir Geoffrey Lofthouse): With this, it will be convenient to discuss the following amendments: No. 8, in page 95, leave out lines 1 to 17 and insert—

'(2) Unless the authority refer the application to anther local housing authority they shall secure that permanent accommodation is available for occupation by the applicant.'.

No. 15, in page 95, line 4, leave out from 'authority' to end of line 20 and insert

'shall take reasonable steps thereafter to secure that accommodation does not cease to be available for his occupation.'

No. 34, in clause 171, page 97, leave out lines 29 to 40.

No. 18, in page 97, leave out from end of line 37 to line 40 and insert

'and which it may reasonably be expected will remain available for his occupation until the authority would be entitled to carry out a review under section [Power exercisable after minimum period of duty under section 167].

(2) In that case, their only duty is to furnish him with such advice and assistance as will secure that suitable accommodation is available.'.

Mrs. Maddock: I do not intend to detain the House long. Hon. Members have been most patient, and I am most grateful for the presence of so many of them. We have rehearsed the arguments time and again. The group of amendments is about the provision of permanent accommodation for homeless people. We have already lost the vote on that issue, but if the amendments were accepted they would give priority to such provision.

If we had persuaded the Government of our case, the amendments would have provided extra ways of ensuring that the Housing (Homeless Persons) Act 1977 would not be undone. I realise that we are not securing Ministers' support on the issue, but what they are doing represents a retrograde step, because we are talking about homeless families.

It is amazing that, although the Government claim to represent the party of the family, what Conservative Members have voted for will mean that homeless families with children are pushed into temporary accommodation because they cannot be given permanent housing. The Minister has moved a little, and said that people can have temporary accommodation for two years; at one time the limit was one year. Nevertheless, I repeat to him and to the House what I told him in Committee: when one is two years old, two years is a long time. Moreover, survey after survey has shown the effect on young children when families have to keep moving about.

If the Government accepted our amendments, and with them the proposition that a homeless family with young children needs permanent accommodation, the position would be transformed. The housing benefit bill will soar as a result of the legislation, as more and more people are put into temporary accommodation, so the amendments, like the others that we have tabled, would be in the interests not only of homeless families but of the public purse.

I shall listen with interest to the Minister, although I know that he will repeat the arguments that we have heard before. I do not doubt his sincerity. Earlier he accused me of taking too political an attitude to the issue, but the fact is that Conservative Members have been whipped through to vote against our amendments, which we consider important, especially for homeless families. I hope that when those hon. Members go home tonight they will reflect on the fact that what they have done will work against the interests of the families with young children who are some of the most vulnerable people in our society.

Mr. Curry: I cannot accept the amendments. As the hon. Lady has acknowledged, her amendment would go against the essential purposes of the Bill. Our purpose is to create circumstances in which we can assess people's underlying needs and provide emergency help in all cases, but then provide access to secure long-term accommodation only to those who really need it, because of the benefit that that confers.

I appreciate the hon. Lady's point about families. We are concerned that their needs should be taken into account, and she will find that, in the manner in which we implement the legislation, we shall seek to bring that about. However, she will recognise the fact that she is really asking me to undo the measures at the heart of this part of the Bill. Equally, she will appreciate that I am not prepared to do that. I am sorry that we are divided on that but it is best to be honest about it.

Mrs. Maddock: I am not at all surprised at the Minister's answer. As I said, we have rehearsed the arguments before. In the interests of moving on and because of what has been voted down, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 168

PERIODIC REVIEW OF CIRCUMSTANCES WHERE DUTY OWED

Amendment made: No. 9, in page 96, line 1, leave out from beginning to end of line 23.—*[Mr. Curry.]*

Clause 177

DISCHARGE OF FUNCTIONS BY LOCAL HOUSING AUTHORITIES

Mrs. Maddock: I beg to move amendment No. 149, in page 101, line 17, at end insert—

This does not apply where the person concerned is entitled to reasonable preference in the allocation of housing accommodation under Part VI of this Act.'.

Again I shall be brief. The amendment would remove the two-year restriction on the use of a local authority's stock to provide temporary accommodation. Under the Bill, if a local authority houses a homeless family in its own stock in the two-year period, that family will have to be taken out of that property. It is madness. We tried to persuade the Minister in Committee, where he was pressed heavily by all members about how it would work. Is he saying that a family that has been in a local authority tenancy for two years because it was the best place to put them when they were homeless will have to be moved out? That is not sensible. The Minister has argued that it is sensible and I am sure that he will again.

Mr. Curry: I am afraid that the hon. Lady is right. The provision is necessary to buttress the two-year rule.

[Mr. Curry]

Housing associations are a different matter. I intend to try to extend the leasing arrangements in private sector accommodation so as to give local authorities a better and higher-quality alternative in the private rented sector. However the rule is central to buttressing the two-year duty. She will acknowledge that we have extended it to two years. I am afraid that I am unable to accept the amendment.

Mrs. Maddock: I acknowledge that the Minister extended the period to two years and welcome the fact that he will consider helping housing associations and others to use private sector accommodation that they manage to house homeless families for rather longer than the lets that such people might have got in the private sector. In view of the amendments that have been voted down, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

New clause 7

MORTGAGE REPOSSESSIONS

'.—(1) For the purposes of section 36 of the Administration of Justice Act 1970 and section 8 of the Administration of Justice Act 1973 (under which a court has power to delay giving a mortgagee possession of the mortgaged property so as to allow the mortgagor a reasonable period to pay any sums due under the mortgage) there shall be a presumption that the full remaining period of the mortgage term is the reasonable period.

(2) The court may exercise any of its powers under this section notwithstanding that the court may have exercised its powers under this section on a previous occasion.'.—*[Mr. Raynsford.]*

Brought up, and read the First time.

Mr. Raynsford: I beg to move, That the clause be read a Second time.

New clause 7 deals with mortgage repossessions, which are a serious cause for concern throughout the country. Approximately 1,000 people a week lose their homes through repossessions. More than 300,000 households have suffered that fate over the past six years. That is a human disaster for all those families. They have suffered the grief and anguish of repossession, but it has also had a damaging impact on the housing market. The market has received a constant flood of repossessed properties at a time when there is little confidence in the private market.

It is right to consider the need to do more to tackle the problem of repossessions, both to help people at risk of repossession and to ensure that there are measures to help to restore confidence in the market. New clause 7 is designed to build on the recent court judgment that established the principle that a mortgagor should be given a proper opportunity—a reasonable period—to repay debts due under the mortgage. It would give statutory effect to that court judgment to assist in the development of good practice by lenders so that they explore all reasonable alternatives to repossession. Several initiatives have already been taken, including options for shared ownership schemes. The measure would be a further weapon in the armoury to try to reduce the unacceptable toll of human casualties caused by repossession. I hope that the Minister will respond sympathetically to this initiative to help those victims.

Mr. Clappison: I understand the hon. Gentleman's point. If he carefully studies the Court of Appeal case to which he referred, he will find that it makes his amendment unnecessary. The amendment would create a presumption, but that recent case provides strong authority for the proposition that judges should take, as the starting point for determining what constitutes a reasonable period for repayment of arrears outstanding on a mortgage, the remaining term of the mortgage.

11 pm

Mr. Simon Hughes: I support the new clause, as does my hon. Friend the Member for Christchurch (Mrs. Maddock), and I hear what the Minister says. The important thing is that we get into the heads of the building societies, the lenders and those with a financial interest the fact that they must, as a duty, consider alternative ways of re-financing. There are some good schemes—Rowntree has one in York which I have visited and there are others—that allow people to staircase up and down and move from up to 90 per cent. ownership down to 10 per cent., if financial circumstances require. If people are given half a chance, as the Minister and the Department know well, there are often ways in which they can reorganise their finances. The Bill must deal with unemployment and temporary financial difficulties. If what the Minister says is right, all courts should follow that authority unless it is overturned. There is a risk that it would be overturned.

Mr. Clappison *indicated dissent.*

Mr. Hughes: I accept that it is only a slight risk—if the matter went to the House of Lords. The Minister has an obligation not just to rely on the Court of Appeal current judgment but to ensure that the Department always makes it clear to building societies that the principle most recently enunciated in that judgment is the one that they should follow. He should ensure that the courts understand that and, above all, that purchasers understand it. There should be a trigger whereby, if people run into financial difficulty, they will go into a process of renegotiating their mortgage and will not suddenly be at risk of being turfed out of their home, which might be the most secure place for them and for the investment, for both parties in the proceedings.

Mr. Nicholas Winterton (Macclesfield): Am I not right in thinking that the Council of Mortgage Lenders and the Building Societies Association have issued a consultative document on a code of practice? Surely that very much meets the concern expressed by the hon. Member for Greenwich (Mr. Raynsford). Am I not also right in believing—I say this with some pride and satisfaction, as I have campaigned consistently about the housing market for the past two years—that, for the past three or four months, the number of people in negative equity has dropped dramatically and is now well below 1 million, having been up to perhaps 1.4 million?

Mr. Clappison: My hon. Friend is right on both points. Guidance has been issued and negative equity is, fortunately, declining.

Mr. Raynsford: In response to the hon. Member for Macclesfield (Mr. Winterton), our argument is not with the Council of Mortgage Lenders, which has issued guidance, but with the Government, who have presided over the worst catastrophe of repossessions that the

country has known—a Government who have watched 1,000 people lose their homes through repossession every week and who have done nothing in the Housing Bill to tackle the problem of repossessions. That is why we raised that issue tonight and why we will continue to campaign—not just on that but on many other issues—for measures to assist home owners in difficulty, to give them help and a prospect of getting out of their difficulty.

I do not intend to press the new clause further tonight, but I give notice that the Labour party will return to the issue between now and the general election. The Government will pay a heavy price for all those people who have suffered repossession in the past six years. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New clause 31

INDEPENDENT HOUSING ADVICE

'. The Housing Corporation shall have a duty to ensure that within the area of each local housing authority there exists a registered independent housing advice agency competent to deal with inquiries from all tenants or would–be tenants, owner–occupiers, or would–be owner–occupiers, and those who have shared ownership properties or wish to become part–owners/part–tenants.'.—*[Mr. Simon Hughes.]*

Brought up, and read the First time.

Mr. Simon Hughes: I beg to move, That the clause be read a Second time.

Hon. Members will be happy to know that we are getting towards the end of the amendments.

Mr. Clappison: The hon. Gentleman's pager is going off.

Mr. Hughes: I know, the red light is flashing. It is a warning for the Government, not for us. I shall not read out the message, because it may be inappropriate. The advice that people are currently given is inadequate to protect would-be tenants, would-be shared owners and would-be purchasers. The new clause would establish an independent, recognised housing advice agency in every local authority area. We would need to promote the work of such agencies.

I am sure that the Minister is aware that some people enter into tenancy agreements—particularly in the private sector—but do not know what they are letting themselves in for. Clearly, they have not taken good or competent advice. Many people have bought their own properties—particularly from local authorities as leaseholders—without having been given proper advice by their lawyers. Those people should have the opportunity to take action against their then legal advisers, but that would be the long way around.

The most recent example—I shared it with hon. Members in another context yesterday—relates to people who have gone into shared ownership arrangements but who have not understood all the implications—in other words, they have been caught. We have to ensure that when people become owner-occupiers, share owners or tenants, they understand the score. They should not be subjected to propaganda that persuades them that owner-occupation is what they want—it may be the last thing they need. I hope that the Minister can give a helpful response.

Mr. Clappison: It is important that people receive advice in these situations. However, the Housing Corporation is not the right body to provide that advice. The hon. Gentleman will see that clause 154 places a duty on local authorities to provide such advice. The Department of the Environment also provides substantial funding for various voluntary bodies to provide such advice. They are the right people to provide the advice.

Mr. Hughes: I ask the Minister to reflect on whether the local authority is always the appropriate body—it has a vested interest as it is the landlord of a lot of the stock and it is the one that sells under the right to buy. Is the Minister satisfied that there is a recognised advice agency that is independent of the local authority in each local authority area, at least in England?

Mr. Clappison: I assure the hon. Gentleman that organisations such as Shelter and the National Association of Citizens Advice Bureaux are provided with funding from the Department of the Environment to provide the sort of advice that he described.

Mr. Hughes: It would be helpful for all hon. Members to have that information for our constituents, and I encourage that. So long as people are given advice, they will not get into a muddle. I hope that the advice will be clear in the future. On the basis that the Government will seek to ensure that that advice is given to everyone, and that people are not subject to propaganda in the future in the way they have been in the past, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 192

THE ISLES OF SCILLY

Amendment made: No. 126, in page 108, line 32, leave out 'amendment' and insert 'annulment'.—*[Mr. Knapman.]*

Schedule 16

REPEALS

Amendments made: No. 142, in page 174, line 32, leave out from beginning to end of line 23 on page 176 and insert—

Chapter	*Short title*	*Extent of repeal*
1985 c. 69.	Housing Associations Act 1985.	Sections 3 to 8. Section 9(1) and (4). Section 11. Sections 13 to 32. Section 36A. Section 60. Section 67. Section 69(1)(e) and (g). Schedules 2 and 3.
1988 c. 9.	Local Government Act 1988.	Section 24(5)(a) and (c).
1988 c. 50.	Housing Act 1988.	Sections 48 and 49. Section 55(1)(a). Section 58.

		In Schedule 6, paragraphs 3 to 6 and 9 to 23.
1989 c. 42.	Local Government and Housing Act 1989.	Section 182.
1993 c. 10.	Charities Act 1993.	In Schedule 6, paragraph 21(3).
1993 c. 28.	Leasehold Reform, Housing and Urban Development Act 1993.'	Section 134.

No. 24, in page 178, line 17, column 3, leave out 'subsection' and insert 'subsections'.

No. 25, in page 178, line 17, column 3, at end insert ', (6) and (7).'.

No. 153, in page 178, column 3, leave out line 18 and insert—

'In section 39, in subsection (3), the word "and" at the end of paragraph (b), and subsection (6).'.—*[Mr. Knapman.]*

Clause 198

EXTENT

Amendment made: No. 126A, in page 109, line 40, leave out from beginning to end of line 6 on page 110 and insert—

'(4) Any amendment or repeal by this Act of an enactment has the same extent as the enactment amended or repealed, except that amendments or repeals of—

(a) provisions of the Housing Associations Act 1985, or

(b) provisions of the Housing Act 1988 relating to registered housing associations,

do not extend to Scotland.

(5) Any power conferred by this Act to make consequential amendments or repeals of enactments may be exercised in relation to enactments as they extend to any part of the United Kingdom.'.—*[Mr. Knapman.]*

Order for Third Reading read.—[Queen's Consent and Prince of Wales's Consent signified.]

11.8 pm

Mr. Curry: I beg to move, That the Bill be now read the Third time.

This is an excellent Bill, and I commend it to the House.

11.9 pm

Mr. Raynsford: Although I would be delighted to be as brief as the Minister, I shall detain the House, but for no more than three minutes. I have three minutes to cover a Bill that affects the lives of millions of people, and that, sadly, will make an already bad housing situation much worse for many of those people. Three minutes to cover the problems of the homeless, the problems that are inadequately dealt with by the Bill, and that will become very much worse for those who will be condemned to revolving-door homelessness, and insecurity and misery as a result of the Bill.

I have two minutes to cover the problems of all those people seeking decent housing who will not get it because the Bill does nothing to expand the programme of rented housing when we need an expanded programme of investment in rented housing. There is nothing in the Bill to tackle the problem of all those home owners in difficulty, who fear that their homes will be repossessed, not to mention the million or so still trapped in negative equity.

Two minutes to cover those people who are inadequately catered for by the Bill, which tinkers with the problems rather than providing effective responses. I think especially of leaseholders, whose prospects were betrayed by the Government today. Leaseholders had a prospect of effective remedies against crooked landlords and effective prospects of enfranchising their homes, but their hopes were dashed by a Government who are in hock to the big landlords and more interested in the party's financial interests than in the safety and the prospects of leaseholders.

This is a bad, inadequate Bill, which has not coped with the country's housing needs and will, in many ways, make the problem worse. We sought to make substantial amendments to the Bill in Committee; we made many amendments. Sadly, not all those amendments have survived today, but I have the following message for the Government: "Your party will reap a very serious penalty for your actions today in turning against leaseholders and denying them the prospect of enfranchisement and sanctions against rogue landlords. Very many Tory candidates in marginal constituencies will bitterly rue the day your party betrayed leaseholders in the House."

The Labour party commits itself to a housing policy that addresses the needs of the whole nation—that copes with the needs of home owners, tenants, leaseholders and homeless people. We recognise our responsibility to introduce a proper housing policy as soon as the general election has swept the present discredited Government away. They will be remembered for the disastrous failure of their housing policy. Their time is running out.

11.12 pm

Mrs. Maddock: I acknowledge that the Minister responded very positively to many of the suggestions that we made in Committee and in the House today. Not least, I welcome the fact that homeless families will have a right to be looked after for two years. It is a shame that it will not be permanent accommodation.

I welcome the fact that, in response to many of our worries, the Minister made changes to the Bill regarding regulations. He expressed concern earlier that I spoke about the Bill being political, but it is a fact that Conservative Members were whipped through the Division Lobby tonight to vote against the Housing (Homeless Persons) Act, which has worked well since 1977. Conservative Members voted against a long-term solution for the most vulnerable people, who have had most difficulties in life.

It was the Government who, in their last Budget, broke their promise on their commitments to spending on social housing, and in that Budget halved the amount that they had promised the year before. The Bill will mean that more people will be in temporary accommodation and increase the already burgeoning housing benefit budget. Much of that money will be spent on some of the worst accommodation in the country.

The Bill's tragedy is that it has done nothing to increase the supply of housing. That is the problem; that is why there has been an argument. How do we fit the vast number of people seeking housing into the ever-dwindling

supply? This year, we shall build 50,000 new units—the fewest in any year since the war. That is the real problem, and that is the tragedy of what we have done here tonight.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 286, Noes 256.

Division No. 118] **[11.14 pm**

AYES

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alexander, Richard
Alison, Rt Hon Michael *(Selby)*
Allason, Rupert *(Torbay)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashby, David
Atkins, Rt Hon Robert
Atkinson, David *(Bour'mouth E)*
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Banks, Matthew *(Southport)*
Banks, Robert *(Harrogate)*
Bates, Michael
Batiste, Spencer
Bendall, Vivian
Beresford, Sir Paul
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brazier, Julian
Bright, Sir Graham
Brown, M *(Brigg & Cl'thorpes)*
Browning, Mrs Angela
Burns, Simon
Burt, Alistair
Butcher, John
Butler, Peter
Carlisle, John *(Luton North)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Channon, Rt Hon Paul
Chapman, Sir Sydney
Churchill, Mr
Clappison, James
Clark, Dr Michael *(Rochford)*
Clarke, Rt Hon Kenneth *(Ru'clif)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Cope, Rt Hon Sir John
Couchman, James
Cran, James
Currie, Mrs Edwina *(S D'by'shire)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Devlin, Tim
Dicks, Terry
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Duncan Smith, Iain
Dunn, Bob
Durant, Sir Anthony
Elletson, Harold
Emery, Rt Hon Sir Peter
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fabricant, Michael
Fenner, Dame Peggy
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam *(Woodspring)*
Fox, Rt Hon Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gill, Christopher
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Grant, Sir A *(SW Cambs)*
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Gummer, Rt Hon John Selwyn
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Rt Hon Jeremy
Hannam, Sir John
Hargreaves, Andrew
Haselhurst, Sir Alan
Hawkins, Nick
Hawksley, Warren
Heald, Oliver
Hendry, Charles
Heseltine, Rt Hon Michael
Higgins, Rt Hon Sir Terence
Hill, James *(Southampton Test)*
Horam, John
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howell, Rt Hon David *(G'dford)*
Howell, Sir Ralph *(N Norfolk)*
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Hunt, Sir John *(Ravensbourne)*
Hunter, Andrew
Hurd, Rt Hon Douglas
Jack, Michael
Jackson, Robert *(Wantage)*
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
Key, Robert
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Leigh, Edward
Lennox-Boyd, Sir Mark
Lester, Sir James *(Broxtowe)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
McNair-Wilson, Sir Patrick
Madel, Sir David
Maitland, Lady Olga
Major, Rt Hon John
Malone, Gerald
Mans, Keith
Marland, Paul
Marshall, John *(Hendon S)*
Marshall, Sir Michael *(Arundel)*
Martin, David *(Portsmouth S)*
Mawhinney, Rt Hon Dr Brian
Mayhew, Rt Hon Sir Patrick
Mellor, Rt Hon David
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Moate, Sir Roger
Monro, Rt Hon Sir Hector
Montgomery, Sir Fergus
Moss, Malcolm
Needham, Rt Hon Richard
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Patnick, Sir Irvine
Patten, Rt Hon John
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Porter, David *(Waveney)*
Portillo, Rt Hon Michael
Powell, William *(Corby)*
Rathbone, Tim
Redwood, Rt Hon John
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Rifkind, Rt Hon Malcolm
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Shepherd, Richard *(Aldridge)*
Shersby, Sir Michael
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Speed, Sir Keith
Spencer, Sir Derek
Spicer, Sir James *(W Dorset)*
Spicer, Sir Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stephen, Michael
Stern, Michael
Stewart, Allan
Streeter, Gary
Sweeney, Walter
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Thomason, Roy
Thompson, Sir Donald *(C'er V)*
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Tredinnick, David
Trend, Michael
Trotter, Neville
Twinn, Dr Ian
Vaughan, Sir Gerard
Viggers, Peter
Waldegrave, Rt Hon William
Walden, George
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry

Wilkinson, John
Willetts, David
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Gyles Brandreth and Mr. Timothy Wood.

NOES

Abbott, Ms Diane
Adams, Mrs Irene
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Austin-Walker, John
Banks, Tony *(Newham NW)*
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Beggs, Roy
Beith, Rt Hon A J
Bell, Stuart
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Blunkett, David
Boateng, Paul
Bradley, Keith
Bray, Dr Jeremy
Brown, N *(N'c'tle upon Tyne E)*
Bruce, Malcolm *(Gordon)*
Burden, Richard
Byers, Stephen
Cabom, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(Fife NE)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Carlile, Alexander *(Montgomery)*
Chidgey, David
Chisholm, Malcolm
Church, Judith
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Tom *(Monklands W)*
Clelland, David
Clwyd, Mrs Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cunliffe, Lawrence
Cunningham, Jim *(Covy SE)*
Cunningham, Rt Hon Dr John
Cunningham, Roseanna
Dafis, Cynog
Darling, Alistair
Davidson, Ian
Davies, Bryan *(Oldham C'tral)*
Davies, Chris *(L'Boro & S'worth)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Ron *(Caerphilly)*
Davis, Terry *(B'ham, H'dge H'l)*
Denham, John
Dewar, Donald
Dixon, Don
Dobson, Frank
Dowd, Jim
Dunwoody, Mrs Gwyneth
Eagle, Ms Angela
Eastham, Ken
Etherington, Bill
Evans, John *(St Helens N)*
Fatchett, Derek
Field, Frank *(Birkenhead)*
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
George, Bruce
Gerrard, Neil
Gilbert, Rt Hon Dr John
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mildred
Graham, Thomas
Grant, Bernie *(Tottenham)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike
Hanson, David
Hardy, Peter
Harman, Ms Harriet
Harvey, Nick
Hattersley, Rt Hon Roy
Henderson, Doug
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Howarth, Alan *(Strat'rd-on-A)*
Howarth, George *(Knowsley North)*
Howells, Dr Kim *(Pontypridd)*
Hoyle, Doug
Hughes, Robert *(Aberdeen North)*
Hughes, Roy *(Newport E)*
Hughes, Simon *(Southwark)*
Hutton, John
Illsley, Eric
Ingram, Adam
Jackson, Glenda *(H'stead)*
Jackson, Helen *(Shef'ld, H)*
Jamieson, David
Jenkins, Brian *(SE Staff)*
Johnston, Sir Russell
Jones, Barry *(Alyn and D'side)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jones, Nigel *(Cheltenham)*
Jowell, Tessa
Kaufman, Rt Hon Gerald
Keen, Alan
Kennedy, Charles *(Ross,C&S)*
Kennedy, Jane *(L'pool Br'dg'n)*
Khabra, Piara S
Kilfoyle, Peter
Kirkwood, Archy
Lestor, Joan *(Eccles)*
Lewis, Terry
Liddell, Mrs Helen
Livingstone, Ken
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Lynne, Ms Liz
McAllion, John
McAvoy, Thomas
McCartney, Ian
McCartney, Robert
McFall, John
McGrady, Eddie
McKelvey, William
Mackinlay, Andrew
McLeish, Henry
Maclennan, Robert
McMaster, Gordon
MacShane, Denis
Maddock, Diana
Mahon, Alice
Mandelson, Peter
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester, S)*
Martin, Michael J *(Springburn)*
Martlew, Eric
Maxton, John
Meacher, Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Moonie, Dr Lewis
Morgan, Rhodri
Morley, Elliot
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mowlam, Marjorie
Mudie, George
Mullin, Chris
Murphy, Paul
Nicholson, Emma *(Devon West)*
Oakes, Rt Hon Gordon
O'Brien, Mike *(N W'kshire)*
O'Brien, William *(Normanton)*
O'Hara, Edward
Olner, Bill
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pike, Peter L
Pope, Greg
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Randall, Stuart
Raynsford, Nick
Reid, Dr John
Rendel, David
Robertson, George *(Hamilton)*
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Ross, William *(E Londonderry)*
Rowlands, Ted
Ruddock, Joan
Salmond, Alex
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Shore, Rt Hon Peter
Short, Clare
Simpson, Alan
Skinner, Dennis
Smith, Andrew *(Oxford E)*
Smith, Chris *(Is'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Rachel *(Dunfermline W)*
Steel, Rt Hon Sir David
Steinberg, Gerry
Straw, Jack
Sutcliffe, Gerry
Taylor, Matthew *(Truro)*
Thompson, Jack *(Wansbeck)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Trickett, Jon
Turner, Dennis
Tyler, Paul
Vaz, Keith
Walker, A Cecil *(Belfast N)*
Wallace, James
Walley, Joan
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Welsh, Andrew
Wicks, Malcolm
Wigley, Dafydd
Williams, Rt Hon Alan *(Sw'n W)*
Williams, Alan W *(Carmarthen)*
Worthington, Tony
Wray, Jimmy
Wright, Dr Tony
Young, David *(Bolton SE)*

Tellers for the Noes:
Mrs. Bridget Prentice and Mr. Clive Betts.

Question accordingly agreed to.

Bill read the Third time, and passed.

DEER (AMENDMENT) (SCOTLAND) BILL
[*LORDS*]

Ordered,

That the Deer (Amendment) (Scotland) Bill *[Lords]* may be proceeded with as if it had been certified by the Speaker as relating exclusively to Scotland.—*[Mr. Knapman.]*

Order for Second Reading read.

Motion made, and Question put forthwith, pursuant to Standing Order No. 94E(2),

That the Bill be referred to the Scottish Grand Committee.—*[Mr. Knapman.]*

Question agreed to.

SCOTTISH GRAND COMMITTEE

Ordered,

That—

(1) the Order of the House [11th December] be further amended, in paragraph 8, by leaving out the words 'in Scotland on Monday 20th May' and inserting the words 'in the Glen Pavilion, Dunfermline, on Monday 20th May to take Questions for oral answer and'; and, notwithstanding the Order of the House [29th January], the Chairman shall interrupt the proceedings on Monday 20th May at half-past One o'clock; and

(2) notwithstanding the Order of the House [29th January], at the meeting of the Scottish Grand Committee on Monday 13th May, proceedings on the substantive Motion for the Adjournment of the Committee shall lapse at One o'clock and if thereafter a Motion be made by a Minister of the Crown, pursuant to Standing Order No. 94E(3) (Scottish Grand Committee (bills in relation to their principle)) to extend the proceedings of the Committee, the Chairman shall interrupt those proceedings at Three o'clock, if not previously concluded.—*[Mr. Knapman.]*

WILDLIFE BILL [*MONEY*]

Queen's recommendation having been signified—

Resolved,

That, for the purposes of any Act resulting from the Wildlife Bill, it is expedient to authorise the payment out of money provided by Parliament of any increase attributable to that Act in the sums payable out of money so provided under any other enactment.—*[Mr. Knapman.]*

PETITION

Television Broadcasts (Cyprus)

11.28 pm

Mr. Alan Meale (Mansfield): I have pleasure in presenting the petition of Mr. Andreas Karaolis of 30 Hamilton way, London N3, Mr. Anthony Mitsides of 30 Cissbury ring south, London N12, Mr. Chrisanthou Savvakis of 32 Totteridge common, London N20 and Mr. Jimmy Apostolou of 30 North crescent, London N3 and 10,000 others.

I wish to pay tribute to the *Cyprus Mail* and to its chief reporter for all the work that they have done in collecting and collating the petition. The petition declares:

that they are against the decision of the Ministry of Defence to fund in full the estimated £500,000 minimal costs associated with the scrambling of television pictures broadcast in Cyprus via Sight and Sound Vision Corporation for service men and women posted to the island. And the Petitioners therefore request that the House of Commons do not introduce such costly restrictions which wouldn't be in the UK's interest in Cyprus nor is wanted amongst the large British expatriate community, other British passport holders and the majority of Cypriots who speak the English language.

And the Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

Revenue Support Grant (Essex)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Knapman.]*

11.28 pm

Mr. David Amess (Basildon): The debate tonight is about local government finance, but in particular it is about the Labour and Liberal coalition on Basildon district council disgracefully wasting local council tax payers' money and, even more seriously, about the irresponsibility of Labour and Liberal-controlled Essex county council.

I am sure that the House can understand how angry I am at the visit of the Labour leader to my constituency yesterday. There is a time-honoured convention that when an hon. Member visits another constituency, its Member of Parliament is extended the courtesy of being sent a note to advise him of the visit. I received no such note from the Labour leader. I understand that another Labour Member was also there, but he did not send me a note either. Last week, a Labour Front-Bench education spokesman was in my constituency. Again, I received no note. I ask you, Mr. Deputy Speaker, to draw that discourtesy to the attention of Madam Speaker. It is disgraceful that the Leader of the Opposition failed to observe a time-honoured tradition.

I am delighted that so many of my hon. Friends are present, including my right hon. Friend the Member for Braintree (Mr. Newton) and my hon. Friends the Members for Chelmsford (Mr. Burns), for Billericay (Mrs. Gorman), for Castle Point (Dr. Spink), for Colchester, South and Maldon (Mr. Whittingdale) and for Romford (Sir M. Neubert). Their attendance shows the importance that Essex Members of Parliament attach to the issue.

Mrs. Teresa Gorman (Billericay): Has my hon. Friend noted the absence from the Labour Benches of the hon. Member for Thurrock (Mr. Mackinlay)?

Mr. Amess: My hon. Friend makes an interesting point as I am advised that the hon. Member for Thurrock (Mr. Mackinlay) was the Labour Member who visited my constituency yesterday together with rent-a-mob; yet he could not take the trouble to turn up for this debate.

The Labour leader was in my constituency supposedly as a boost to the local government elections. He was quoted in a newspaper today commenting on myself:

"Basildon is an interesting place in which to have our local election campaign since it is the seat of a Conservative MP who has now decided to go elsewhere. I think that what that indicates is that the degree to which Essex man and Essex woman is coming over to today's Labour Party."

When my right hon. Friend the Prime Minister visited my constituency two years ago, I did not telephone people asking them to greet him. My right hon. Friend came to visit the hospital without my gathering any crowds for him. I have received reports of the scenes in my constituency yesterday. Labour Members gathered together groups of Labour activists to surround the Labour leader. Even worse, known socialist activists were going up to the right hon. Gentleman on camera and in front of local newspaper reporters, pretending that they had been lifelong Conservatives but would vote Labour in the next

[Mr. Amess]

election. The House deplores that sort of manipulation of the media. The Labour leader was supposed to be addressing—

Mr. Deputy Speaker (Sir Geoffrey Lofthouse): Order. The hon. Gentleman has had a real old go. Perhaps he will return to the subject of the debate.

Mr. Amess: The Labour leader was supposed to be addressing the revenue support grant settlement in my constituency, but he did not do so because Labour activists do not want to fight the election on local issues. If they did, they would stand condemned. One has only to consider the disgraceful irresponsibility of Labour and Liberal-controlled Basildon district council. It is only a year since those two parties jumped into bed together. After just 12 months, Basildon district council's finances are in a complete mess. The council has increased expenditure by rebuilding its empire of area management and, as my hon. Friend the Member for Billericay knows, has taken on 100 extra staff. It has refused to reduce its budget by £500,000 to cut out some of the unnecessary expenditure. It has spent almost all—I know that my hon. Friend the Minister will be interested in this—the council's reserves once again, which three years of Conservative management had built up. In 1996-97, it is using up £3.6 million from the general reserves, to leave an estimated £300,000 by 31 March 1997. On top of that, it is also using £505,000 from the direct service organisation reserve fund.

Mrs. Gorman: Is it not the case that when the Conservative party took over Basildon council a couple of years ago the council had massive debts of about £20 million and that the Conservative administration, in a period of two years, not only got to grips with that but was able to reduce the council tax for the first time in living memory by £45 in the first year?

Mr. Amess: My hon. Friend is entirely right. What has happened is a disgrace. For three years our wonderful Conservative district councillors worked hard to restore pride in Basildon district, which consists of my constituency and that of my hon. Friend. When the Conservatives took over from Labour in 1992, as my hon. Friend pointed out, we were faced with the problem of Labour having been capped in seven out of eight years. Labour set an illegal budget of £27 million. Council balances were virtually zero. We were faced with the problems of having to reduce expenditure to produce a legal budget.

In terms of the revenue support grant settlement, the Government have been very generous to Basildon district council. It is a disgrace, when one reads the rubbish that is being put through people's doors at the moment, that Labour and Liberal activists are trying to claim credit for things that have been given to them by the very generous RSG settlement set by the Government. All the good things that are happening in Basildon district council—I am delighted to see another Essex colleague, my hon. Friend the Member for Harwich (Mr. Sproat)—are entirely the responsibility of the previous Conservative-controlled council and have nothing to do with the present council.

I put this point to my hon. Friend the Minister when we considered the RSG settlement. Local residents need to know why the present chief executive of Basildon district council replaced the previous one. What money from the RSG settlement was spent on that exercise? More serious, what happened to the previous chief executive? Why was there a change? Why have officers who were sacked been reinstated?

What about the money that has been given to refurbish housing estates? It is all thanks to the Government. It has nothing whatever to do with the local district council.

Mr. John Whittingdale (Colchester, South and Maldon): Before my hon. Friend leaves Basildon district council's record, is he aware that this year, once again, Maldon district council—the only Conservative-controlled council in Essex—will be setting the lowest council tax in Essex, while Basildon is setting the second highest, second only to Harlow? Does that not send a message to every voter in Thursday's local elections?

Mr. Amess: My hon. Friend is right to point out the effect that his council has had in using its RSG settlement compared with that of Basildon district council and Essex county council. Essex county council is run by the Labour and Liberal associations. Both those parties tell us that they are caring parties. I have to tell the House that what they have done to residents throughout Essex is absolutely wicked.

Let us take the fire service. Never before have we experienced cuts such as those that have been made in the past year. More than £1 million has been cut from the service, despite the generous revenue support grant settlement. We cannot even recruit any extra firemen this year. That has affected all the constituencies in Essex. It is a disgrace that Labour and Liberal activists are going around with petitions—not condemning their own county councillors, but attempting to blame Essex. While all that is going on, Essex county council is sitting on more than £125 million. That is disgraceful.

This year's library budget has been cut by £1 million, and as a result no new books can be purchased in Essex this year. That is a cruel thing to do to our schoolchildren, and a cruel thing to do to our senior citizens, who depend very much on the library service. And it is all a result of the failure of the Labour and Liberal parties on Essex county council to react favourably to the generous revenue support grant settlement.

Furthermore, the education budget has been cut by £3.5 million. All Essex Members know what has gone on in the past year. First, Labour and Liberal councillors did not take advantage of the voucher system for nurseries. We could have had a pilot scheme in Essex and all our constituents could have taken advantage of it, but for doctrinaire reasons and reasons of political correctness those councillors opted out.

Then there are the magnificent grammar schools and the magnificent selective system that we have throughout Essex. What have Labour and Liberal county councillors voted to do? They have voted to withdraw the transport facilities of which many of our less well-off constituents have taken advantage. I call that cruel. They have also conducted a wicked, pernicious campaign against grant-maintained schools. In Southend, West, for instance, we have the largest primary school in Essex—

Westborough school, which has nearly 700 pupils. That school has been penalised in terms of its budget settlement, just because it is grant-maintained.

Essex county council stands condemned in many other respects. The highways and transport budget has been cut by £1.3 million, there are no more grants for rubbish skips in rural areas, and there have been cuts in money delegated to district councils and in public transport grants. Furthermore, social services have been cut by £4.5 million. That includes an underspend of £2 million in the current year. But the council claims that it is underfunded, and still wants to spend £35,000 a year on a public relations person.

I am sick to death of the way the Government have been blamed unfairly for everything and anything. Someone who stands for a district council seat, is elected and ends up controlling affairs should accept responsibility for his actions. Labour and Liberal-controlled Basildon district council is responsible for the financial mess in which my constituents, and those of my hon. Friend the Member for Billericay, now find themselves.

People who stand in a council election, are elected and then discover that they are in control of Essex county council—which is now run by the Labour and Liberal parties—must accept full responsibility for their actions. Those parties have cruelly cut budgets that there was no reason to cut, and all our constituents are suffering as a result of their failure to draw on their huge reserves. There is a world of difference between a local authority drawing on huge reserves and what we find in Basildon, Southend and other local authorities, where there are very small reserves.

Mr. Whittingdale: Is my hon. Friend aware that while Essex county council has been imposing the savage cuts that he has described, a Labour county councillor has run up travel expenses of £33,000? Is that not outrageous? Does it not give a sense of the priorities that Labour party members attach to expenditure—

Mr. Deputy Speaker: Order. The hon. Member for Basildon (Mr. Amess) has tried very hard to stick to the subject of the revenue support grant settlement for Basildon district council and Essex county council, so I hope that he will contain his remarks.

Mr. Amess: I will certainly not be drawn. I merely say that I know that my hon. Friend represents a large constituency, but I did not realise that it was so large that one could run up £33,000 in travel expenses. That is quite remarkable.

I have been castigated by the Opposition for all manner of reasons following our success in the 1992 general election. My smile has been referred to. The only reason why I smiled on 9 April 1992 was that the media had been told by the Labour party to gather to watch me lose my seat. At least I knew what I was smiling about. Labour politicians go round blandly smiling at cameras all the time yet do not tell us what their policies are. I have been able to give the House an example of what the Labour party and the Liberal Democrats do when they are given power.

My Labour opponent and my Liberal opponent, who is a county councillor, have never stopped blubbing since I defeated them in the general election. They need to defend the revenue support grant settlement. I notice that the leader of the Labour party on Basildon district council has said:

> "The interests of Basildon have never been completely served by Essex County Council because county councillors come mainly from the north of the county and do not understand our district."

Goodness—and the county is run by the Labour and Liberal parties. The Labour candidate in the new part-Basildon, part-Thurrock constituency is a Labour county councillor. What is going on is ridiculous.

A historic moment occurred on Saturday. My hon. Friend the Member for Romford will draw some solace from what happened. The borough of Havering castigated the decision of my family and me concerning the education of my children, which is important to the RSG settlement. The Liberal deputy mayor of Havering council has since announced that he has left the Liberals and joined the Conservative party, and is advising all sensible Liberals to vote Conservative in the election on 2 May. I hope that not only all sensible Liberals but all sensible Labour party activists will vote Conservative on 2 May.

11.49 pm

Dr. Robert Spink (Castle Point) *rose—*

Mr. Deputy Speaker: Order. My tolerance knows no bounds, but if the hon. Gentleman is hoping to catch my eye, I hope that he is going to tell us something about the revenue support grant concerning Basildon district council and Essex county council.

Dr. Spink: I am grateful for your advice, Mr. Deputy Speaker. I am pleased to be able to follow my hon. Friend the Member for Basildon (Mr. Amess), who covered the major issues on Essex county council's application of the revenue support grant in Basildon with great passion and great force of argument.

I want to cover the impact of Essex county council's application of the RSG on my constituents in Castle Point. I believe that Labour and Liberal councillors are failing to serve the people of Essex as well as Conservative councillors would in the use of RSG. For instance, they have made cuts of £4,000 in the flood warning system, which might not seem a lot of money, but to people who live on Canvey island it is a significant factor. Labour and Liberal councillors have made cuts of more than £1 million in the fire service, as we have heard from my hon. Friend the Member for Basildon. Those cuts were not forced on them by the Government. The councillors made the cuts by their own decision. It is disgraceful that they should make such cuts, particularly in view of the massive reserves that they are sitting on. They do not seek to defend the people of Essex properly.

The Labour council fails to serve the elderly people of Essex through the social services committee. The funding for that committee through the RSG has been increased since 1992 from £84 million to £194 million—more than double. Yet the level of care for people in the community, particularly the elderly, appears to my constituents to be declining. They do not know quite why that should be, but I can tell them why it is: it is because the Labour and Liberal councillors misapply the funds that they are given by the Government. They do not use the funds in a proper manner. They follow politically correct schemes.

[Dr. Spink]

They waste money. They send children away on foreign holidays when those children are caught thieving or breaking the law in other ways.

My hon. Friend the Member for Basildon explained how Labour and Liberal councillors were attacking our schools and schoolchildren. Let me explain how they are attacking children in my constituency. In Hadleigh they are trying to remove the school playing field from the children simply because that school became grant-maintained, presumably so that they can sell off the field and get more money to help reduce their RSG.

I am grateful to you, Mr. Deputy Speaker, for giving me the opportunity to raise a few small points. They are points that bear heavily on my constituents, who will make the decision to throw out the county council in the elections in 1997 and to return a Conservative administration.

11.51 pm

The Parliamentary Under-Secretary of State for the Environment (Sir Paul Beresford): I congratulate my hon. Friend the Member for Basildon (Mr. Amess). I always enjoy the opportunity to hear him rightfully hammering the Labour and Liberal parties in Essex, and particularly in Basildon. This evening is quite an event, because we have here my right hon. Friend the Member for Braintree (Mr. Newton) and my hon. Friends the Members for Chelmsford (Mr. Burns), for Colchester, South and Maldon (Mr. Whittingdale), for Billericay (Mrs. Gorman), for Castle Point (Dr. Spink), for Harwich (Mr. Sproat) and for Romford (Sir M. Neubert).

One Essex Member who is always so conspicuous is conspicuous by his absence this evening—the hon. Member for Thurrock (Mr. Mackinlay). His absence is unusual, and probably significant. He could not stand the fire that would be poured upon him. It is his colleagues who are making such a mess, having recently taken over in Basildon, and stringing along with the Liberals in Essex.

My hon. Friends are right. It is a classic example of what happens when the Liberal and Labour parties take over local authorities. The wish list comes out. They indulge in spendthrift activities. They seem to judge quality by the amount of other people's money they can spend.

We accept—the point was made by my hon. Friend the Member for Basildon—that Basildon has needs. Out of the 274 district councils, it ranks 50th. Its standard spending assessment is £16.5 million. Its budgeted spending is 45.8 per cent. above SSA. That is staggering. I believe it is irresponsible. Basildon under Conservative control managed to produce much better services at much reduced cost. Local councillors need to face some very awkward questions. They obviously have not done so.

One example that my hon. Friend the Member for Basildon touched on was staffing. According to the figures that I picked up, the staffing in Basildon is 21 per cent. above the family average. That is amazing. To try to fund some of that expenditure, it has virtually no reserves. In fact, on my figures, it has no reserves. It will be interesting to see what the auditor has to say if that is the position.

I am afraid that I cannot give my hon. Friend an answer on the musical chairs among the chief executives. It makes an interesting story, and one wonders whether there are cupboards full of them which the council pulls out and puts back in again at the appropriate moment.

The point was made in the debate that Maldon, a Conservative authority close by, faces the same difficulties and receives less SSA and RSG, yet manages to provide services to a high quality and at a lower cost to the local people.

I turn now to Essex county council. Again, there is staggering incompetence. It ranks ninth out of the 35 equivalent authorities. It has huge reserves. Despite that, and the fact that its RSG has gone up by 4.7 per cent., giving it another £32.141 million of central taxpayers' money, it has still managed to put a staggering load on local people by increasing their council tax bills.

The point has been made time and again that the Government recognise the importance of education. Essex county council's standard spending assessment for education went up by 4.9 per cent., but the Labour council has different wish lists. I understand that it has shifted some of that money elsewhere and not spent it on education. That was explained to us. Bearing it in mind that some hon. Members here are school governors in the region or parents with pupils, that is recognised in the House as an appalling move. At the very moment when all hon. Members are saying that we need an improvement in education, Essex county council shifts the money elsewhere.

Like every other Labour authority, Essex county council has had its wish list. If it cannot fulfil it, it calls it cuts. That is straight fraud. We want local authorities to recognise the importance of having a tight economy. We need to have public expenditure down and the quality of services up. Twenty-five per cent. of public expenditure is by local authorities. They must do their part, and it is obvious that the Labour party in Basildon and the Labour and Liberal parties in Essex are failing to do that.

There is a simple supermarket-type motto: we need more services, we need better services, but at less cost. I hope that, on Thursday, voters in Essex and in Basildon will recognise that at last, and throw these clowns out.

Question put and agreed to.

Adjourned accordingly at four minutes to Twelve midnight.

House of Commons

Wednesday 1 May 1996

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

British Invention and Innovation

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Conway.]*

9.34 am

Mr. David Shaw (Dover): The United Kingdom has an amazing history—indeed, it has an illustrious history—of inventiveness. Over the years, many people have moved not only this country but the world forward. We have had world-beating inventions for many years. I shall draw hon. Members' attention to some of the inventions that Britain has made in the past 100 years. This country has produced products that have significantly changed the world.

Today, I am grateful for the opportunity to raise the issue of British invention and innovation. From time to time, hon. Members should acknowledge the skills and the abilities of many individuals who have helped this country and who have developed our industries and businesses as a result of small ideas which often had in their back rooms and in their garden sheds.

I shall refer to a small selection of British inventions over the past 100 years. In 1847, Charles Babbage effectively laid the foundations of the modern computer. It is difficult to believe that the computer is slightly more than 100 years old—one tends to think of it as a modern and up-to-date invention. In 1884, Edward Butler invented the motor cycle—obviously, the forerunner of today's motor cars. In 1895, Lord Rutherford managed to get radio signals to go one mile at Cambridge—that was the foundation of modern radio. Today, we listen to radio programmes that either excite or depress us.

In 1901, Hubert Booth invented the vacuum cleaner. I do not wish to be sexist, but that invention has changed the lives of women—and possibly a few men as well. In 1902, Dr. Lanchester invented the disc brake, primarily for the aircraft that were beginning to come into being. That invention has had great significance for the motor car and without it, many lives would not be saved today. While on the subject of lives being saved, I cannot fail to recognise that Sir Alexander Fleming invented penicillin in 1928. In 1926, John Logie Baird—a Scotsman; I am pleased to be able to mention Scotland—invented the television, something that has had a major effect on everyone's lives. People cannot grow up today without television having some effect or impact on their lives.

Mr. Adam Ingram (East Kilbride): It is in the House of Commons.

Mr. Shaw: The hon. Gentleman points out to me that television has had an impact in the House of Commons, some 60 years after its invention.

The cat's eye, invented by Percy Shaw in 1934, is of great significance in relation to safety. It is difficult to think of those little light reflectors in the road as an enormous invention or innovation, but they have transformed motor transport around the world in terms of increasing safety.

In 1936, Frank Whittle invented the jet engine, which has transformed the approach to global living. As a result, each year, many millions of people engage in tourist activity, business activity, and other activities—numbers that were not previously considered possible.

I move on to 1959, when Sir Alec Issigonis was the author of what was more a great British innovation than an invention. The motor car was already in existence, but Sir Alec Issigonis thought up the concept of the mini-car—a revolutionary approach to the way in which cars were thought of at the time, and an example of what innovation, rather than invention, is about. Innovation is about change; about suddenly having the insight to grab hold of an existing invention and do something with it that has not been done before.

The motor car had been in existence for many years before 1959, but Sir Alec Issigonis took hold of it and said, "We need something new; something different." The motor car had been growing larger, but Sir Alec Issigonis reversed that trend. He counterthought, and his idea was in the opposite direction to the way in which innovation had been going until that time, but no one would deny that he was a man of his times, because the mini-car turned out to be the start of a new design trend. Motor cars are becoming smaller, producing great fuel-saving benefits.

While I am on the subject of minis, it would obviously be inappropriate not to mention Mary Quant, who is credited with inventing the mini-skirt in 1964. That is significant in relation to innovation and invention. I have always considered the fashion industry in this country to show great creativity, and that should be recognised.

I believe that many people are not aware of the significance of one specific scientific invention, because it tends to be much closer to the laboratory, but it is significant nevertheless. In 1944, Mr. Martin and Mr. Synge invented something called paper chromatography, which involves the ability to separate out complex chemicals. As a result, we have been able to analyse a multitude of substances for the benefit of mankind, in the pharmaceutical and consumer industries. I spent some time in my youth in a research laboratory, using chromatographic techniques on spearmint to ensure that our toothpastes today could be better flavoured than they were 30 or 40 years ago.

Those inventions, whether they took place in the laboratory, the back yard or the garden shed, have all developed into major, world-beating inventions. It has been suggested that 55 per cent. of all major inventions since the second world war have come from this country, compared with about 25 per cent. from the United States and 5 per cent. from America.

It was suggested to me—regrettably, it is one of the statistics that one cannot precisely prove—that about half the world's trade today is based on British inventions. I should think that much depends on whether one includes the motor car in that, but whether or not half is correct, the point is that a substantial part of world trade today is based on British inventions. We punch well above our weight in terms of our ability to develop inventions and have them accepted as a fundamental part of world trade.

[Mr. Shaw]

If we are to go on leading the world, we must recognise that there is always more to be done and that more effort and energy is always needed from Government, from us as individuals and from the public at large. Indeed, one of the depressing factors about discussing inventions and innovation is that the public attitude towards inventions in this country appears sometimes to be very negative. Our inventors always appear to be struggling to produce their inventions against the odds, and we often criticise ourselves for not being willing enough to accept new inventions and innovation.

It is one of the perversities of this country that, for all the negative aspects, our inventors struggle away and seem to overcome the negativism, and often produce bigger and better inventions as a result of the negativity. Nevertheless, that negativism is a problem and needs to be overcome, because many of our inventions are exploited overseas. However much Governments—of any political persuasion—do, we are confronted with the problem that an awful lot of inventions end up overseas.

I understand that some of the research that I quoted earlier has been carried out by JETRO—the Japanese equivalent of the Department of Trade and Industry. The *Financial Times* recently studied worldwide statistics and information on inventions, and carried an article suggesting that we are losing about £165 billion a year from our gross national product because, over the decades, we have been unable to take advantage of all our inventions in the way that we should have done. We need to examine whether there are ways in which we can bring that gross national product, that world trade, back to the United Kingdom—whether we can do more to develop our inventions.

I have no quarrel with the Government about whether the United Kingdom Government are supporting British inventions and inventiveness. Any Government who are putting more than £5 billion a year—in fact, about £6 billion at today's prices—into annual research and development, are putting a very large sum into advancing new inventions and inventiveness in the United Kingdom.

Although about 42 per cent. of that money is spent by the Ministry of Defence on military inventions, we should never forget that some of the greatest inventions of our time, and those that have had some of the biggest consumer impact, have been inventions designed for the military.

The Internet, of which we hear much these days, was designed for the United States military, but the British military has been involved in using and developing it, and much of the development of the information super-highway is now taking place in the United Kingdom because we have been quick, in this instance, to take advantage of those inventions from America, and there is no reason why we should not occasionally play the Americans at their own game.

Government help is available in many different forms. I wish to acknowledge the Government's most recent new initiative—the information society initiative, for which about £35 million is to be made available in recognition of the fact that the information super-highway will be enormously important, not only to this country, but to the world.

The information society initiative, which the Government have brought into being in only the past few weeks, recognises that the communications and telecoms and information technology sector in this country is expected to grow to at least 10 per cent. of United Kingdom gross domestic product not long after the year 2000. Based on current trends—many of the projections in that sector are often underestimates—the super-highway will be a world-changing new invention and innovation as it develops, with worldwide networks, and we need to ensure that the United Kingdom gets a considerable share of the benefits. I am very pleased that there has been a substantive initiative by the Government, to ensure that British business can take advantage of that.

After this debate, at the Conservative political centre, my hon. Friend the Minister for Science and Technology will launch his pamphlet on the information super-highway. I shall be in attendance, to support something which is enormously important and which, I hope, will ensure that a much wider audience becomes aware of what the information super-highway is about.

In the remainder of my speech, I should like to concentrate on the United Kingdom's smaller inventors—one of the purposes behind the debate. I was able to attend a reception organised by *The Daily Telegraph* last December at the natural history museum. I was grateful to be invited, as the event was designed to promote invention and innovation. As a result of attending that reception, I met not only a number of people in the media who were interested in inventors and invention, but one or two inventors.

One of the inventors who stimulated my interest was Trevor Baylis, who invented the clockwork radio that does not rely on electricity. I shall later explain why that invention is important.

Before I talk about the individuals I have met since then, I should mention that there is a 75-year-old institute in this country for inventors called the Institute of Patentees and Inventors, which was set up with the approval and assistance of the forerunner of the Department of Trade and Industry. It is a non-profit-making organisation, with subscribing and non-subscribing members of the public. It is also supported by, and gives information on complex issues relating to invention and innovation to, small manufacturing enterprises, medium-sized companies, educational establishments and many other organisations and businesses.

The institute receives an enormous number of inquiries from the public. Many people in this country invent things. Sadly, some people's inventions are not up to the standard required in the marketplace, but some people have genuine inventions that they do not know what to do with. They somehow find their way to the Institute of Patentees and Inventors. One problem for the institute is that it has too many inquiries from the public to handle. Its budget in the past few years has been only £35,000 a year, and it has had to exist on virtually nothing. It has been providing a service to vast numbers of the public and, as a consequence, it has been difficult for it to focus on helping individual inventors to any great extent due to its role as a public service.

I was pleased when the Department of Trade and Industry recently announced that it had given an award of £10,000 a year towards the institute's annual costs. While I am delighted that that sum is to help British invention,

I urge the Department, within its sizeable budget—I recognise that it is not enormous in relation to many areas of government—to see whether it can edge up that budget slightly in future years. I do not think that many Ministers or hon. Members on either side of the House would begrudge £10,000, or even £20,000 or £30,000, being spent on helping British invention and innovation.

The institute has made another application to the Department of Trade and Industry because it wants to publish an updated version of its directory of contacts for inventors and innovators, so that they can be best informed of the amazing help available to them in this country. Inventors often do not know what is available and desperately need a contacts directory. The institute is going on the worldwide web—I believe that it has some trial pages and intends to ensure that a lot of information can be disseminated to inventors via the worldwide web.

It is important to look at ways in which the institute can be supported in its work. I fervently hope that it will be able to develop further into a royal academy. Here, I return to Trevor Baylis, whom I met at the reception held by *The Daily Telegraph*. When Trevor discovered that I was a politician, he wanted to explain not only his invention to me, but his ideas for a royal academy for inventors and innovation. He sees it as fundamental to helping inventors to bring their great British inventions to the marketplace.

I should explain why Trevor sees the academy as so important by giving him a little publicity for his invention. It is a remarkable invention and, clearly, not many people had thought of it. Trevor developed the clockwork radio in order to help to put radio into the third world. He developed it so that it could be used in areas with no electricity. He suffered a number of rejections during the development process. He says that such rejections humiliate one as an inventor when trying to get an important invention off the ground.

One of the other aspects of invention is that one never knows where help will come from. In Trevor's case, help came from the BBC World Service. When the World Service studied his invention, it recognised its importance for the third world and decided that it would be sensible to introduce Trevor to the BBC programme, "Tomorrow's World", in a final attempt to help him to secure the funding that would allow his invention to go into production. It was a make-or-break move for a great British inventor, and if it had not succeeded, the idea would have been lost abroad.

Fortunately, as a result of his going on "Tomorrow's World", the invention secured some financial backing and supporters. As a consequence, 1,000 radios a day are currently being produced in South Africa and there is a demand for many times that number. Many of the purchasers are charities and, in a short period, the turnover could well approach £30 million a year, with some of the benefit returning to this country. I am pleased to say that the Government have been giving their support, and Baroness Chalker, in her role as Minister for Overseas Development, has been very much involved in helping to establish, with the British embassy in South Africa, the initial production factory. President Mandela has taken a great interest in the invention and has met Trevor Baylis.

That is an example of one small British inventor, operating from Eel Pie island in Twickenham—from what is virtually a garden shed. That makes one think how one can succeed in getting a British invention from a garden shed in Twickenham all the way around the world. It is a difficult task, which is why Trevor believes that we need a royal academy, where inventors could not only get together with other inventors to share their experiences, but meet entrepreneurs and others capable of helping them to develop their inventions.

Inventors occasionally meet the wrong sort of entrepreneurs and suffer what might proverbially be called the rip-off. A royal academy would prevent the rip-off and enable inventors to meet people who could assist them in developing their inventions. It is difficult to take an invention from a dream to a successfully marketable product. We must do more to ensure that our inventions reach the marketplace.

I shall briefly mention two other inventions of great relevance. I have no commercial interest in either of them, or in Trevor's invention, but they are worth mentioning. The first invention won the prize at the recent exhibition sponsored by *The Sunday Times* at the Barbican, which I was able to attend. I was pleased to see 150 British inventions there and I wish that I could mention them all in the debate.

The rules of the House do not allow me to produce an object in the Chamber unless I describe it for *Hansard*. This invention, which is definitely worth mentioning, consists of a map that is printed at 6 million dots per inch. It is printed so well that it is possible to carry maps of the whole United Kingdom on a few postcards in one's pocket. The invention comprises not only the maps, but the viewer that I hold in my hand. It has been designed carefully to allow the map to rest on a curvature in the viewer, which ensures that the magnifying glass eye-piece is always at the correct angle. That is the skill behind the invention as it was explained to me. I hope that I have done credit to its inventor, Jeffrey Woolf, in describing it.

The viewer went into production this week. It will be useful to those of us who get lost when driving around the countryside, as we shall be able to keep maps of the whole country in a small box in our glove compartment. More significantly, hon. Members will recognise the benefits for our military forces, which will have access to maps of the world on a few postcards. The invention has advantages for use in both civil and military life, and Jeffrey Woolf has done an enormous service to this country.

Although Jeffrey Woolf has been able to get that invention off the ground, he has at least one other invention that would also benefit this country. He has invented a revolutionary windscreen consisting of two pieces of glass with a see-through liquid in between. The liquid remains transparent while the car is under the control of its owner, but if someone breaks into the car and attempts to steal it, the liquid becomes opaque and it is impossible to see out of the windscreen. One may think that that is a brilliant invention that many people in the United Kingdom would wish to purchase in order to improve the security of their car. Sadly, to date, no British company has offered to take up Jeffrey's invention. At present, he is talking to a Belgian company and an American company that have expressed interest in his invention. I hope that a British company will come forward and back it in due course.

We should recognise that some of our inventors have slightly strange images. I hope that Joshua Silver, an academic at Oxford university, will forgive me for

[Mr. Shaw]

describing how he introduced his invention to me. Joshua is sub-warden of New college, Oxford and is undoubtedly a first-rate academic. However, I thought his invention a little odd when I first saw it. How would hon. Members feel if they were approached by someone wearing a pair of goggle-like spectacles with syringes hanging on either side? I am sure that they would wonder what was coming.

In fact, the invention is a third-world eye test. Some parts of the third world do not have electricity, so the conventional eye tests that we have when we go to an optician cannot be performed. Joshua's invention works by pouring water into the syringes on either side of the goggle-like spectacles. One then squirts the water from the syringes into the goggles in order to move the lenses apart and create the number of dioptres that the person looking through the goggles needs in order to see properly. The invention allows eye tests to be performed in the third world without the use of electricity and conventional optical equipment. It is a very imaginative invention. Estimates show that at least 1 million people in the third world need spectacles, so it has enormous market potential. One might describe it as an eye-opening invention.

There are many other inventions to which I should like to refer. When I visited the inventions exhibition, I was enormously impressed by the material that warms up when an electric current is passed through it. Many people will say that the seats in their Swedish motor cars do that also. However, anyone who has sat in those seats will know that the filament that warms the seat is a wire that leaves a funny looped pattern on one's back. A British inventor has threaded the wiring through the material so that it warms the entire surface. The invention has benefits not just for car seats, but for diving suits and for use in industry, when people must be kept warm in adverse conditions. The material is called Gorix and I hope that a British company will develop it. However, when I spoke to its inventor at the exhibition, he told me that an American company was considering using it in car seats.

I was enormously impressed by another incredibly simple invention that has stayed in my mind: a safety lock for curtain rails in hospitals. Apparently 3,000 people die each year by strangling on curtains in hospitals. The safety lock is designed to break when a human's weight is put on a curtain. We must consider how we can do more to promote British inventions and innovation. We must try to produce those inventions in Britain and put them on the market.

I referred earlier to the work of the Institute of Patentees and Inventors. It is only fair that I mention also the chief executive of the institute, Paul Ambridge, who has devoted his life to supporting British invention and innovation. He works for the institute for no remuneration, except expenses, and he organised the exhibition at the Barbican to which I referred. I believe that we should examine the honours list in that context. The Prime Minister has called for the awarding of honours to a wider group of people, and it has occurred to me that British inventors and innovators have not appeared on our honours lists in recent years. A few have been recognised over the years, but I ask the House to consider also the fact that more than 100 civil servants receive honours each year.

We honour our business men who have clawed their way to the top of their field and who do much to promote British business overseas. However, we do not often honour the inventors who invent the products that those business men sell overseas. Perhaps we should be congratulating, supporting and honouring some of those imaginative people who never become millionaires. They have produced many small inventions over the years that are of tremendous benefit to this country, and I hope that the Government will consider recognising a number of our great inventors in future honours lists.

I draw attention also to the great British fashion industry. Some years ago, before I entered Parliament, I was financial adviser to one of Britain's prominent fashion designers. One day after I had given her an accountancy lecture, she said, "I wish that they had taught me that at fashion school." That made me reflect on the fact that there are few £500 million companies in the British fashion industry, although we have some of the best fashion designers in the world. Some of them are world beaters. They are fantastic at developing new ideas and imaginative products. I referred earlier to Mary Quant and the mini-skirt in 1964, but there have been many developments since then.

Although the Prime Minister recognises our designers by holding a regular reception and party at 10 Downing street on the eve of British Fashion Week, we still do not have major multinational businesses on the scale of Versace and Cardin. How can we achieve that? Perhaps the answer is in training, as the fashion designer I helped told me. We should consider whether fashion schools should teach more managerial, financial and marketing skills. Fashion students are taught a great deal about creative design, but not much about the practical aspects of getting the products out into the marketplace. Trevor Baylis made the same point when he wrote to me promoting the concept of a royal academy for invention and innovation as a practical bridge between the inventor and getting a product out into the marketplace.

We need to promote British invention and innovation, to bring benefit to the country. There should be more awards and competitions recognising British invention and innovation. Recently, an American millionaire established a new foundation within the Massachusetts Institute of Technology with a view to helping American invention and inventiveness. That was private sector money. We could do more to encourage people to work with British universities and set up competition and award schemes to help inventors and university graduates.

Our universities should provide more training in the practical aspects of invention and innovation. There should be finance and marketing courses for young graduates considering a career in scientific invention, to help them get their inventions out of the laboratories and into the marketplace.

We also need to educate our children, and we should consider whether the national curriculum should cover invention and innovation to encourage schoolchildren to think of new ideas. Many inventors succeed because they have a childlike ability to think across subjects as well as to think logically. Perhaps we should do more to encourage our children in that direction.

We need to do more in regard to finance—which is my background and that of my hon. Friend the Minister. Inventors always complain about the difficulties of getting

access to finance. I suggest that the contacts directory that the Institute of Patentees and Inventors plans to produce and the encouragement of venture capital in Britain—where it is better than anywhere else in Europe—could do a great deal to make it easier for inventors to obtain finance.

We need to do more about marketing, development and encouraging inventors to get their products into the marketplace. It does no harm to learn from missed opportunities. One does not have to be political to recognise that it can be useful to learn from one's mistakes. Governments of both political persuasions have had opportunities to do more.

We could do more to develop our institutions, some of which are a little stodgy in their approach. Inventors and innovators should be more welcome. We need greater recognition of inventors and innovators in the awards and honours each year. I hope that the royal academy that I mentioned earlier might be considered for funding by the Millennium Commission. Although one proposal that was backed by the excellent magazine *Inventors World* did not succeed in getting millennium money, I hope that people will agree that, in the year 2000, Britain should do something to celebrate British invention and innovation. I am talking about not a one-off building, event or activity, but something that might remain in existence for many years and could be visited by hundreds of thousands, if not millions, of people. We need something to inspire the thoughts of many people towards invention and innovation.

I also hope that we can do more to use new technology, such as the worldwide web, to promote invention and innovation. We have a long way to go, although we started from a very good base. It would be sad if Britain did not continue to develop our inventions. We need to be alongside the United States of America and Japan as one of the world leaders in invention. I hope that the Government and the Opposition will produce ideas to support that proposal. I hope that something like a royal academy will be established, and I look forward to my hon. Friend's comments.

10.15 am

Mr. Adam Ingram (East Kilbride): I congratulate the hon. Member for Dover (Mr. Shaw) on securing the debate. The fact that he did not have sufficient time to cover everything demonstrates the need for more parliamentary time to be allocated to the subject, which is crucial to the competitiveness of British industry.

The hon. Gentleman set out a formidable list of inventions and discoveries by British scientists and inventors. I do not recall whether he mentioned the discovery, by a British scientist, of the electron in 1897—a discovery from which so much scientific and technological work derives. The hon. Gentleman asked for a number of Government initiatives. I am sure that he will join me in proposing the issue of a commemorative stamp next year, marking the centenary of the discovery of the electron.

The Government have a key role to play in creating the conditions for encouragement of invention and innovation. It is clear from his comments today that the hon. Gentleman recognises the importance of that role. The hon. Gentleman is not renowned for commitment to proactive government, believing instead in minimal, "could not care less" government. He is known for belonging to the "get government off our back" school of thought. Therefore, it is good news that he is prepared to modify that quaint and damaging philosophy in regard to invention, innovation and related technological activities. I agree with much of what he said and I anticipate the Minister's response with interest.

The hon. Gentleman mentioned the invention by Trevor Baylis of a new radio which can be used in remote parts of the world and would allow those regions access to the BBC World Service. It is a pity that, although a British invention is on the front line of radio communications, the Government are cutting back on the message that we want to impart. Invention and innovation are essential to a strong, wealth-creating economy. They are also important in improving the quality of life through the provision of life-enhancing and life-giving drugs and of modern means of mass communication and the solving of environmental problems in Britain and elsewhere.

As the hon. Gentleman said, Britain has an enviable reputation for the number and quality of its inventors and innovators. That reputation goes back to the beginning of the industrial revolution and continues to the present day. It has to be accepted, however, that too many of the ground-breaking inventions discovered in this country were never translated into manufacturing strength. There is an all too depressing history of great ideas being discovered in the United Kingdom but developed elsewhere. That history cannot be undone; we must learn from the failures of the past and put in place mechanisms to avoid a repeat of such a mistaken approach to new ideas in the future. The hon. Member for Dover commented on some ways in which that could be done.

It must also be recognised that invention and innovation do not exist in their own separate compartments. They are by-products of a multi-faceted structure involving the private and public sectors, from education through centres of higher learning and research to a vibrant manufacturing base. If all those elements are not pulling together or are not in place, our overall capacity to discover new ideas and translate them into marketable products will surely flounder.

We still have a strong, well-respected science and technology base, from which our major inventors and innovators are still drawn. If it declines, so will our capacity to discover and to develop new ideas. Tragically, on any measure and by any analysis, our science, technology and research and development base is experiencing decline, and as a result of Government policies further decline will take place. Two recent publications of studies undertaken by the groups Save British Science and the Science Alliance, made up of trade unions involved in the sector, point all too graphically to the damaging effects of Government policies on the nation's science, engineering and technology base.

I do not agree with all the conclusions of Save British Science—a non-political group of eminent scientists who have developed a detailed analysis of what is going on—but its publication points out that one indicator of the UK's relative decline in the scientific sphere is the number of Nobel prizes obtained by scientists and researchers working in this country. In the decade following the second world war, 10 Nobel prizes were awarded to UK scientists. In the decade after that, we won 11; in the decade after that, 12. Between 1976 and 1985, however, we won only eight, and that dropped between 1986 and 1995 to only one.

[Mr. Adam Ingram]

That dramatic recent reduction in what could be classed as the high ground of scientific endeavour runs in parallel with the Government-induced collapse of the British manufacturing sector. Between 1979 and 1994, the proportion of gross domestic product generated by that sector dropped from 28.5 to 20.9 per cent. When the Government took office in 1979, there were 6.6 million jobs in manufacturing; by the end of last year that number had fallen to just 3.9 million. While the Government forced through that retreat from manufacturing, they also participated in a retreat from publicly financed research and development activity.

Save British Science points out in its publication:

"The gap in total civil R and D investment between Britain and other countries remains wide, in some cases wider. In a unique act of policy the United Kingdom Government has deliberately reduced its investment in civil R and D in real terms. Expenditure in 1993 was approaching £500 million per annum less than in 1981 and it continues downward . . . as a fraction of national wealth there has been a steady fall from 0.72 per cent. of GDP in 1981 to 0.47 per cent. of GDP in 1995."

Those are dramatic and worrying trends, and the cuts are matched by others of similar dimensions in the higher education sector. As the Association of University Teachers and others have pointed out, the Government plan to cut £630 million in real terms from spending on higher education over the next three years. A 6.3 per cent. cut in spending in 1996-97 will be followed by cuts of 3.7 per cent. in 1997-98 and 1.9 per cent. in 1998-99. Perhaps more critically, the universities' capital funding allocation for England and Wales has been cut by 30 per cent.—£110 million—in 1996-97, with a further reduction in the following year, giving a total 50 per cent. cut over the next two years.

It is hard to see how any of that can be seen to be encouraging industry to commit itself to long-term R and D investment or to be a facilitator of innovation and technology transfer.

Mr. Barry Sheerman (Huddersfield): Does my hon. Friend agree that, with all those cuts in university research and development, it is hardly surprising that vice-chancellors and senior scientists in the university world are all talking about low morale? In some ways morale is more important than cash, but the latter is related to the former because there is a feeling that the Government do not care about innovation and research.

Mr. Ingram: I agree. If time permits, I shall discuss the collapse of morale among researchers. My hon. Friend is right to refer to the Committee of Vice-Chancellors and Principals, which has been highly critical of the Government recently—to the point of suggesting that cuts in medical research will lead to deaths. An anonymous spokesperson at the DTI tried to rebut that idea, with the result that the head of the British Medical Association accused the spokesperson of being a liar. That shows just how deep the anger runs in the university and research sectors.

The Government's attitude and cuts are hardly likely to lead to a resurgence of Britain's pre-eminence in the generation of innovative ideas or new inventions. All in all, the picture presented is a dismal one. I realise that the Minister may claim that he has other indicators pointing to successes. He is likely to say that R and D has increased in real terms in the past year and now stands at £14.6 billion. That is true; but a careful analysis of the statistic by comparison with our major international competitors shows that in certain key sectors—aerospace, telecom, cars and chemicals—we are lagging behind.

Much of the increased expenditure is down to one sector—the pharmaceutical sector—coupled with an unexpected rise in defence R and D. The Minister must therefore deal with the real dimensions of Government policy and their impact on the nation's science and R and D bases. He must not rest on a few specious feel-good indicators. Without a commitment to research, there is little hope of expansion at the level of innovation and invention.

That relationship is borne out by recent figures produced by the Organisation for Economic Co-operation and Development, which measures the level of relevant activity in a country by its inventiveness co-efficient: defined as the number of patent applications filed by organisations in a given country per 10,000 of population. The UK co-efficient fell from 3.71 in 1981 to 3.23 in 1993. In the same period, the OECD average rose from 4.38 to 5.61.

The reason for the decline is clear. The most recent OECD science and technology indicators show a dramatic fall in the number of UK companies and organisations applying for patents in the UK—from just under 21,000 in 1981 to just under 19,000 in 1993. While I accept that the details of patent data should always be treated with care, the overall trend speaks for itself. Put simply, it would appear that there is less innovation in the UK under the Government than there was before they took over.

The hon. Member for Dover is to be congratulated on stimulating today's debate. He has highlighted several concerns, and many others could be examined. If time permitted, it would be useful to look at how the Government are undermining areas of research excellence under their direct control—the public sector research establishments, which could be used as part of an incubator strategy for small start-up companies looking to test innovative ideas. The hon. Member for Dover mentioned that possibility. Those establishments are faced instead with—at best—contraction to possible privatisation or even closure.

I understand that the Deputy Prime Minister has directed Ministers to examine the future of the research establishments with the object of obtaining more contracts from the private sector—not in itself a bad thing—privatising them, or rationalising them. No mention is made in that directive of the overall scientific objectives of the establishments and how they could be used to create wealth or enhance the quality of life. Is the Minister convinced that such an approach helps in any way to bolster or add to the sum of innovative activity?

There is significant demoralisation within the nation's university research base, which is the generator of so many new ideas and innovations. There is an increasing movement towards short-term temporary contracts for so many researchers. There were 11,500 such contracts in 1982, but there were 21,500 in 1994, and the trend continues. Researchers in such circumstances spend so much time worrying about the future and trying to generate more finance to keep themselves in a job that

they overlook many new ideas. There is a less conducive environment nowadays within our centres of research excellence to stimulate the pursuit of new ideas.

It would be tempting to enter into a debate on the many detailed ways in which a Government can assist in the generation of new and innovative ideas, and the ways in which the inventor can be helped to the market, but that would be the wrong approach. The debate should focus not on the minutiae of Government policy or on whether this or that glossy shop-window initiative is working as intended by the Department of Trade and Industry, but on the fundamentals of Government policy.

If the Government continue to erode and undermine the very fabric of the nation's science, engineering and research and development bases, it does not matter how many small-scale initiatives they start. Either the talent will not be there to participate in such initiatives, or it will have gone abroad to a more fertile innovative environment. The Minister must take that reality on board. For those reasons, the Labour party is committed to improving the nation's education base, to increasing the skills of the work force, to re-energising the public sector research base in universities and other public sector research establishments and to developing a coherent and structured approach to pushing forward the technology foresight programme in a co-ordinated and cross-departmental approach.

Above all, we need a Government who recognise science, technology, innovation and design as vital ingredients in the nation's economic health. A Government who cut and undermine that base sell the nation short. That is why the Government have lost the confidence of large sectors of British industry, and why they are under attack from the scientific and research community. The only hope for revitalising and expanding innovation and invention is the return of a Labour Government. That cannot come soon enough.

10.32 am

The Minister for Science and Technology (Mr. Ian Taylor): I, too, add my congratulations to my hon. Friend the Member for Dover (Mr. Shaw) on securing the debate, to which the House should pay attention. It is an important subject. Indeed, it is one that goes to the heart of so much that I as Minister for Science and Technology am trying to encourage. Apart from the party political comments with which the hon. Member for East Kilbride (Mr. Ingram) concluded his remarks, there was quite a lot in what he said with which I agreed. I shall deal with points of difference, because I think that he grossly underestimates the exciting things that are happening. However, the hon. Gentleman will have to wait while I first respond to my hon. Friend's excellent speech.

My hon. Friend's speech was excellent in its coverage and in its sympathetic understanding of the plight of inventors, many of whom feel rather lonely in their struggle to gain wider acceptance. I have met many inventors who are perhaps slightly more fortunate than others. If I am meeting them, it is probable that I am providing them with Government money through small firms merit awards for research and technology or support for products under research. Perhaps those inventors I meet have larger smiles than one or two of those my hon. Friend has met. There is no doubt, however, that some exciting things are happening.

Sometimes I have to face certain difficulties. For example, I went to Newcastle to see some exciting new developments. One of the awards that I gave was to a company that had introduced a new generation of lugworm, which was capable of enabling fishing to take place 365 days a year. As the cameras were present, and as I was publicity conscious on behalf of the company while self-effacing on my own behalf, I agreed that I would hold up the lugworms to the camera, which I duly did. I replaced them when the photographs had been taken. The director of the company virtually embraced me and said, "Minister, you are extremely brave because they bite." He gave me that information after I had handled them. He added the good news that not so long before Neil Kinnock had had the opportunity to do the same thing, but had taken fright and not done it. At least my action demonstrated the vibrancy and standards of Ministers in this Parliament.

It is important that innovation is part of the title of the debate. Inventors and inventions are crucial, but the process of innovation is the broader encapsulation of turning a good idea into a commercially possible product, or even taking an old idea and turning it into a commercially viable product. When I first became Minister for Science and Technology I found it difficult to define innovation precisely. A definition quickly came to me, however, and the hon. Member for East Kilbride will enjoy the way in which it arrived.

I was at a university in front of an extremely large and erudite audience. The vice-chancellor gave me a lengthy introduction as the visiting speaker. Finally, he announced the title of my talk. It was one that I could not understand. Furthermore, it bore no resemblance to what I thought was the subject on which I was to speak. I stood in front of the audience, momentarily nonplussed. To gain time, I said, "I am from the DTI and I am here to help." Somebody at the front of the audience said, "Well, that is an innovation." In those circumstances, I rapidly realised that there were many things with which I had to get to grips.

Innovation and invention are crucial to the competitive challenge that Britain needs to face. I am sure that, unless we make better use of our inventors and innovators, the country will not be properly equipped to face the challenges of the next century.

I agree with my hon. Friend the Member for Dover that not all inventions have been properly understood. In a pamphlet imminently to be launched to an expectant world, which my hon. Friend was kind enough to flag, and which I have written, there are some examples of inventors' original purposes and activities not being fully understood. Alexander Graham Bell, who invented the telephone, thought that its main use would be to pipe music to remote groups of people. When Bell demonstrated his equipment in 1876 to Western Union, the company's executives wrote to him as follows:

"Mr. Bell, after careful consideration of your invention, while it is an interesting novelty we have come to the conclusion that it has no commercial possibilities."

As we all know, Marconi invented radio. He thought that it would be used mainly for ship-to-shore telegrams. And, wait for it, a Government report of 1956 stated that

"four computers would satisfy the needs of the whole nation."

That is an example that all Science Ministers and, if I may say so, Opposition spokesmen on science, should bear carefully in mind. It is possible that the Government do not always get it right. That is especially so in the context of the Government being asked to do more in recognising inventions and innovation. In my judgment, the

[Mr. Ian Taylor]

Government's role is that of a support and encouragement operation. We should not try to second-guess which ideas are most likely to be taken up by industry in the wider community.

I visit universities and companies throughout the country and I have no doubt that the creativity for which we have been famous is alive and well. We are doing some stimulating things. On a recent visit to Japan, interestingly, the one thing that Japanese industry wanted to talk to me about was the creativity occurring in the United Kingdom. As a result of their inward investment here, the Japanese see that creativity and are taking advantage of it. In conversations with Bill Gates of Microsoft, I found that he was certain that creativity in computer software existed in the UK in a way that it did not in any comparable economy, so we have tremendous opportunities to succeed and to take advantage of our creative skills in all dimensions, in research and in industry.

My hon. Friend the Member for Dover mentioned the fashion industry. I enthusiastically endorse his comments about the talent here. The Government have done much to sponsor London fashion week and we help to focus what the markets can offer in that sector. I should like even more attention paid to it.

My problem is that it is difficult to know which inventions will be the real killer applications, which ones we should be pushing and in which environment they are most likely to come. My hon. Friend mentioned many lone inventors and I have already paid tribute to them, but often some of the great breakthroughs in applications occur in big companies.

Dr. Coyne of 3M gave a fascinating speech at the DTI-sponsored innovation lecture. He said that one of the great skills that 3M had always had was that it encouraged research and other employees to come up with ideas and to develop them in company time, almost for themselves. One of the most interesting involved the use of sticky tape. An employee had tried to sell more sticky tape to car paint companies, which were using it for spraying and then had to pull it off and touch up the bits where it had taken paint off as well, which was time-consuming. He developed the idea of almost non-sticky tape, which has become part of our everyday lives. That was good lateral thinking. It was developed in 3M, which then adopted it.

There are many examples of companies not realising what they have. "Triumph of the Nerds" is a wonderful programme that has been running on Sunday evenings on Channel 4, I think. It showed that the Xerox board failed to realise that it had at its fingertips the future of personal computers. No personal computers ever had the Xerox name on them despite the fact that all the great breakthroughs were made in Xerox laboratories. We must, therefore, be extremely careful when trying to anticipate how the Government should best provide support in this sector because, even in circumstances where industry had a clear motive to bring things to the market, it has failed to do so.

Mr. Sheerman: I am listening carefully to what the Minister says, but what can the Government—any Government—do to stimulate across the board? He has mentioned some of the biggest companies. There is a serious and worrying decline in research and development. I mentioned universities in my intervention. Even at the level of the small inventor, which the hon. Member for Dover (Mr. Shaw) mentioned, the enterprise allowance has been knocked back. We need a policy that stimulates such innovation across the board. Sir Ron Dearing is not dealing with the aspect even of universities. Surely we need a thorough look at what works and at what is successful, and then go for it.

Mr. Taylor: I am grateful to the hon. Gentleman for raising that. It is crucial that we do try to look across the board, partly because I cannot predict where good ideas will come from. I have been applying a logical policy. We are encouraging universities increasingly to consider their use of intellectual property. Recently, we have encouraged, through, for example, the DTI challenge competition, a technology transfer award, won by University of Manchester Institute of Science and Technology in conjunction with Aromascan. It produces an electronic nose for detecting changes in smells, which is crucial in certain production processes or where smell change can mean a security risk. Universities are increasingly being encouraged to consider spin-outs.

Some research councils are also considering that closely. The Medical Research Council has its own internal spin-out company. When I visit companies, I constantly deal with the point of them working more closely with universities. Our best universities are comfortably working with industry, but I need more industry to realise that that is the right way forward.

The DTI is applying pressure at each stage. We have the small firms merit awards for research and technology for companies with fewer than 50 employees. They can receive a grant of up to £150,000—which includes intellectual property, incidentally. That is a crucial early stage. Often, the companies employ not 50, but two or three people. I have given many of those awards, which migrate into a SPUR award for slightly larger companies with up to 250 employees.

The new business link structure throughout the country involves innovation credits and information technology counsellors. We give £250 to enable companies, especially small companies with a good idea for a product, to seek outside advice so that they can have the confidence to take the project further forward. I am convinced that I am putting in place a framework for the sort of objectives that the hon. Member for Huddersfield (Mr. Sheerman) seeks to influence me on.

My hon. Friend the Member for Dover raised many points and I cannot touch on all of them in the time remaining. Let me try nevertheless to do some of them justice. There is no doubt that this country is losing money because some of its inventions have gone abroad, but it is difficult to estimate it accurately. The figure that he quoted of nearly £160 billion a year does not seem to break down into anything that we can identify.

In a recent report, the Intellectual Property Institute has estimated that the share of gross domestic product produced by the 10 most patent-intensive industries by rank has increased only from 5.2 per cent. of GDP in 1985

to 7.81 per cent., or some £46.5 billion. Hence, it is difficult to see how the Exchequer could be losing £157 billion each year either as an additional contribution to GDP or, certainly, as tax, so we need to be careful about some of our use of figures. We do not want to get things out of context, exaggerate and then find that we cannot justify them.

My hon. Friend was right to say not only that the Government are spending about £6 billion a year, but that a proportion of that—around a third—was on defence research expenditure, which is not a growing sector. One of the intriguing things, however, is that much of what used to be spin-out from defence research is spinning in from civilian research.

Not long ago, I was at a company that will remain nameless, finding that a product that had been developed for civilian use had interesting defence implications. With the chief scientific adviser, I am considering some of the interfaces between civilian and defence research to ensure that this country's overall technological base is safeguarded. It is important that we do that.

One of the areas that I am concerned about is information communication technologies. The information society initiative is an important way of safeguarding the creativity in the UK that has stemmed from the liberalisation of communications here. We have a tremendous opportunity to be one of the research centres—if not the research centre—in many sectors of communication technologies in the world. The initiative was one of the key parts of the technology foresight exercise, which allowed the Government to attempt not to pick winners, but to identify the areas that we should concentrate on in our research and technology activities. Information communication technologies are crucial in that.

My hon. Friend mentioned the Institute of Patentees and Inventors, which is an important player in the matter. I am delighted that we have been able to provide some modest support for it. On his request for further funds, obviously I will always consider such requests. There are difficult competing indicators, but I want to draw his attention to other sectors where we are reinforcing the institute's work. In the business link system, for example, we provide genuinely independent advice for small companies and lone operators, not only on their corporate development; we also provide information and technology counsellors and design counsellors. We can help them to marry management skills and to identify sources of potential finance. The combination of business links with some of the initiatives that were mentioned will be an important way forward, and I shall monitor that carefully.

The idea of a royal academy of inventors is intriguing. I shall encourage people to work on the project and to discover how it might be financed and justified, because it will obviously need private and other support. I cannot influence the Millennium Commission and we should be cautious about that because the commission is independent. I would certainly give an application a fair wind.

There is no deliberate passing over of inventors in the honours list, but I shall certainly raise the issue again to see whether there is another way to provide objective recognition of the enormous work of people such as Trevor Baylis, which my hon. Friend has mentioned. I am going to South Africa shortly for the Group of Seven developing nations conference on the information super-highway. I should like to take some of the details that my hon. Friend mentioned about production in South Africa of the clockwork radio.

We are doing important work to spread information through the developing world not only through that invention but by way of some remarkable happenings. The global digital mobile network was developed in this country and is now the global standard, and the remarkable use of satellites, through the very small aperture terminal systems, is rapidly bringing information to parts of the world where the people thought that they could not receive it because of the sheer cost of digging up parts of deserted areas to lay cables. Cable is no longer required to carry information technology.

I have mentioned interesting ideas that I have seen. In the recent Science, Engineering and Technology Week there was a demonstration of glass changing its molecular structure at the flick of a switch so that it becomes impossible to see through. That is not quite the invention that my hon. Friend the Member for Dover mentioned, but it is an example of the ways in which new technology is transforming the way in which we view a product. Glass is no longer glass in the sense that we just look through it or that it can be pretty or painted. We can now change its molecular structure, and such inventions will eventually affect our way of life.

I hope that British companies will give a good reception to UK-based inventors. I accept that, in that respect, the record is not perfect, but as I travel around the country I preach to people to look more at the innovative process. However, I do not want to underestimate the matter. I have met some inventors who think that the invention is it, a wonderful idea. But the inventor is only one part of the process, and I am not being cruel to the inventor when I say that.

One of our more interesting awards is the MacRobert award, which is funded by the DTI in conjunction with the Royal Academy of Engineering. The award is for innovation in engineering but also recognises the excellence in engineering which achieved the commercial success of the original idea. It is a combination award, and that is important because one of my objects is to raise the status of the engineer in our society. That is crucial, because, while an inventor can produce a good idea, it will be the engineer who will help it to become a commercially viable product.

The 1995 winner of the MacRobert award was British Gas research division and Gill Electronics for a new gas meter based on ultrasound. It is accurate to many decimal places and can be installed and left in place for 10 years. Mr. Gill told me that developing his invention, which is based on the ultrasound testing of gas flows, through British Gas research laboratories into a product that can be marketed worldwide was a complete eye-opener to him. He could not have done it without the resources of British Gas. I have seen other developments of that process.

British Steel is developing a new railway steel. That emerged from work on mathematical models in Cambridge, when, I believe, two years of work on mathematical models suddenly resulted in a breakthrough which British Steel is taking forward in conjunction with Cambridge university.

Mr. Sheerman: Will the Minister give way on that point?

Mr. Taylor: I am running short of time, so I shall not give way. *[Interruption.]*

Madam Deputy Speaker (Dame Janet Fookes): Order. It is clear that the Minister is not giving way.

Mr. Taylor: One of the key points in the debate related to management training, which is crucial. I am trying to enthuse the Engineering Council to bring management training into engineering courses so that more engineers can be competent managers. The same goes for many scientists because management is a key tool for the engineer or researcher or anyone else. I am glad to see that more universities are beginning to pick that up, because it will determine success.

From my discussions with the venture capital industry it seems that there is no shortage of money, but marrying a good idea to finance often requires other factors, most particularly management. In the DTI we are attempting to work with financiers and industry to find a way to encourage greater access to management skills for people with ideas so that the venture capital industry can have more confidence in evaluating a project and in trying to determine how it will become a commercial proposition for the industry. I hope that that process will yield results in the near future.

I shall deal briefly but determinedly with the comments about the decline in the science base. When I visit universities, I do not see any decline in that base. We could trade statistics across the Dispatch Box, but I can say that the amount spent on the science base by the Office of Science and Technology and by the higher education funding councils in terms of research is up in real terms by 10 per cent. over 10 years. However, I do not want to go into statistics or engage in trade-offs about Nobel prizes which often reflect research that has been carried out some time before such awards are made. However, I congratulate the chief scientific adviser on winning the prestigious Crafoord prize from Sweden only this week.

I do not wish to trade statistics on manufacturing, save to say that the prospects for manufacturing investment and for productivity and output are currently extremely good. We discussed that at a recent Question Time. Allowing for the various economic cycles, over the past 10 years productivity in the United Kingdom has been extremely good. I appreciate the point about capital funding. That is why the higher education funding councils and I this year presented a targeted project for capital funding of £18 million of Government money which is reassigned specifically to equipment. With matched funding, that will amount to £36 million.

I am looking longer term at how we might overcome some of the difficulties of universities in funding capital equipment, which is vital for universities and for the quality of their research. I recognise that, and I do not intend to duck that issue, because it is important for us to realise that the quality of university research can often depend on fairly mundane pieces of equipment such as fume cupboards.

On its science and technology activities, the DTI will spend level cash of about £350 million over the next few years. Our figures have been distorted by factors such as the fast breeder and by launch-aid inputs. The Department is firmly behind the work of industry in innovation and application. It has a series of initiatives, some of which I have mentioned, such as the management in the 1990s programme, an area in which we wish to improve our activities and raise the standards of British companies.

Increasingly, I talk to universities about the way in which they can identify smaller companies, which can be difficult. The Faraday concepts are being examined by research councils, particularly by the Engineering and Physical Sciences Research Council. We are working with research and technology organisations and trying to get people to transfer from universities to companies because the skills-based transfer is important. The teaching companies scheme and the postgraduate training partnership are crucial. I have introduced a college-based scheme to ensure that we do not lose sight of the role that colleges and vocational qualification college students can play in companies in the areas in which they work. All that is themed to try to improve the competitive position of the United Kingdom in the vital fields of science, technology, innovation and inventiveness.

I pay tribute to my hon. Friend the Member for Dover for his work in highlighting the matter. I warmly endorse the work of inventors. I am trying to provide a successful framework for them and to stimulate British industry to realise that in the next century, we will succeed only by adding value and using our wits. It is not only a question of keeping our costs down but of trying to compete with the rest of world with better products, new ideas, better design and a way that leads us forward into the next century based on the competitiveness and creativity of industry in Britain. Inventors have a crucial role to play and I pay tribute to all those mentioned by my hon. Friend. If there is anything that I can do to stimulate them, I shall ask my officials to consider it closely.

British Council

11 am

Mr. Robert Litherland (Manchester, Central): I am delighted but saddened to have the opportunity to highlight the impact of the £22 million cut over the next three years on the British Council and its role as our principal agency for cultural relations abroad and in our aid programmes and diplomacy. The council's future has been undermined and jeopardised by the cuts. The Government know that full well, because the council has emphasised its difficulties in meeting the costs of restructuring to come to terms with the demands placed upon it by the swingeing cuts.

The council does not have access to capital to fund the restructuring that will be forced upon it to implement the cuts. It is a Catch-22 situation. The planned reduction in the British Council's grant and the enforced restructuring have not been thought through. It is another victim of ill-conceived Treasury policy and of what the Secretary of State described to me in his letter as

"the recent very tough spending round which has reduced the Foreign and Commonwealth Office budget."

That is it in a nutshell. The council is a victim of public expenditure restraints, no matter how valued is its work. Dr. Roger Bowers, its Manchester assistant director general, informs me that its long-term commitment depends on whether there is any further significant change in the Government's financial support. My advice to him is not to hold his breath. We cannot rely on a Government that can impose such unexpected cuts without considering the effects on the service and especially on the efficient and dedicated staff. We cannot rely on a Secretary of State who, in a two-line sentence, informs me:

"We will do our best to help the council next year but that must depend upon the outcome of the next spending round."

Those comments do not sound reassuring to me and I do not think that they will reassure management and staff.

I am assured by the British Council that it has a good efficiency record. It was on target to reduce its UK overheads and was restructuring its regional offices, producing savings and exceeding Treasury targets for efficiency savings. It had cut staff over three years by 25 per cent., so it had played its part. Regrettably, that could not satisfy a Government hellbent on cutting public expenditure. Where better to do that than with an organisation that, in spite of its excellent activities, is little known domestically?

The ordinary voter knows little or nothing of the work of the British Council. Such savage cuts would not be a vote loser. How many people realise that the British Council promotes British interests abroad through many and varied channels? How many know about its management of overseas development projects, its promotion of the English language, its vital partnership links or its involvement with education and training, science and technology and the promotion of British arts? How many know how that work has benefited millions over the past 60 years? So what? It is not a vote loser. Nobody on the domestic front will miss it, so who cares?

There are many who care and who are anxious to make their concern known. This debate has generated a great deal of interest in what is happening to the British Council and where its future lies. I know that other right hon. and hon. Members wish to speak who have taken a long-term interest in its activities and followed recent events with great concern. They are far more knowledgeable than I about the details of its crucial role in world affairs.

I regret that other interested Members such as me were not contacted earlier. Neither I, as Member for Manchester, Central where the council is sited, nor my hon. Friend the Member for Stretford (Mr. Lloyd) who represents the adjoining constituency and who is a Front-Bench spokesperson on foreign affairs, were aware of the extreme difficulties facing the council until a few short weeks ago when we received a two-sided A4 sheet from the Public Services, Tax and Commerce Union.

Several hon. Members were disturbed by the lack of communication between the British Council and Back-Bench Members. There appears to have been an air of secrecy and a softly, softly approach to its impending doom. Do not rock the boat; be nice to the Government—as if that course of action would make any difference. It was not until my hon. Friend the Member for Dundee, West (Mr. Ross), in his role as chair of the parliamentary Labour party foreign affairs departmental committee, invited officers such as the council's director general, Sir John Hanson, and Dr. Roger Bowers to our meeting that we realised its predicament. That meeting took place only four or five weeks ago. The cuts will damage the work of council in general but will have a detrimental effect on Manchester in particular.

On hearing of the fate of Manchester, my mind went back to a lovely summer's day in July 1992. Manchester was agog and there was an air of excitement and eager anticipation. Her Majesty the Queen was visiting the city. The crowds and the children turned out to offer the usual warm Manchester welcome. The Queen was there for a dual purpose. She had come to open the prestigious new British Council building to which its headquarters had relocated. She followed that opening ceremony by declaring the new metrolink tramway open. It was a day of achievement for the city and its citizens. The metrolink is still running; it has proved to be a huge success. However, the same cannot be said for the British Council, for what a sad, sorry story that has turned out to be.

Who would have thought that, only four short years from that July day in 1992, the British Council would face such a situation? It is four years since Her Majesty paid tribute to the building's architectural merit and admired the internal decoration, the new carpets and the unique wall-mounted clock. It is three years since it won the office of the year award, but that building will no longer serve the purpose for which it was intended. The building was a vital part of the jigsaw of our regeneration programme and the British Council's coming to Manchester was part of the process of urban development that we were trying to achieve. What we had envisaged as a success story is now in a state of collapse. After the depletion of our manufacturing base, we welcomed the new service industries that brought jobs to Manchester. Where do we go now?

It does not take a genius to work out that enforced redundancies—about 180 people are to lose their jobs in the current financial year—and staff being moved elsewhere means that the British Council will have to seek alternative accommodation. I am informed that it is exploring all options for possible new tenants and a new home for itself. Although we hear the mutterings of management, who say that they are committed to staying

[Mr. Robert Litherland]

in Manchester, I am sceptical of what they really mean—the city of Manchester or Greater Manchester. A new venue of Salford quays has been mooted, but Salford is a neighbouring authority. The British Council would be moving away from the city itself if it takes that decision.

I appreciate that the management are expressing regret that the reductions are taking place so soon after the official opening, especially when the council's work is most needed, but it is the staff of the British Council who concern me.

I recently received a letter from an employee, who told me that, as the letter was being written, the family were still in the throes of upheaval after relocation and were surrounded by cardboard boxes waiting to be unpacked. The family had faced the trauma of upheaval in leaving their home down south to move to Manchester, where the spouse had acquired a part-time job. The children had been placed in a new school, made new friends, and the family had made a new life. They informed me that they liked their environment and did not want to move on. Yet they could find themselves left high and dry without a livelihood, far from their relatives and friends who remain in the south of England. The Secretary of State has an obligation to offer a full explanation to such people of how they will be assisted and compensated for such loss.

The worry is that the cost of restructuring will be extremely high. The estimated cost of redundancies, based on previous redundancy programmes, is in the region of £12.6 million. With additional costs, a total restructuring cost of £17 million is estimated. If the Government will not meet those costs, will the council face insolvency? The council emphasises that it has no means of funding such costs unless it does not carry out its operational work for at least a year. Can anybody imagine that? It would seriously discredit the Government, their foreign policy and this country.

Where do the staff stand in such a scenario? Close to £15 million was spent on relocation, and a plan to save costs by going to Manchester was devised. What happened to all those carefully thought-out schemes? Why did the Foreign and Commonwealth Office allow the British Council to go ahead with its decision to restructure when it must have been aware that the Treasury intended to impose such draconian cuts? It must have known the effects that such cuts would have on the council's operations and staff.

The council is in an impossible position. There is no scope for savings of such magnitude. How can it maintain its present global coverage under such demanding financial guidelines? The short answer is that it cannot. The scale of cuts has crippled the organisation and there are grave doubts that it can carry on and meet the stated objectives of Britain's foreign policy for the 21st century. It is ironic that the 1992 Conservative party manifesto said:

"The British Council acts as a cultural ambassador for Britain and for the English language—We will promote the English language by strengthening both the British Council and the BBC World Service".

Strengthen indeed! The Government should tell that to the family surrounded by unpacked cardboard boxes and with no future to look forward to.

If it is the intention to save the British Council's frontline operations at the expense of UK operations—the management are looking for a £5.5 million reduction in the UK—we can expect more families to meet the same fate of the family that I have described. What a peculiar way to treat staff of an organisation that has fulfilled all its obligations and has been described by the Secretary of State as dedicated and one that has made an outstanding contribution. I am always cynical of the Government. Perhaps their aim is to undermine the viability of the British Council and make room for the private sector, which we know is watching events with interest and would quickly cream off the most lucrative commercial operations if it were allowed.

I picked up two articles on the subject recently. A letter in *The Economist* said:

"The most drastic solution would be to privatise the council's commercial activities and restrict it to promoting the interests of all British providers of such services."

The Times Higher Educational Supplement said:

"What the Government refuses to accept is that this structure undermines its stated belief in market forces, the private sector and the discipline of competition."

My, my, the private sector is now telling the Government their obligations to the private sector.

I was delighted that Sir John Hanson, the council's director general, dismissed the complaints. He was reported as pointing out:

"the council still farms out many of the contracts it wins to other British suppliers, rather than doing the work itself. But he believes British firms would not win so much work if the council did not run its own language schools and consultancy projects, as showcases for Britain's skills."

As we all know, privatisation has always been the Government's panacea to all the country's ills. They would forsake all for their ideology. I sincerely hope that in this special case, the Government will have a serious rethink. The British Council, its staff and Manchester deserve better.

11.17 am

Mr. Tim Renton (Mid–Sussex): I congratulate the hon. Member for Manchester, Central (Mr. Litherland) on securing this Adjournment debate on the British Council. I share many of his concerns about the British Council. He has represented a Manchester constituency over the years, so I appreciate his strength of feeling on behalf of British Council employees in Manchester, which he so vividly expressed.

I do not at all agree with the hon. Member that the British Council is—I think that I am quoting him correctly—in "a state of collapse". I do agree, however, that there is very widespread concern at all levels in the council about precisely where its future will be. I state that as an unpaid vice-chairman of the British Council—an interest that has regularly been declared in the Register of Members' Interests. I have had the honour and good fortune to hold that post for nearly four years, and during that time, two themes have dominated our board meetings and all the contacts that I have had with British Council staff in London, Manchester and abroad.

The first theme is simply the relentless pursuit of better housekeeping, through greater cost-effectiveness, more modern accounting and a better use of information technology. The move from London to Manchester was one aspect of that, and was intended to save substantially on salaries and associated expenses in the United Kingdom.

The hon. Member for Manchester, Central has stated that there has been a substantial reduction in UK staff in the past four years, before any consideration is made of the effect of the new grant in aid proposals. We have recently sold or let half the headquarters building near Trafalgar square to bring United Kingdom costs down.

The other—and more positive and exciting—side of our affairs has been the careful expansion of British Council posts in, for example, eastern Europe and the former Soviet Union, and the re-opening of posts in Shanghai and Beijing. These can help us take advantage—usually on a fee-earning basis—of the enormous opportunities for all aspects of English language teaching, training and technical co-operation in the contracts that are now available to the British Council, often on a competitive basis. We must fight to provide ELT services against competition from Australia and the USA, and we must fight to win technical co-operation contracts with the Overseas Development Administration, the World bank and the European bank of reconstruction and development.

In the past three or four years, I have heard the British Council praised and encouraged by the Prince of Wales, the Prime Minister, successive Foreign Secretaries and countless ambassadors, both abroad and at home in London. It is worth pausing to think that, on a rough calculation, there are something like 1 billion people in the world at the moment who want to learn English. English is now by far and away Britain's most valuable export. It is the universal second language, the language of computer-speak and the language that almost all professionals use in discussing technicalities through the Internet. To the chagrin of the French, English is now the language of diplomacy. In a euphoric mood, I could say that every one of those billion people—or their teachers—is in some way a potential client of the British Council.

I am delighted to add that the revenue earned by the British Council from its activities is increasing. The amount was £62 million in 1990-91 and increased to £115 million in 1994-95. It is estimated to increase further to £130 million in the year that has just ended.

I wish to refer for a moment to China. I visited the British Council's offices in Shanghai and Beijing after going to Hong Kong in October. No one can go there and not be amazed at the potential for opportunity. After all, it is a country with 1.2 billion people, and its GNP is growing at a rate of 10 to 12 per cent. a year. It has more than 1,000 universities. English is now the official second language for everyone aged nine upwards until they finish their education. That is against the background of the fact that more than 90 per cent. of students do not have any English language teachers because they do not exist. The scope for an organisation like the British Council to team up with the Chinese open university, the BBC or David Puttnam to provide distance learning in English and to train and teach people up to the professional standard for English teaching is absolutely huge.

Even if some of the British Council's activities become fee-earning, they need seedcorn capital to get started. As the hon. Member for Manchester, Central said, the British Council's activities are often not recognised in this country because we do not trumpet them around the United Kingdom enough. The council is helping to win for Britain its present market share in the global education and training export business. This is estimated by the Department of Trade and Industry—not by the council—to be worth some £7 billion a year. The council's education and counselling service operates in 10 key markets in the far east and, through our education fares, exhibitions and face-to-face advice to students, the service is contributing to increasing the number of overseas students in Britain to beyond the level it was when full costs for fees were introduced. I simply do not believe that that would have happened without the British Council.

The council is involved not only in higher education, but in the promotion of United Kingdom education at all levels. I attended an education seminar over lunch in the Jubilee Room on Monday, which was aimed by schools, universities and colleges of technology in Sussex at overseas students. Without my proclaiming that I was the vice-chairman of the British Council, strong credit at that meeting was given to the council for its work.

My right hon. Friend the Minister is well aware that the council's overseas offices depend for their viability on a fixed bunch of activities. It is not possible to say to any of them that they should concentrate on revenue-earning activities because such activities are not yet of a sufficient size to enable the posts abroad to be viable and to justify themselves. Such a demand would totally ignore the original aims of the British Council—the promoting of British art, culture, books and music abroad. The other side of our activities brings in a good many people into our posts, but the availability of libraries and information centres about Britain and the sponsoring of art and culture tours abroad are not necessarily financially viable.

Continued grant in aid is necessary to keep the whole plethora of council activities going. Without grant in aid, many British Council overseas posts will simply have to close, as they will be unable to expand their revenue activities quickly enough. Against that background, I find it hard to believe that the Government will wish to force the British Council—that jewel in the crown for marketing Britain abroad—will wish to force us into the closure of libraries or overseas posts. I must say, however, that the present forecast for grant in aid for the British Council would have exactly that effect.

The sums needed to prevent this are not large. The British Council would certainly need assistance with the cost of redundancies at home in which we are now bound to be involved. Beyond that, we have spoken of the restoration of some £5 million grant in aid in 1997-98, and £10 million each year thereafter to avoid the closure of posts. Frankly, that would run wholly contrary to the Government's policy of support for the British Council and the better presentation and marketing of contemporary Britain, its education, IT and modern technology abroad in which the British Council excels.

I know that the board, senior management and staff of the British Council very much hope to hear some good news from my right hon. Friend the Minister—if not today, then next week. Many important people have told me recently in relation to the British Council that they are on our side—they are with the angels on this. That is very nice, but frankly being with the angels at the moment is not enough. They will have to have clutched between their wings some rehabilitation and improvement of our grant in aid if we are to avoid the closure of overseas posts, libraries and information centres. Everyone in the House would greatly regret that.

Several hon. Members *rose—*

Madam Deputy Speaker (Dame Janet Fookes): Order. There is clearly great interest in the debate, so I hope that in the short time remaining those hon. Members who wish to speak will make their contributions as brief as possible.

11.29 am

Mr. Tam Dalyell (Linlithgow): I shall be brief.

The British Council is central, not peripheral, to the orientation of Britain's foreign policy. It is not on the margin. Therefore, I simply ask: what is the Government's thinking on the British Council's position in the resources queue?

The right hon. Member for Mid–Sussex (Mr. Renton) has just reminded us that the British Council is a significant earner. The figure that we have been given, as he will know from the board, is £130 million. That could go up and up over a period of years for the very reasons that he has given. There is a huge market for educational training, and the British Council has a key role in the British economy.

I take just one example. I was lucky enough to be selected for the recent Inter-Parliamentary Union delegation to Nepal, which was led by the Secretary of State for Northern Ireland. The right hon. and learned Gentleman and I went to see the Minister for Overseas Development about the British Council in Kathmandu and how possible cuts might affect it. I can only say, without being maudlin, that it was a moving experience to see people from Nepal who, frankly, have no other decent library, streaming into the offices of that well and imaginatively run British Council post in order to enlarge their knowledge.

Doubtless colleagues could repeat such experiences from many parts of the world; I can talk only about that recent experience. To see the amount of service that was being given to that country, one of the poorest countries in the world on any index, really did make one feel rather proud to be British. Of course, a great deal more could be done. Certainly in Nepal, more could be done by distance learning in areas where, because of the terrain, it is difficult to get children to any kind of central primary school. The possibilities of distance learning there are immense, and the British Council is the body to do that.

Therefore, if we are to talk meaningfully about overseas aid and the help that we give to developing countries, the British Council and its capacities and skills in areas such as distance learning are of enormous importance.

You, Madam Deputy Speaker, asked us to be brief and we want to hear the Minister, so I end with these two questions. Where is the British Council in the resourcing queue? Do the Government take the view, as many of us do, that it is not only morally right in many countries to support the British Council, but in the British national interest? I shall leave it at that.

11.32 am

Sir Jim Lester (Broxtowe): It is a delight to follow the hon. Member for Linlithgow (Mr. Dalyell). I agree with every word that he has just said.

I recognise that the public in general do not know about the British Council. But I speak as a member of the Select Committee on Foreign Affairs since 1982—14 years' experience of looking at the British Council as part of the Select Committee's responsibility to consider foreign policy. That is why I want to speak today, and I just want to say three things.

First, the credit for the figures that I am about to quote rests with my hon. Friend the Member for Carshalton and Wallington (Mr. Forman) in his Macleod essay entitled "No Hiding Place: British economic policy in the modern world". That is the context in which things should be placed.

Britain consistently punches above its weight. The figures in the essay show that Britain has only 1 per cent. of the world's population, but 3.5 per cent. of its gross domestic product. Since 1979, Britain's overall international trading position has changed from 20 per cent. for exports and 27 per cent. for imports in 1979 to 23 per cent. for exports and 25 per cent. for imports in 1994. Our exports of goods and services at constant 1990 prices have risen from 22 per cent. of GDP in 1979 to 27 per cent. in 1994. Those are critical figures in terms of Britain's economic place in a new world with a global economy, and they are good figures.

We know that, diplomatically and politically, we punch above our weight. Britain is a tiny country, which is a member of the Commonwealth, the United Nations Security Council and all the rest. I shall not rehearse the details because I think that we all accept that: Britain punches above its weight, economically, politically and diplomatically. Part of the reason for that is that, in the years since 1979, the Foreign Office has targeted the improvement of its performance.

The Select Committee is now committed to producing a report on cultural diplomacy and it has shown that that plays a vital part in Britain's export efforts and capacity to work in the world. The term "cultural diplomacy" had not been thought of before the Select Committee considered it, but the two essential elements of cultural diplomacy are the BBC World Service and the British Council. The Select Committee's most recent report on the future of the Commonwealth comes back again to that question and gives tremendous support to the British Council and the role that it plays.

We are a member of the European Union, with an economic base that enables us, through the Commonwealth and the rest of the world, to look ahead to a prosperous future. I come here to the point made by the hon. Member for Linlithgow, which is the second thing that I wanted to say. Obviously, British policy must be to expand and to continue to punch above our weight in the world, but on what basis should we evaluate the things that are vital in terms of achieving that objective? The Government have no way of determining whether something is a real benefit that should be backed and on which extra money should be spent because it is good.

The English language, as my right hon. Friend the Member for Mid–Sussex (Mr. Renton) has just suggested, is one of those things, as is the British Council. The Foreign Office comes into the same category. I wish that we had a Treasury Minister on the Front Bench rather than my right hon. Friend the Minister of State, because for the Foreign Office, which does such magnificent work overseas, to be spending less than 1 per cent. of our gross public expenditure and achieving so much for it, yet to be subject to regular miserable chippy-chippy cuts that result in what has happened to the British Council, is absolutely crazy. By spending very little money, we could achieve even better figures than those that I have put forward.

I work closely with my old university, and my right hon. Friend the Member for Mid-Sussex mentioned education. Britain attracts 250,000 students at a value of about £2 billion to our economy through the joint operation of universities and the British Council. The Americans, with their great country, attract only 450,000. Again, we punch above our weight and we are attractive because of our language and standards and because of the high regard in which people hold what Britain has to offer.

We must have a system of government that evaluates the purpose and the value to Britain of the British Council's budget and, therefore, backs winners rather than chopping things that clearly have an enormous benefit, particularly when we are talking about piddling amounts of money. Bovine spongiform encephalopathy is serious and suddenly a lot of money has been found for the farmers. The British Council needs only a fraction of that.

My third point concerns the way in which things are done. Great institutions such as the British Council cannot suddenly make reductions in their costs without facing what I call double jeopardy. People have to be made redundant, so the cost of redundancy must be added to the amount of money that has to be found. That is double jeopardy because money is being wasted in order to get rid of people, particularly people overseas who have often been devoted servants of Britain, working for the British Council. They require some notice in their own interests, because they have no fallback in terms of social security in many of the countries in which they work. That operation has been very badly handled, and leaves the British Council in limbo because of double jeopardy.

The hon. Member for Manchester, Central (Mr. Litherland) suggested that people do not know much about the British Council. Last Wednesday, the Foreign Affairs Select Committee had before it Sir Martin Jacomb and Sir John Hanson to press all those points. The hearing was televised, although I suspect that it was not shown on any television channels. Nevertheless, the transcript of that meeting is available.

I should like to quote from the hearing a question—naturally from me—in which I said that the council was strongly backed by the members of the Committee. As my right hon. Friend the Member for Mid-Sussex said, we had been talking to the right people and received warm words and suggestions that action might be taken. I asked Sir Martin:

"Are they really taking your concerns seriously? Can you give us some idea of the timescale in which you would want an assurance on which you can work before you actually have to take the sort of decisions, which you are obviously working on, which you feel would be very damaging to your future?"

Sir Martin replied:

"The fact is we are already really in extra time. We have been talking about this since last November, which is nearly five months, and still there is no assurance of money. If there is to be no alleviation and we have to make reductions, particularly reductions abroad, to handle that sensibly and sensitively and in such a way as to secure the minimum damage to this country, action has to be taken now."

That is a very profound statement from someone who has devotedly worked with the British Council.

The impact of the cuts is completely out of proportion to the amount of money that we are talking about. I beg my right hon. Friend the Minister, and any other right hon. Friend who can help, to grasp the nettle, turn round the situation and give a positive assurance—which has money at the end of it—to bring this unfortunate saga to an end.

11.41 am

Miss Emma Nicholson (Torridge and West Devon): I congratulate the hon. Member for Manchester, Central (Mr. Litherland) on ensuring that this important subject is being debated at all. It is a pleasure to follow the hon. Member for Linlithgow (Mr. Dalyell) and to listen to the vice-chairman of the British Council, the right hon. Member for Mid–Sussex (Mr. Renton), who said that he was speaking with some euphoria when he reeled off credit upon credit for the British Council.

All of us could list the council's credits, because it is a most remarkable organisation—but the right hon. Member for Mid–Sussex perhaps ducked the issue at the end of his speech. Surely he cannot be in favour of the disastrous—or near-disastrous—cuts to the British Council, because a 16 per cent. cut in real terms will surely most seriously threaten its capacity to maintain an effective presence internationally and its programme in regions that are important to British interests.

The council operates in 109 countries, and, as we all know, it is currently the only Government organisation that sustains and promotes British culture. We know that the British Government will not rejoin the United Nations Educational, Scientific and Cultural Organisation, so we must rely for the promotion of the English language and British culture wholly on the British Council.

I am unclear why the Government wish to impose on the British Council this serious public expenditure cut of 16 per cent. in real terms. Surely we are correct in saying today, as the vice-chairman has already said, that there has been immense praise for the British Council, even from a former Foreign Secretary and from the current Foreign Secretary.

In his letter about the cuts to the council's chairman, the Foreign Secretary stated that the reductions did not mean that he did not appreciate

"the outstanding contribution"

that the council

"makes to the UK's overall diplomatic effort."

He also acknowledged that the council had

"done a great deal to improve efficiency by rationalising its UK network and reducing overheads",

and that the council was

"extremely leanly staffed."

The Foreign Secretary went on to ask again for the impossible. He said that he nevertheless hoped that it would be possible for the council

"to continue to maintain a global network and to avoid significant post closures."

Of course, those two objectives just do not match up.

I understand that the council has only one way in which to meet the new grant in aid regulations, which will be a significant reduction in its staffing levels, with higher proportions of cuts in the UK. The saddest aspect of those cuts is that the British Council is a people-led organisation. How can we imagine that the skills of those whom the British Council will be forced to shed are replaceable in the short term? We know that it takes a

[Miss Emma Nicholson]

lifetime to learn the language and culture of a country. It is a lifetime skill. I believe that British Council staff have been vastly underrated by the Government, and I am sad that those magnificent and skilled people will be lost in helping to implement British Government policies.

Hon. Members have, of course, already mentioned the possibility of private investment. The council does not have the means or access to the means to pay for investment, so private funding has been suggested. But if we examine the closure of the BBC's Arabic service, we immediately notice that private funding on the international diplomatic scene brings significant and heavy political and diplomatic costs. The Government's mishandling of the unfortunate al-Masari case has led to the direct closure of the BBC Arabic service, which was surely a private investment in a Government effort.

My questions on the BBC Rwanda service have still not been answered by the Foreign Secretary. We again notice immediately that that service might go because of the private investment that is keeping that service alive. Therefore, I suggest that to look for private funding to fund the British Government's policy internationally is a very shortsighted and ultimately foolish way in which to try to fill the gap, to replace the funds that the Government have mislaid somewhere. I am tempted to say, and believe, that the Government are asking the British Council to cut its cultural coat—which is Britain's cultural coat—to fit the Conservative party's shaggy cloth.

I also suggest that the pre-eminence of the English language internationally may have come about more because of the fact that English is the language of the computer industry and of the air traffic control industry. Mere communication by a language in the modern world does not mean that culture will come with it. English language culture—the civilisation of Shakespeare—is daily diminishing because of our absence from UNESCO. When we speak of the British Council, we speak no longer about its excellent underlying work in teaching the English language, but about the loss of the English, Scottish, northern Irish and Welsh cultures internationally.

The 1992 Conservative party manifesto, for the present Parliament, stated:

"the British Council acts as a cultural ambassador for Britain and for the English language . . . We will promote the English language by strengthening both the British Council and the BBC World Service."

I was deeply saddened when I realised that that was not a valid statement of the policy being implemented. The reverse of that statement has happened with the BBC World Service, and the reverse is now happening with the British Council.

I should like to talk about the great difficulties in restructuring the British Council, which has been restructured and moved to Manchester—hence the initiator of this excellent debate. That restructuring was surely designed to make a leaner, meaner British Council to act into the millennium and beyond. Of course it is necessary—if the council is to protect its front-line operations, as the Secretary of State demanded in his statement to the House of Commons on 29 November—that the reductions come from savings in the United Kingdom. By 31 March next year, 350 posts will go, and those job losses will cost £36,000 per person. The Government, in their dying throes, are forcing an expensive game upon the British Council.

As the hon. Member for Linlithgow has already asked, why do not the Government allow the council's revenue-earning activities to finance its continuing development and perhaps even its enlargement? There is no subsidy for the activities of the enterprises from the grant in aid. Those areas of work have to build their own reserves in order to provide for capital investment and cover commercial risk. If they do not do that, they will not grow and will ultimately fail. The added loss of impact for Britain overseas will be large because the British Council operates in markets or parts of markets that might not be commercially viable for other United Kingdom service providers, as the vice-chairman has already pointed out.

How is the British Council to find cash savings of the magnitude required from internal efficiency and reorganisation? It cannot. There is no way open for it other than by losing important, valuable, highly trained and skilful people.

The consequences for us all are real. It is open to any of us to go to see the British Council's work in Russia or in any part of the world and to be overwhelmed, as the hon. Member for Linlithgow said, by its efficiency and care. I believe that it is even more important than that. The British Council has built up expertise and experience over many years and these cuts are at odds with the objectives of Britain's global foreign policy today.

11.51 am

Mr. Mike Watson (Glasgow, Central): This is one of the rare occasions when hon. Members on both sides of the Chamber seem to be singing more or less from the same song sheet. I hope that, because of the pressure exerted from both sides, when the Minister responds he will have something positive to say about the future funding of the British Council. I should like to put to him a quotation from his colleague the Foreign Secretary, in answer to a question from the hon. Member for Broxtowe (Sir J. Lester). He said:

"We have protected the operating costs of . . . the British Council from the economies that are being made elsewhere in the public sector. I entirely endorse the objective that my hon. Friend has stated."

That was about improving Britain's influence in the world through trade flows.

"If we did not take the same view, we would have subjected the operating costs of the . . . British Council to cuts. We have not done so. That is an indication of our good faith."—[*Official Report*, 29 November 1995; Vol. 267, c. 1189.]

If that is good faith, I would not like to encounter him in a bad mood.

We have heard a litany about the projected cuts and the effect that they are likely to have if they are not reversed. I am concerned particularly about the prospect of a reduction in the British Council's influence in a number of countries in various parts of the world. The hon. Member for Broxtowe quoted from the transcript of last week's hearing of the Select Committee on Foreign Affairs. At that meeting, the director-general, Sir John Hanson, suggested that it was likely that there would have to be a pull-out from 27 major cities and 16 countries, seven of which would be Commonwealth countries.

I must ask the Minister whether the Government are prepared to tolerate that. If they are prepared to see withdrawals from certain countries and closures in certain major cities, will he name the cities and countries that he thinks are dispensable? If he does not, he will put an intolerable burden on the British Council, not just in terms of the work that it has done in the past, the contacts that it has made and the vacuum that would be left behind, but in trying to choose one against another. It is an impossible task and it is one that it should not be facing. It is incumbent on the Government to take some of that responsibility and on the Minister to tell us whether he feels that it is acceptable for such closures to be made.

Some hon. Members have mentioned the fact that the British Council is far better known overseas than in this country. That is true. Perhaps the debate and the coverage that it has received—there is a comment in *The Daily Telegraph* today—will help the council's image with the public.

I am concerned about the British Council's work in respect of international students in the United Kingdom. My constituency contains two universities, and I was at a meeting as recently as yesterday dealing with cuts in education. As we all know, those cuts are across the board and are aimed at fattening the calf—if that is not too topical a reference—for the tax cuts that it is hoped will help the Conservatives at least to hide some of their embarrassment at the general election. It will be futile, and it is a shame that organisations such as the British Council and universities have to bear the brunt of that political axe.

Both the universities in my constituency, Glasgow-Caledonian and Strathclyde, have international students. The British Council's role in influencing the number of students who come to this country should not be underestimated. The number doubled between 1984 and 1994, and with universities being so strapped for cash, they desperately need the full-cost funding brought by international students. If there is to be a reduction in numbers—there might well be as a result of a reduction in the British Council's influence and in its education counselling service—it could have a knock-on effect in the United Kingdom, quite separate from the British Council's situation. That must be borne in mind. I realise that that is not directly part of the Minister's remit, but I hope that he will comment on it.

There are 28 British Council offices in the United Kingdom, and a number of them could face closure. How will it help the British Council to improve its image with the British public if it has to withdraw from areas in which it already has a presence? It needs to be better known in this country and needs more outlets if it is to do its job that much better.

My hon. Friend the Member for Manchester, Central (Mr. Litherland), whom I congratulate on obtaining the debate and on the content of his speech, made it clear what the closures could mean for jobs. If the jobs go, there will be a knock-on effect on the way in which the British Council operates overseas. That is the base from which many of its activities are resourced, and if that base is cut, it will seriously affect its operations.

I am concerned at the extent to which the cuts imposed on the British Council have been disproportionate to the cuts announced in respect of the Foreign and Commonwealth Office. If there are to be cuts across the board, every Department must take its share. However, within that, it is unfair that an organisation as vulnerable as the British Council has been forced to take a disproportionate cut of 16 per cent., if one takes its Overseas Development Administration and diplomatic wing funding together. That is double the cut in the FCO as a whole. Can the Minister justify such a swingeing and unfair cut?

My hon. Friend the Member for Manchester, Central talked about the British Council's approach to dealing with the cuts since they were first announced some five months ago. It has been a softly-softly approach, quite different from that of the BBC World Service. It is up to the British Council to decide what tactics are best suited to it and, at the end of the day, their effectiveness should be the deciding factor.

Sadly, it seems that the softly-softly approach has not been effective. There is clear evidence of that in what I suspect the Minister will say today—although I remain optimistic—and in the views of the British Council's chairman. He seems finally to have lost faith in any approaches that he could make behind the scenes or in any ears in which he could whisper in the corridors that he treads.

It is strange that Sir Martin Jacomb has been placed in a position in which he has to be so trenchant in his criticism of the Government in general and the Foreign Secretary in particular. I have no doubt that he feels uncomfortable with that. He has talked about being strung along with assurances and of promises remaining unfulfilled to such an extent that he has now said that he is disappointed and filled with despondency. He is no icon of new Labour with a background of Eton, Oxford, Prudential and the Bank of England and all the other badges of honour that come from the corridors of power in this country. However, he has made that criticism.

It is shameful that the Government should treat people in that way, regardless of the organisation involved. There are means of arm twisting and negotiation to reach the end that one wants. Clearly, there is a feeling that the British Council has been let down. Everybody who knows the organisation, here and abroad, feels that if the cuts go ahead, the organisation will be severely undermined in an unfair and unwarranted way. I hope that the Minister will bear those comments in mind, as well as those from hon. Members on both sides of the House.

There is a great deal of good will towards the organisation. It wants to continue and even to expand the work that it is doing. It will be strangled in a number of areas in the world if the cuts go through. I urge the Minister in his response to tell us that there will be some alleviation of the cuts announced in November last year.

11.59 am

Ms Joyce Quin (Gateshead, East): I warmly congratulate my hon. Friend the Member for Manchester, Central (Mr. Litherland) on initiating the debate, and on the way in which he introduced it. I am not surprised by the strength of feeling that he showed in his speech—indeed, that strength of feeling has been widely shared by all hon. Members who have spoken. This has been a cross-party debate in terms of support for the work of the British Council and the deep concern about the effects that the cuts will have on it.

I know that this concern is widely shared by hon. Members who have not been able to speak in the debate. For example, my hon. Friend the Member for Stretford

[Ms Joyce Quin]

(Mr. Lloyd) also speaks on foreign affairs from the Front Bench. His constituency adjoins that of my hon. Friend the Member for Manchester, Central. As a Front-Bench spokesman, he knows—as I do—the effect that these cuts will have on areas of the world for which we have responsibility in our Front-Bench roles.

My hon. Friend the Member for Manchester, Central spoke eloquently about the fact that the British Council was relocated to Manchester only four years ago. However, it is now facing major upheaval: there will be a dramatic loss of jobs and the office will be vacated—it took possession of the office so proudly only four years ago. The office was named 1993 office of the year. Despite that, the British Council is being forced to find smaller premises.

We also know that 1992 was the year of the general election, and the year in which the Conservative party put in its election manifesto its commitment to a strengthened British Council and a strengthened BBC World Service—that has been referred to by several hon. Members. Until now, this has been a less well publicised broken promise of the Conservative Government. The Labour party intends to continue to draw attention to this issue.

My hon. Friend the Member for Manchester, Central recognised that the British Council has an impact far wider than Manchester and his constituency—that it is of worldwide significance, that it is an important part of Britain's role and image in the world, and that its work brings substantial economic, trading and other short-term and long-term benefits to this country that are difficult to calculate but are evident.

It has been said that the villain of the piece is the Treasury, in forcing these cuts on the Foreign and Commonwealth Office. While I do not dissent from that, it seems to me that the Foreign and Commonwealth Office has achieved particularly poor performance in defending those parts of its budget that are particularly useful, such as the British Council and the BBC World Service. The Minister will remember the strength of feeling in the debate on the BBC World Service earlier this Session.

The hon. Member for Torridge and West Devon (Miss Nicholson) referred to the position of the BBC World Service Television in Arabic. A few days ago, I asked the Minister a question in this regard. He replied:

"Decisions about any future developments are a matter for BBC Worldwide Television."—[*Official Report*, 29 April 1996; Vol. 276, c. 358.]

In other words, the Minister has washed his hands of the future of the BBC Arabic service, which is unacceptable, given the Government's responsibility for the budget of the BBC World Service and the concern about the future of the Arabic service and the BBC World Service in general.

As my hon. Friend the Member for Glasgow, Central (Mr. Watson) and other hon. Members have said, the British Council has tried to be reasonable in its approach to the Government in the face of the huge problems it is encountering. The enormity of what is happening is only just starting to strike home, because it has not received the publicity that has been given to other issues. As a result of this debate, the Government can be in no doubt that there is great concern about this issue. Now that publicity has been given to the problem, we will not be satisfied until some proper action has been taken.

It is important to stress that we are talking about cuts on top of cuts—that is what is making the situation so difficult for the council. It was hard enough to manage the cuts that were already in train, but the practical and economic consequences of cuts on cuts will make the problems catastrophic.

The British Council contests the figures that the Government gave in the narrative report accompanying the expenditure of the Foreign and Commonwealth Office. It has said that the report ignores the effect of cuts announced in the 1994 public expenditure round—cuts that take effect during the current survey period. The British Council has to face cuts of 16 per cent., rather than the 8 per cent. that the Foreign and Commonwealth Office is facing as a whole. I should like the Minister to comment on that.

This morning, hon. Members have given examples of the ways in which these cuts will affect the services of the British Council—they may even result in some closures. The British Council also gave examples in its evidence to the Foreign Affairs Select Committee. They seemed to me, and to other hon. Members, very alarming indeed.

For example, cutting services in central and eastern Europe seems to be a crazy and short-sighted decision when those countries are going through such a difficult transition period and need help, support and advice on a huge scale from western Europe and other parts of the world. It is particularly short-sighted if we are really interested in establishing long-term, good economic and political relationships with those countries. North Africa has also been mentioned. My hon. Friend the Member for Linlithgow (Mr. Dalyell) referred to Nepal and to some of the work that the British Council does in the poorest countries.

What is the Minister going to tell us this morning? Is he going to say where he is prepared to see those cuts? He should not evade his responsibility. As he has put the British Council in this situation, he has to be open with hon. Members and say where he expects those cuts and closures to take place, and what problems will be created as a result.

The debate has shown that hon. Members who have spoken are familiar with, and appreciative and supportive of, the work of the British Council. I have participated in some of the conferences organised by the British Council, in particular a recent conference in Oxford that brought together participants from the European Union and from central and eastern Europe. That event was most worth while. I know that the contacts that are made in such forums are likely to have long-lasting and positive effects.

Today, hon. Members have referred to the cuts that the British Council is being forced to make, and have said that they are short-sighted and, in many ways, self-defeating. The value of the council's work is tremendous. The spin-off of its work is terribly important in terms of the British economy and good relationships with other countries.

I have had interesting contacts with the British Council in Japan, and I know that the work done in that office is of dramatic value to the United Kingdom economy. An example was given where the arts section of its budget—which is about £500,000 a year—helped to promote activity that was estimated to be worth £50 million. The figures provided by the British Council and some of the

activities that it has promoted show a 10:1 return on investment—sometimes the investment is modest, but it has enormous economic spin-offs.

We are also very worried about the costs of closures. The BBC World Service has made that point effectively, especially in its evidence to the Foreign Affairs Select Committee. For example, the closure of the French service was estimated to cost £300 million, even though the overall cost saved was only £400 million, so one had to spend a tremendous amount simply to make such a closure. The British Council is especially worried about the cost of redundancies that will be caused by the loss of jobs resulting from the cuts.

I ask the Minister to give a specific commitment to give the British Council help with those redundancy costs. One of the problems that are especially acute at present, as the hon. Member for Broxtowe (Sir J. Lester) said, is that, if a decision to give some help with redundancies is not taken in the next few weeks, it will mean accelerated closures in some of the council's overseas operations—and the Minister must realise that no one who has spoken in the debate wants that.

The British Council is being put in an impossible position because it is required to live within the new rules, the new cuts, without adequate means of getting there. That is a real problem, which demands urgent negotiations with the Government and with the Minister. Perhaps the Minister will give us a commitment to hold urgent negotiations and discussions with the British Council.

I should like the Minister to give us an assurance that the cuts that we know affect the Overseas Development Administration, and which in turn affect the British Council, can be mitigated, so that the work of the ODA and of the British Council does not suffer disproportionately as a result of the contractual relationship between them to provide specific services.

Interestingly, in the public session that the Foreign Affairs Select Committee held earlier this week, the Chairman said that he was very concerned at the apparent mismatch between the central role that the British Council plays in our national endeavours, and the inadequate priority that it seems to get in the public expenditure queue. That point was reiterated earlier.

The debate and the speeches of hon. Members on both sides of the House amount to a serious indictment of the Government's approach to the British Council. The concern that has been expressed today, like the earlier concern about the BBC World Service, goes beyond the Opposition; it is widespread in and outside the House. We call on the Government to respond to that concern today by announcing that they will reconsider those savage cuts, which are highly damaging, not only to the work and future of the British Council and to Manchester and the constituents of my hon. Friend the Member for Manchester, Central, but to British interests in today's world.

12.12 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Jeremy Hanley): As the Minister responsible for the British Council, it is my privilege to reply, on behalf of the Government, on the subject chosen by the hon. Member for Manchester, Central (Mr. Litherland)—the British Council. I am very grateful to the hon. Gentleman for initiating the debate, and for giving me the opportunity to make clear the Government's appreciation of, and strong and continuing support for, the British Council.

As my noble Friend Lord Chesham said in the other place on 1 February 1996, the council is an integral and essential part of the United Kingdom's diplomatic and aid effort, and has been working in support of British interests overseas for more than 60 years.

Hon. Members on both sides of the House have spoken in glowing terms of the council's activities in a broad range of areas. I do not want to pick any particular speech. I shall mention the sacrifice of the hon. Member for Glasgow, Central (Mr. Watson); I believe that he is speaking on his birthday, and it cannot but be a great tribute to the British Council that he should give his time for that cause.

The scope of the council's work is indeed impressive: from promotion of the English language to the recruitment of overseas students, from high-tech information services to the promotion of development and good government, from scientific collaboration to the contemporary arts. All those activities have something in common: by highlighting British excellence and creativity, they enhance our prestige, support our exports and make long-term friends for the United Kingdom. In doing so, they complement and contribute to the work of the Foreign and Commonwealth Office in diplomacy, overseas aid and export promotion.

During the past 10 months, I have been most impressed by the council's operations, and have tried to visit them in every country I have been to. In Vietnam, the council is teaching English to officials who need English so that the country can play a full role in the Association of South-East Asian Nations. The Vietnamese Government were warm in their appreciation when we discussed the subject.

In Japan—to which the hon. Member for Gateshead, East (Ms Quin) referred—the council's activities support and underpin our important political and economic relationship and help to satisfy the hunger of a discriminating Japanese public for the best that is available in the arts and sciences. They succeed so well that the council's input often triggers a much larger contribution from the Japanese themselves, to which the hon. Lady also referred.

In India, I was especially struck by the council's network of libraries, which are an important source of information and expertise to their very large membership—people who are working hard to transform that country, already the world's largest democracy, into a developed and prosperous state. The libraries are also used by students seeking information about study in the United Kingdom. In some cities where we have no official commercial presence, the council's Department of Trade and Industry-funded overseas business centres provide facilities and contacts for visiting British business men and women.

The hon. Member for Linlithgow (Mr. Dalyell) asked where the council stood in the list of priorities for Government resources. We have recognised the council's valuable role in public diplomacy and development by substantially increasing its grant in aid, which we have increased by more than one third in real terms since we took office—between 1979-80 and 1995-96. That, together with internal efficiency savings and an expansion

[Mr. Jeremy Hanley]

of non-grant activity, has enabled the council to expand its operations massively. It now has more than twice as many officers as, and operates in a third more countries than, in 1980.

The hon. Member for Torridge and West Devon (Miss Nicholson) said that we now operate in 109 countries, and she is right, but she did not say what the growth had been, because the council now has 229 offices in 109 countries, as against 108 offices in 79 countries in 1980. That extremely good record of expansion has been achieved under Conservative Governments.

We have been especially pleased that the council was able to seize opportunities opening up in central and eastern Europe after 1989, capitalising on the good will created and the friends made as a result of its persevering work during the dark days of communism. In the subsequent years, the council has helped those countries build up their English language teaching capacity and restore a flourishing network of contacts with fellow professionals in the west. The council's resource centres have also given the United Kingdom a high profile in many cities throughout the region.

Mr. Dalyell: Will the Minister give way?

Mr. Hanley: I am sorry: I really must place on record what I want to say, and I am sure that the hon. Gentleman, with his customary courtesy, will allow me. If I have time towards the end, I may allow him to intervene.

I say all this to emphasise that the Government recognise and very much appreciate the council's work throughout the world. Against that background, I turn to the subject that most interests hon. Members today—the reductions in the council's grant in aid during the next three years.

Hon. Members will know that the council receives two separate grants in aid, one from the diplomatic wing of the FCO and the other from the ODA. The diplomatic wing at present provides about three quarters of the total.

As hon. Members will also recognise, pressure for further efficiency means that the last public expenditure round was extremely rigorous, and all Government Departments have been involved in a drive to cut costs and sharpen priorities. In the public expenditure survey settlement, the FCO diplomatic wing took a cut of about 7 per cent. in its baseline in each of the three years covered by the survey. As a result, the diplomatic wing budget is scheduled to fall by about 12 per cent. in real terms over the period.

As it is Government policy to strengthen, rather than reduce, the promotion of British interests overseas, that represents no mean efficiency challenge. In those circumstances, inevitably the council could not be exempt from the need to make further savings.

In deciding the grant in aid for the council, the diplomatic wing took account of the fact that the council's baseline was already declining following the 1994 PES, and sought to lessen the impact of the 1995 settlement. Accordingly, we passed on to the council only part of last autumn's cut, imposing an extra burden on the diplomatic wing. In that way, we ensured that the percentage reduction in the diplomatic wing's grant in aid to the council over the three-year PES period was broadly in line with the reduction in the diplomatic service's budget as a whole.

That was a tribute to the value that we attach to the council's work, given the pressure for extra effort and resources for other FCO activities, including the promotion of exports and inward investment, consular work and immigration control overseas, diplomacy and negotiation—all of which are crucial to the prosperity and well-being of the people of this country.

As for the ODA grant in aid, hon. Members will be aware of the pressure on the aid budget, especially given the inexorable rise in our binding commitments to the multilateral agencies and European Union programmes. Within the reduced bilateral aid budget, Ministers' first priority remains the country programmes, which provide direct assistance to those developing countries working to put in place sound development policies and good government. That placed additional pressure on other parts of the aid budget. The real terms reduction in the British Council grant in aid was comparable with that for non-country bilateral programmes as a whole.

However, the council contributes to development, not only through its grant-in-aid work, but through contract work under the bilateral aid programme, for which it competes with other British suppliers. The council has a good record in winning such business. Overseas Development Administration contracts will account for nearly £100 million of the council's turnover this year. We expect that project work to continue, and hope that the council will also be able to promote development increasingly through the management of multilateral aid programmes.

The Government welcome the fact that, in the present circumstances, the council has chosen to take a radical look at all its operations in order to focus on what is essential and what might be done differently. It has concluded that its most valuable asset is its network of overseas offices, which has enabled it to build up extensive contacts with overseas Governments and organisations. It has decided—rightly, in the Government's view—that the first priority must be to preserve that overseas network as far as possible.

The corollary to that is that there will have to be radical changes in the United Kingdom. How the council chooses to restructure its operations in those circumstances is largely a matter for its management. We understand that its management propose to make greater use of specialist advisers from outside the council rather than in-house expertise, and to concentrate on front-line functions by making reductions in support staff—both proposals are very much in line with trends in other organisations in both the public and private sectors.

The hon. Member for Manchester, Central and other right hon. and hon. Members have drawn attention to the staffing reductions that that process will entail—on top of reductions that have taken place over the past few years. The council has already embarked on a new voluntary early retirement programme. Some compulsory redundancies will almost certainly be required, too, although the actual number is not yet known. That is always a painful process, especially with staff who have given loyal and committed service to a cause in which they strongly believe.

We naturally regret the distress that the process will inevitably cause to those involved. We understand that staffing reductions are likely to occur in both London and Manchester, but that the council is most unlikely to withdraw from Manchester completely. I have visited the office, and share the admiration that has been expressed for it in the House today.

The Government recognise that, even after restructuring in the United Kingdom, the council will need to make some adjustments to operations overseas. The council is currently discussing its plans with the Foreign Office, to try to ensure that the impact on our interests overseas is kept to a minimum. The Government do not want to see the closure of British Council posts.

Studies are therefore being undertaken with the aim of avoiding closures. The results of those studies should be available later this month, and I cannot today anticipate the outcome, but I believe that the results will emerge before the end of the month. We do, however, recognise the council's urgent need for clarification of the funding prospects.

Studies are also being undertaken by the efficiency unit, which is looking at the council's proposals for dealing with the projected decline in the grant in aid following the 1995 PES settlement, including redundancy plans, and its approach to improving the efficiency and effectiveness of its operations at home and overseas. The council is co-operating fully with the efficiency unit in its work. We expect that report by the end of this week.

The council is, of course, much less dependent on the grants in aid than it used to be, with nearly half its income now drawn from revenue-earning activities. The council's English teaching operations in particular have expanded rapidly, spreading the highest professional standards and attracting an influential clientele in a wide range of countries.

I have visited many posts throughout the world and seen English teaching in action—it is popular, and there should be more of it. We are delighted that the council, together with other organisations involved in English teaching, is taking advantage of the huge demand for English overseas to promote the language at no cost to the taxpayer. I agree with those right hon. and hon. Members who have today said that they want English English, not some other version of English, to be taught around the world.

The council's direct teaching operation is entirely self-financing—there is no question of subsidy from the grants in aid. People sometimes level criticism at the British Council because they believe that it subsidises the teaching of English, and is unfair to those who teach English in the private sector. I can assure the House that I have looked into the matter, and that the council's teaching of English is on a very fair cost basis—there is no subsidy from grants in aid for it.

The council has also been very successful in drawing in sponsorship and partnership funding, both to make the grants go further and to cement relationships with partner institutions both here and overseas. The Education Counselling Service, which runs a student recruitment service in key markets overseas and is co-financed by the council and British academic institutions, is an excellent example of partnership in action. The arts events supported by the council are now largely paid for by sponsors, with the council's contribution limited to professional expertise and modest seedcorn funding.

Mr. Dalyell: What has been said today by the Minister's colleagues should be brought to the attention of those undertaking the studies and of the Treasury. Parliament's views should be taken into account.

Mr. Hanley: I can give the hon. Gentleman that assurance—indeed, I was about to mention that subject.

My hon. Friend the Member for Broxtowe (Sir J. Lester) mentioned the Select Committee on Foreign Affairs, where the Chairman recently remarked on an apparent mismatch between the council's central role and its position in public expenditure terms. The Select Committee will be looking at FCO expenditure in greater detail later this month, and will then consider the council's position in relation to the diplomatic wing and the ODA as a whole.

Obviously, there is no point in my commenting on the transcript of the Select Committee's minutes, except to say that my right hon. and learned Friend the Secretary of State and I have read it, and we shall take it into account in the next few days. There is no point in my commenting in detail on the Chairman's remark before the Committee has completed its deliberations.

Right hon. and hon. Members have spoken most eloquently this morning about their support for the activities of the council, both at home and overseas, and their concern over the reduced funding of those activities. The debate will be read, and decisions will be complete by the end of May—I repeat that assurance for the benefit of the hon. Member for Linlithgow (Mr. Dalyell).

Let me conclude by reiterating the Government's strong support for the British Council and its role in winning hearts and minds for Britain around the world. The council, like many institutions, is having to face up to a period of change. It will in future have a smaller UK base, and rely more on outside advice. There will have to be some reordering of priorities overseas.

Some of those adjustments may be painful, and we recognise that hard choices have to be made. But all organisations today face the problems of challenge and change, and the council has a long record of successful adaptation to new circumstances. I have no doubt that the council, with its extensive overseas network, will continue to play an important role in furthering Britain's prestige, influence and interests for many years to come. That is certainly the Government's intention.

I conclude by repeating that the council now has 229 offices in 109 countries. When the Government took office, there were 108 offices in 79 countries. That is a record of achievement.

School Transport (Devon)

12.29 pm

Mr. Patrick Nicholls (Teignbridge): Perhaps the most popular reform introduced by the Government since 1979 is that which enables parents to send their children to a school of their choice. That policy appeals to parents of all political persuasions and of none. I initiate this debate because, if the policy is to work in rural areas, the local education authority must operate a fair, humane and justifiable transportation policy. At present, the policy in Devon operates along the same lines as the Ritz hotel: we are all free to dine at the Ritz, provided that we can afford to do so. Increasingly, in Devon one must be able to afford to send one's children to the school of one's choice.

The LEA has adopted a school transport policy that makes a mockery of parents' right to choose—and I would argue that that is its intention. I shall set out the facts for the House. The law is clear enough: section 55(1) of the Education Act 1944 states that free school transport must be provided when a designated school is more than two miles away for a child under eight or more than three miles away for children over that age. That is the law as it stands at present. The problem is that, when parents in Devon choose to exercise their right to send their children to the school of their choice, the local education authority tells them that they must meet the transport costs, as the county will not.

When pressed about the matter, the LEA sets out two arguments. First, it says that it does not have enough money. Secondly, it says, "If you think we are bad, the previous Conservative administration was bad also." As to the latter point, the previous Conservative administration followed a similar policy which I criticised at the time, as I do now. However, there are significant differences in the behaviour of the previous Conservative and the present Liberal administration.

As there are many excellent schools in Devon in general, and in Teignbridge in particular, more parents want to exercise their choice not to claim that one school is better than another, but to say that a particular school is right for their child. Even though I criticised the behaviour of the previous Conservative administration, I admit that it did not go to the same extraordinary lengths as the current administration in defying parental choice. I shall return to that point later.

I must lay to rest the claim that the LEA policy is all about money. Perhaps my hon. Friend the Under-Secretary of State for Education and Employment will address the grant settlements issue in general when responding to the debate, but at present the settlements are very generous compared with previous awards. The case is much more fundamental. This morning, I debated the issue on a local radio station. The Liberal spokesman who argued the case with me said that I was asking for all transport costs to be subsidised, no matter what choice parents made. He made the ludicrous statement that I had argued that, if a child living in Exmouth wanted to go to school in Plymouth, the county should meet the transport costs involved. It is complete nonsense; I have never said that.

My view is reflected by the parents who have contacted me. They do not want the local authority to provide extra money: they want the county to make the contribution that it would make in any event. In rural areas, designated schools are often more than three miles away and there is a cost involved in transporting children to those designated schools. The scores of parents who have written to me, telephoned me, come to my surgeries or met me at public meetings in Teignbridge do not ask their fellow council tax payers to meet the extra cost that the county might incur. However, at the very least, they expect that the county will not profit from their desire to choose their children's education.

That is what is happening. When the county refuses to contribute what it would have paid if parents had sent their children to designated schools, it does not have to produce extra money—in fact, it makes a saving. It is important to stress that point. The parents to whom I have spoken and the teachers and the governors who have written to me do not want the county to meet the extra costs of transportation: they simply want the county to pay the money that it would contribute in any event.

The best way to illustrate the injustice and the inevitable motives behind the LEA policy is by giving some examples to the House. A local school has provided me with several such examples, but I shall refer to only three. The first concerns an older child who was to attend the King Edward VI school at Totnes, which is known as KEVICs. That is a designated school. However, the school was full that year, so the county sent that child to the South Dartmoor community college and paid the transport costs.

Two years later, a younger sister entered secondary education. She was to go to KEVICs, but her parents wished to send her to the same school as her sister. The parents were told that the county would not provide free transport and that they could apply for a concessionary place on the bus, amounting to £40 per term. However, that concessionary place can be withdrawn at short notice if an entitled child joins the school. If the parents cannot afford £120 per year, the only solution would be for the two children to attend different schools.

Another common example involves a group of parents from a village outside a school's designated catchment area who approach the LEA requesting that an established route be extended to the village. The parents agree to pay the balance of the cost of that extended route, but the county will not agree to their proposals. I heard of a similar case when I met parents from Chudleigh. Those parents had made it clear to the county that they would underwrite and reimburse the county for any extra expenses that might be incurred in sending their children to the school of their choice. However, their proposal was rejected.

The third example concerns children with examination commitments and GCSE courses of study. They may be provided with transport—usually an expensive taxi—if they move from within the catchment area to a new home outside that area. However, younger children with no GCSE commitments cannot be considered for transportation to their original school and are expected to change to a new school, even if a taxi with seats available is provided for the older child. The teacher who provided me with those examples concludes:

> "The Government's laudable policy of free parental choice of schools cannot operate at present as parents who exercise their right then find themselves faced with a transport bill which can run to several hundred pounds per year, or serious personal inconvenience".

I am not aware of that teacher's political affiliations, but I know how he feels about the issue of parental choice.

I shall give the House two other examples. The first relates to my constituents who live in Lustleigh, which is a village on the edge of Dartmoor. There are two villages near Lustleigh—Moretonhampstead and Bovey Tracey. Lustleigh no longer has a school, but there are schools at the other two villages which are virtually equidistant from Lustleigh. I believe that in the past they were co-designated schools, but that is no longer the case.

Mr. and Mrs. Foskett of Lustleigh have written to me about their experience, and it is worth quoting from their letter at some length. They say:

"School transport for pupils attending both Bovey Tracey and Moretonhampstead Primary Schools has been a long-running issue for parents in Lustleigh and one which has now progressed to the ridiculous, as evidenced by the disgraceful treatment my youngest son, Richard, has recently received.

When my 8 year old son Michael came of school age he was unable to attend Bovey Tracey school"—

the designated school—

"because of pressure of numbers. Consequently, we had no choice but to send him to Moretonhampstead Primary School. After much debate between ourselves and Devon County Council it was agreed that Michael should receive free school transport.

When our youngest son Richard started school last January we naturally wanted him to attend the same school as his brother for several reasons which should be apparent. This decision, after appeal in September 1995, was viewed by the LEA as an exercise in parental choice, and therefore, our appeal for free school transport was rejected. Richard continued to travel on the bus whilst we awaited notification as to how much, when and where to pay the fee. To this date"—

the letter was dated January 1996—

"no such notification has been received by ourselves.

However, when school resumed following the Christmas break Richard's name did not appear on the passenger list. The bus driver continued to carry him on an unofficial basis, for which he has received a reprimand, whilst we attempted to resolve the situation. We were in the process of doing this and had been in touch with the LEA when Richard was refused access to the bus in order to come home from school. As we are not on the telephone it fell to his 65 year old grandmother to walk from her home in Moretonhampstead to collect him, whilst Michael travelled as normal. The insensitivity of this act towards a bemused 5-year-old child has left us shocked and dismayed, and has resulted in the ridiculous situation of one child travelling to and from school on the bus whilst we follow with the other in the car."

Their concluding words are far more graphic than anything I could devise:

"There are obviously wider issues here also. Government policy of expanding parental choice in education would appear, in rural Devon at least, to contain the proviso of having the financial wherewithal to reach the school of your choice. The result for many in Devon is, therefore, no choice.

I am aware that finances are tight—but this is an issue that can be resolved, in our case at least, at no extra cost to the council taxpayer."

That is a good example of what I said earlier.

Perhaps the most grotesque example, which, if it were not so serious would be laughable, concerns Mr. and Mrs. Walters who live in Denbury. Their nearest school is the South Dartmoor community college, which is some 4.3 miles away from their home, but that is not the school designated by the county council. The county has chosen Coombeshead college, which is an excellent school, as is Knowles Hill school, to which I shall refer in a moment.

Mr. and Mrs. Walters wanted their son Mark to go to Knowles Hill school. They contacted the headmaster and said that there appeared to be a problem in respect of the distance from their home to the school. So the headmaster had it measured. I quote from his letter to Mr. and Mrs. Walters:

"I have had the distance between your area and the two schools independently measured and I can confirm that Knowles Hill school is nearer than Coombeshead when measured along the route that all the children will travel."

One might have assumed that the country would be prepared to accept what the headmaster had said in that regard, but not a bit of it. Then, at God knows what cost in terms of officer time and the like, the county managed to devise a route whereby the designated school was nearer. It finally came up with a route which meant that Coombeshead was nearer than Knowles Hill by some 352 yd.

Coombeshead and Knowles Hill schools are not only in the same town and within sight of each other. Not only do they share part of a campus, but they share the same bus stop. In other words, whether Mark Walters travels to the school he wants to attend or the school that the county wants him to attend, he will have to get off the bus at the same stop. If one example shows beyond all doubt the motives behind the council's policy, that is it. The schools share the same bus stop, yet the county will not concede that parents have a right to choose.

I could cite numerous examples if time permitted. Some Catholic parents living in Dawlish wrote to me as follows:

"We thought that when our children left Our Lady and Saint Patrick's RC Primary School in Teignmouth to which free travel is provided they would be able to attend Cuthbert Mayne Secondary School Torquay with the majority of their classmates. At the end of the 1994 Easter term the 'temporary' bus service which had been in operation for many years was withdrawn by the county council from Dawlish. Parents wishing to send their children to Cuthbert Mayne then had to make alternative arrangements."

They continued, as so many parents have done, by asking what is happening to parental choice in Devon.

When one examines those cases and asks what fiscal policy is being served, the answer is none. Those parents are seeking the same contribution that the county would have had to make in any event. What possible straightforward, decent, laudable educational policy is being served by treating parents in such a way? It is ludicrous that a school bus is allowed to carry one sibling but not the other. The same bus route and the same bus stop can apply to two schools but the county will not allow parents any choice. Despite the fact that the LEA says that it is short of money, it considers it a good use of officers' time to devise a particular route to ensure that the route to its designated school is 352 yd shorter.

What can be done? I look forward to a change in the law so that local education authorities are not allowed to behave in that way. That is obviously something for the future. Today, I am concerned about the parents in my constituency. When the route between a designated school and a child's home is considered, it should be on the basis that it is a suitable, safe route that a child might reasonably take. I have cited a few examples, but I can give countless others where, to put it as neutrally as I can, there is a grave suspicion that the way in which Devon county council operates that policy has nothing to do with prudent financing and everything to do with thwarting an educational policy with which it is politically out of sympathy.

[Mr. Patrick Nicholls]

I hope that, in my hon. Friend's reply to the debate, she will at least say that she is prepared to examine those individual cases and the way in which Devon is operating the policy and attempt to bring some relief to parents in my constituency who, at present, have no hope.

12.46 pm

The Parliamentary Under-Secretary of State for Education and Employment (Mrs. Cheryl Gillan): I start by congratulating my hon. Friend the Member for Teignbridge (Mr. Nicholls) on securing the debate on a matter of great concern to parents and teachers in his constituency.

My hon. Friend is well known as a champion of parental choice in education. Therefore, it comes as no surprise to me that he has raised that issue in the context of school transport, particularly in the rural areas of his constituency. The Department is already well aware of my hon. Friend's deep concern about the issue following his correspondence with my right hon. Friend the Secretary of State last summer.

Home-to-school transport is a complex and at times contentious subject, so it is important to be clear about the legislation governing its provision. Let me begin by outlining the legislative duties and powers in relation to school transport that are set out in section 55 of the Education Act 1944. Briefly, it states that LEAs must provide free transport if they consider it is necessary to enable a pupil to attend school and that they may help other pupils with their fares.

LEAs have considerable scope to decide when transport is necessary. However, "necessary" is not defined in law; LEAs must consider each case on its merits. Relevant factors include specifically a pupil's age, the nature of possible routes to school and a parent's wish for a child to attend a school of religion or denomination to which the parent adheres.

Free transport is always necessary for pupils of compulsory school age—those aged between five and 16—who attend the nearest suitable school if it is beyond statutory walking distance. Free transport might exceptionally be necessary for a five to 16-year-old who lives within walking distance of the nearest suitable school or attends another school further away. It is for an LEA to consider such a case on its merits.

Court rulings, however, have made it clear that LEAs do not need to provide free transport for pupils whose parents have chosen to send them to a school which is not the nearest suitable one, even if it is beyond statutory walking distance. The additional cost of providing free transport in such circumstances has to be weighed against other priorities. LEAs have ample powers to support choice by helping pupils who do not qualify for free transport, but it is for each LEA to decide whether and how to exercise those powers.

In our view, LEAs' transport responsibilities have one main aim: to ensure that transport difficulties do not deny any pupil an education suitable to his or her ability, aptitude and any special educational needs. But the law rightly gives LEAs wide scope to adopt a transport policy that meets local and individual needs. However, two points are worth emphasising. First, an LEA's policy should always allow for individual cases to be considered and for appeals to be heard. Secondly, LEAs should ensure that their policy is widely known, so that parents can take account of it when making their choice of school.

In January 1994, my Department sent a letter to chief education officers setting out guidance which we have given in recent years to LEAs on a range of school transport issues. We made it clear that LEAs have the power to help with costs in cases where pupils are not entitled to free transport. We advised that those powers are intended, among other things, to help parents to secure their choice of school, especially in rural areas such as my hon. Friend's constituency, where we recognised that transport can pose particular problems.

It continues to be open to authorities to offer assistance to pupils whose parents have chosen to send them to a school that is not the nearest suitable one. In doing so, however, authorities will wish to continue to take account of two factors: first, whether a pupil's journey to school might be unduly long or tiring, or might otherwise conflict with a pupil's ability to profit educationally; secondly, the financial implications.

Against that background, I understand that it is Devon LEA's policy to provide free transport to a pupil's designated or nearest suitable school if it is beyond statutory walking distance. The policy allows for free transport to be provided in other exceptional circumstances, and allows for each case to be considered on its merits. As my hon. Friend has clearly shown, however, the LEA does not normally provide any assistance when parents choose to send their child to a school which is further away than their nearest or designated one—or, it would appear, to one just alongside.

As we have made clear in correspondence, that policy seems one which the courts would regard as lawful and reasonable, at least in the strict legal sense. My hon. Friend has helpfully outlined how the LEA is operating its policy in some specific cases, and he has certainly challenged its decisions on the basis of common sense. Moreover, on the basis of the evidence that he has presented, I have great sympathy with his views. There seems to be here an element of what might qualify for Esther Rantzen's "jobsworth" award. I would certainly like to look at it more closely. I will therefore follow up the matters that my hon. Friend has raised today, and I hope to be able to write to him in due course.

LEAs in England already spend about £300 million a year on home-to-school transport. Some 80 per cent. of that—around £240 million—is spent by the shires. Devon LEA spends about £12 million a year. My hon. Friend has said that Government funding is sometimes cited as a convenient beating board, so perhaps I should put on the record, once and for all, the financing of Devon's LEA.

Devon's education standard spending assessment for 1996-97 is about £345.9 million, an increase of 5.3 per cent. on 1995-96. It compares very favourably with the national increase of 4.5 per cent. Indeed, since 1990 Devon LEA has received a 38 per cent. increase in education funding. I hope that my hon. Friend will take note of the figures and use them in his constituency.

It is often argued, on parental choice, safety and environmental grounds, that school transport provision should be increased still further. Realistically speaking, demand for free or subsidised transport to schools will

always exceed what LEAs think that they can afford, and spending more on transport would obviously mean spending less elsewhere on education.

There is, however, one way in which that gap might be bridged. Schools could supplement statutory transport provision by arranging transport to meet the needs of other pupils on a full cost-recovery basis. Such transport would help to enhance parental choice and could offer safety and environmental benefits.

Local authorities seem well placed to help schools with such arrangements. They have expertise in drawing up transport contracts and dealing with operators. They are familiar with transport law and with the strict rules governing transport provided for hire or reward. They also have greater buying power than individual schools. I think that there is great scope for LEAs and schools to co-operate in finding imaginative ways of helping—at minimal public expense—pupils who fall outside the free transport provisions established by the 1944 Act.

I get worried when I hear stories of LEAs allegedly attempting to thwart parental choice—one of the most successful elements of Conservative education policy. I fully appreciate, too, the difficulties that my hon. Friend has described. There is no doubt that decisions on the provision of school transport in rural areas like Devon can often be controversial and contentious, as my hon. Friend has ably demonstrated today.

I hope that I have explained that the law is perfectly clear on school transport and parental choice. This is an area of LEA discretion; but LEAs do have powers to assist pupils who do not qualify for free transport, including those whose parents have chosen to send them to a school that is not the nearest suitable one—even if it is beyond statutory walking distance. However, it is for each LEA to decide whether and how to exercise those powers.

The cases that my hon. Friend has cited will give anyone listening to the debate cause for thought. Hence, I repeat my undertaking to look into them in more detail and to write to my hon. Friend once we have probed more deeply into the facts. As for the other examples to which he referred but which, because of a lack of time, he was not able to describe in detail—I enhance my offer: if he will let my Department have the full details of those cases, I shall look into them as well. I hope that my response has been helpful.

Rural Development (Isle of Eigg)

12.57 pm

Sir Russell Johnston (Inverness, Nairn and Lochaber): The Isle of Eigg was bought from Mr. Keith Schellenberg in April 1995 by a still mysterious German—allegedly a "fire energy" painter, called Marlin Eckhard Maruma, of Stuttgart. He is understood to have paid about DM4 million, which is about £1.6 million. Mystery also surrounds where he got the money from.

This man's purchase of the island, and subsequent descent to it in a helicopter was surrounded with ballyhoo and promise. A fast ferry was to be introduced; holiday cottages were to be built; a sports hall and swimming pool would be constructed. There would be a medical centre; there would be horse breeding, and a fish farm would be developed around the lodge. Security of tenure was promised to tenants. The village hall site was to be sold to the community.

Now, 13 months on, only one thing has happened. The estate livestock—about 1,000 sheep and 70 cattle—have been sold, at an inappropriate time, to pay the stockman, who now has no stock.

I shall quote passages from letters in a continuing correspondence between the Government and myself about Eigg. I begin with a letter from myself to the Secretary of State on 29 August 1995. It reads:

"I am increasingly concerned about the future of the Isle of Eigg. I realise that the purchase of land is not regulated by the state, but, in this case, there is a small and precarious community whose life is very much bound up with the behaviour of the landlord. I wonder what consideration has been given to the situation by the Scottish Office and if it has included consideration of purchasing it for the nation."

A reply came from the Earl of Lindsay, not from the Secretary of State. The letter is interesting because it encapsulates the Government's attitude to this issue. The Minister's letter of 21 September 1995 reads:

"I am in no doubt that the system of private ownership of land which prevails in Scotland is the most effective way of achieving a good quality of life for all who live in Scotland. It would not only be undesirable but also impracticable for the Government to seek to purchase large areas of Scotland or to impose detailed management prescriptions on privately owned land."

I shall quote next from a letter sent by Lord James, our dear, beloved Minister of State, who I think is responsible for the highlands. But perhaps that is a task that the Under-Secretary of State has inherited. I see that the Minister nods. It is probably the only time that he will nod during the debate. On 3 April the Minister of State wrote:

"As you know"—

these letters always include "as you know", but I seldom do. When I am told, I often find the information difficult to believe. After "As you know", the letter reads:

"the Government are firmly committed"—

they are always "firmly committed", not merely committed—

"to the removal of unnecessary and anti-competitive restrictions. The introduction of any regulatory mechanism governing who should be allowed to own property would be inconsistent with this policy."

[Sir Russell Johnston]

Let us consider more closely the Government's responses. We have the letter from the Earl of Lindsay about it being

"undesirable but also impracticable . . . to purchase large areas of Scotland".

I did not suggest that the Government should consider purchasing large areas of Scotland. No one has made that suggestion. I am asking the Government whether they are prepared to take some action in the few, but concerning, instances when a landlord behaves irresponsibly and insensitively and thereby puts a community at risk. That is what was asked. The Government chose not to reply to that question.

Incidentally, the Earl of Lindsay's letter of 21 September ended as follows:

"I know it must be unsettling for the people of the island and I shall continue to watch developments."

Doubtless the Minister has. He has certainly done nothing else. He, the Scottish Office and the Government have watched a community be put at risk, yet they have taken no action. At the same time they have excluded any of the solutions on offer.

Again, I shall quote the Earl of Lindsay, the Under-Secretary of State. The quotations may be boring for some, and I apologise to them, but at the same time they are interesting to me and others. On 25 March, the Earl wrote to me on behalf of the Secretary of State. The letter reads:

"You suggested that the Government might purchase Eigg, or allow the local community to do so, should the island be put on the market. We do not consider that it would be appropriate for the Government to purchase the island, but we would not stand in the way of the islanders acquiring the land if they so wished."

Big deal. How magnanimous.

Oddly enough, I did not ask the Government whether they would "stand in the way". I told the Secretary of State that there were proposals for a community buy-out, which might be a good solution. I explained that raising the money would be difficult. I observed that if the Scottish Office could in some way act as a guarantor, that might make such a buy-out feasible. I asked the right hon. Gentleman to give that some thought. The Government's evasion is a bad way of treating the islanders, bearing in mind the patient and polite persistence of someone such as Karen Helliwell, the secretary of the Eigg residents association, on whose behalf I advanced the argument.

I return to the Earl of Lindsay's letter. I apologise to my hon. Friends for so doing. His final sentence is one that my hon. Friend the Member for Ross, Cromarty and Skye (Mr. Kennedy) would describe as "a cracker". The Earl wrote:

"As you know"—

here we go again—

"we are committed"—

he did not write "firmly committed", only "committed". Weakness is creeping in. The letter continues to tell me that the Scottish Office is "committed"

"to the sensitive and sustainable development of rural areas."

All that I can say in reply to that is, "Rubbish." The Government are committed to the removal of any restrictions on the landlord's actions and opposed to any regulations, or central action, that might protect tenants or crofters, or any individuals living on an estate, in this instance Eigg. How can a Government who are pressing for unfettered deregulation be committed to the

"sensitive and sustainable development of rural areas"?

As a Liberal, I applaud private initiative. I believe that it should be encouraged. By the same token, I see the state as having a duty to protect the weak and defend the exploited. Such action may require regulation or intervention. The Government have done nothing but watch.

What could they do? First, they could buy, as Rhum was bought. One of the national community instruments could be used to manage the island, as Scottish Natural Heritage manages Rhum and as the National Trust manages Canna, gifted through the generosity of that remarkable man John Lorne Campbell, who died, full of years, last week.

Secondly, the Government could underwrite a local community buy-out. As I have said, the Government have not responded to that possibility. Thirdly, the Government could urgently send a representative to Eigg so as to obtain a clear picture of what is certainly a fast-deteriorating situation, and then act directly on behalf of the community to negotiate with Mr. Maruma, who no one seems able to find. I am certain that the Germans would help the Government to find him. We know that he exists; he is in Stuttgart. Only the Government have the power, authority and resources to act in such a way. Neither councillors nor hon. Members can match the Government's powers in this respect.

Fourthly, and lastly—I give the Minister a little warning—in the short term, the Government should act to protect development funds that may lapse or have lapsed because of Mr. Maruma's neglect. I refer especially to the money budgeted for the hall and the prospect of funds for the millennium forest project, which should be reinstated. I am sure that the Minister knows that the project could not be proceeded with, given Maruma's failure to sign the requisite documents, despite the deadline being twice extended.

The people of Eigg look to the Minister to help them in a situation where only the Government can act. I do not intend to enter wider, long-term areas. I am sure that the Minister knows that what has happened in Eigg has happened before, as it happened in Raasay, which is still very much in my memory. Dr. Green was popularly known as Dr. No in those days. We know that Knoydart is again on the market. It is not enough for the Government to say simply that they will watch. They must act.

1.9 pm

The Parliamentary Under-Secretary of State for Scotland (Mr. George Kynoch): I congratulate the hon. Member for Inverness, Nairn and Lochaber (Sir R. Johnston) on securing this debate on the subject of Eigg, which is in his constituency. He has been on his normal form and most entertaining, but somewhat cynical in some matters.

I have considerable sympathy for the position in which the Isle of Eigg's residents find themselves. Small islands such as Eigg point up in an especially prominent way the problems facing many rural communities in the highlands and islands, where there is a need for all sections of the community to work together to common ends.

The Government wish to encourage such an approach, based on partnership between local residents and the main Government Departments, Government agencies, the local authority and private and voluntary bodies operating in the region. We believe that the way forward lies in promoting partnerships, not in introducing, as I suspect the hon. Member for Inverness, Nairn and Lochaber might wish, new regulations on the purchase and sale of land.

Mrs. Margaret Ewing (Moray): I am interested in what the Minister says because the hon. Member for Inverness, Nairn and Lochaber (Sir R. Johnston) has raised a significant point. Is the Minister saying that the people of Eigg should have no legal redress? Surely, landowners' responsibilities should be matched by duties, and there should be some mechanism for legal redress.

Mr. Kynoch: I hear what the hon. Lady says. I believe not in regulation but in deregulation. That is a significant difference between Conservative and Opposition Members. Clearly, the island's owner has a responsibility not only for the environment, but for looking after his asset.

May I just recap? As the hon. Member for Inverness, Nairn and Lochaber said, Eigg is one of the group of islands west of Mallaig known as the small isles. Each island—Eigg, Rhum, Muck and Canna—has its unique features, different landownership and other characteristics. Each is outstanding for its scenic and natural heritage qualities.

Eigg's economy has traditionally been based on crofting, with some larger farms, forestry and inshore fishing. I am glad that, more recently, efforts have been made to increase tourism to that beautiful part of Scotland. The islanders have taken the initiative in developing new enterprises such as a tea room at the pierhead, craft goods and accommodation for visitors.

Mr. Charles Kennedy (Ross, Cromarty and Skye): As the Minister mentions the efforts to promote tourism, which, as he rightly points out, are extremely important to the economy of fragile islands such as Eigg, may I draw his attention to the concerns of people on the Sleat peninsula on the Isle of Skye? Despite the fact that there is an improved service between Mallaig and the Isle of Skye, Caledonian MacBrayne's summer schedules do not allow people to make day trips to the small isles. The good efforts to promote tourism and to help the island of Eigg in that respect have been thwarted by Caledonian MacBrayne's inability to get its schedules in order. Will the Minister do something about that?

Mr. Kynoch: As I think the hon. Gentleman knows, about 10 days ago I chaired a meeting of the Scottish tourism co-ordinating group in Inverness, where all the relevant interests associated with tourism meet regularly to discuss how they can work better together to ensure that we build on our remarkable success with tourism in Scotland. We are trying to ensure even better co-ordination on transport links both within Scotland and to Scotland so that we can build on that success, but I take on board the hon. Gentleman's comments.

It is important that we have good transport links, but, equally, it is important that we have good facilities for tourists when they get there. That is why I wanted to refer to the moves by Eigg's population to build something to attract tourism to their island. On that front, I recommend that they work closely with the local enterprise company and with Highlands and Islands Enterprise to find out what assistance and co-ordination they can achieve in their efforts to achieve even greater success.

There is an active community life on the island. All that augurs well for the locally based economic and social development that we wish to promote through the partnership measures set out in the rural White Paper. The Government believe that there can be merits in local communities taking greater control over their own future, including in—

Ms Roseanna Cunningham (Perth and Kinross): Will the Minister give way?

Mr. Kynoch: I wanted to try to get through a response to the hon. Member for Inverness, Nairn and Lochaber and I understood that the tradition was that, if hon. Members wanted to intervene in an Adjournment debate, they should give notice in advance. I have not had prior notice and therefore I have been more than generous in having local interventions—the constituency of the hon. Member for Ross, Cromarty and Skye (Mr. Kennedy) certainly adjoins that of the hon. Member for Inverness, Nairn and Lochaber.

Sir Russell Johnston: Will the Minister give way on that point?

Mr. Kynoch: Certainly.

Sir Russell Johnston: I am sorry to intervene. I say with some hesitation, but gently, to the Minister that we have 15 minutes left and I doubt whether he will take the whole lot. We have that time because the last debate ran short, so we should take advantage of that to allow other hon. Members to take part.

Mr. Deputy Speaker (Mr. Michael Morris): Order. These are half-hour Adjournment debates and the traditions of such debates are exactly the same in the mornings as they are late at night. These are not the one-and-a-half hour Adjournment debates where there can be adequate interplay, but strictly half-hour constituency Adjournment debates.

Mr. Kynoch: I follow what you say, Mr. Deputy Speaker, and shall proceed accordingly.

The Government believe that there can be merits in local communities taking greater control over their future, including, in some cases, by the purchase of land where they can raise the money to do so. The Government's crofting initiative, whereby the Secretary of State's crofting estates are available for sale to individual crofters or to crofting trusts, is a demonstration of that.

In the case of private estates, the Government do not favour compulsion or new regulations to intervene in the land market, but their agencies stand ready to assist local communities in particular circumstances—for example, where projects that are developed with the backing of local people merit priority. It is, of course, open to any community to bid to acquire an estate in the same way as any other party.

[Mr. Kynoch]

We are all aware that crofters in Assynt set up a trust to purchase the North Lochinver estate to ensure that its future development would be in their best interest. If the people of Eigg wish to follow that route, I wish them every success, but, as far as I am aware, the island has not been put on the market. I commend the islanders, however, because I understand that they are already looking to put together a funding package against the possibility that it is offered for sale.

The hon. Member for Inverness, Nairn and Lochaber made light of and was slightly cynical on the subject of raising funding. It is clearly not easy to raise funds, but I know that the islanders will benefit from the experience of the people in Assynt and that they have already, I understand, been in touch with the new Highland council. I hope that they will have included also Highlands and Islands Enterprise. Clearly, they need first to produce a business plan. I understand that they are well advanced in that, for which I commend them.

Mrs. Ewing: Will the Minister give way?

Mr. Kynoch: With respect to the hon. Lady, I understood what you, Mr. Deputy Speaker, said regarding Adjournment debates and, with the hon. Lady's agreement, I should like to proceed.

The hon. Member for Inverness, Nairn and Lochaber gave me some indication last night of the efforts of the former Highlands and Islands development board. I recall that the board developed plans in the late 1970s to intervene in the management of private estates where that management was regarded as being inconsistent with the interests of the wider community. However, such draconian powers have never been tested, and I do not think that they are the correct approach. The Government's approach is to encourage local communities to work in partnership with Government Departments, Government agencies, local authorities and private sector bodies. Such an approach is at the heart of the measures that were announced in our rural White Paper in December.

Rural policy in Scotland is about the livelihoods of rural communities, the countryside and the lives of those who live and work there. [HON. MEMBERS: "What about the people of Eigg?"] As far as I am aware, Eigg has a largely rural community to which rural policies relate, and those policies should be applied so that the people of Eigg can benefit.

The future of rural Scotland should rest with the people in the rural communities because they are best placed to understand what is most needed in their areas. We are determined to encourage and empower rural communities to achieve a prosperity that is shaped by their own priorities. The White Paper on rural policy for Scotland brought together the many and diverse activities that are already under way to support Scotland's rural communities. It drew into one document our policies for rural communities and how they are put into practice. Working in partnership has been and will continue to be the cornerstone of our approach to rural Scotland.

Mr. Charles Kennedy: This is flannel.

Mr. Kynoch: The hon. Gentleman speaks about flannel. We believe in partnership but, unfortunately, the hon. Gentleman believes in the state taking over ownership, which is why he is so closely allied to the Labour party. As we all know, the Liberal Democrat party is in bed with the Labour party but its members do not like saying that in parts of Scotland, because it would be electorally disadvantageous.

The White Paper contained more than 25 commitments to action, ranging from new research on rural schools and rural crime to the publication of a discussion paper on the coast and planning guidance for small towns. It also contained three linked proposals for a framework for rural development in Scotland and a system that would help local people to take action on their own behalf. The White Paper consists of three main elements. *[Interruption.]* The hon. Member for Moray (Mrs. Ewing) should listen, because the White Paper deals with partnership.

The document consists of three elements. First, it proposes the establishment of local, rural partnerships, drawing together the main bodies that operate in a particular area and including the local residents. Secondly, it proposes a national, rural partnership to provide advice on good practice to local groups—a process that could benefit the people of Eigg. Thirdly, and most importantly, the White Paper contains proposals for a new Scottish rural partnership fund totalling £2.5 million and additional resources to help local partnerships to become established and to help local projects.

A new rural challenge fund of £500,000 has been set up, and it is part of the Scottish rural partnership fund. It is now open to local communities to apply for help to fund projects that meet local priority needs. I encourage the residents of Eigg to form a local partnership in conjunction with the local authority and Government agencies, and to submit proposals to the rural challenge fund. The closing date for the first tranche of bids is 15 June. That is the way forward for the residents of Eigg, and we hope to announce the first successful projects in July.

The hon. Member for Inverness, Nairn and Lochaber spoke about the funds for the hall and forest and suggested that they should be protected. I understand that the funds for the forestry projects on Eigg remain available and that the only hindrance is the agreement of the landowner. As the hon. Gentleman has flagged up, that is clearly a problem, but I hope that in due course the hurdle can be overcome. Highlands and Islands Enterprise is always ready to consider proposals, and in the past has provided funding for a music festival.

Specific projects should be submitted to that body and, of course, they will be judged on their merits. The hon. Gentleman's speech was full of cynical jibes which, as I have said, are typical of his party, about the Government's commitment to rural Scotland. My right hon. Friend the Member for Dumfries (Sir H. Monro) contributed much to rural Scotland during his many years as a Scottish Office Minister, and knows exactly what I am talking about.

The Government's commitment to rural Scotland is measured in billions of pounds, and there is evidence that the commitment is working. Employment in rural Scotland increased by 6.5 per cent. in the period 1981-91 compared with an overall Scottish increase of 1.1 per cent. *[Interruption.]* The hon. Member for Moray makes light of that but, of course, the opposition parties do not like hearing success stories. Unfortunately, they thrive on failure, which is why they will never make progress in Scotland.

The population of rural Scotland increased by about 3.5 per cent. over the same period compared with a Scottish decrease of 1.4 per cent. Long-term unemployment tends to be less severe in rural Scotland. Moreover, rural dwellers feel that the disadvantages that they face are more than balanced by the positive aspects of a clean, safe environment and their sense of belonging to a community.

The Government are doing much to help Scotland's rural communities, which include islands such as Eigg. That is not done by applying restrictive and oppressive controls of the kind that failed so disastrously in eastern Europe and elsewhere and which might be advocated by opposition parties, but by empowering local communities to identify and meet the challenges that they face. The measures in the rural White Paper provide real opportunities to local communities, such as those on the island of Eigg. I recommend that the islanders take full advantage of those opportunities.

Wind Turbines

1.27 pm

Mr. Nigel Evans (Ribble Valley): I am grateful for the opportunity to open this debate, which is important to my constituency. I am pleased that my right hon. Friend the Member for Dumfries (Sir H. Monro), my hon. Friend the Member for Calder Valley (Sir D. Thompson) and the hon. Member for West Lancashire (Mr. Pickthall), who is extremely interested in wind turbines, are in their places.

Energy consumption is increasing, and it is right for the Government to weigh up the environmental impact on the country of increased demand. They have to fulfil their Rio commitments to reduce harmful greenhouse gases, carbon dioxide and methane, and the acidic gases, sulphur dioxide and nitrogen oxides, which are associated with traditional fossil fuel burning.

Sulphur dioxide and carbon dioxide damage crops, cause a decline in forests, acidify lakes and damage the soil. Historic buildings and metals are also eroded and, of course, there are the damaging long-term effects on human health. Asthma and bronchitis are examples. We cannot be insensitive to the appalling problems that will face the world if action is not taken to reverse global warming and acid rain.

Faced with increasing energy demands and improved research, which is able to quantify in detail the environmental damage that is caused by fossil fuels, how substantive is the lure of any energy source that offers a menu of safety and cleanliness and which is renewable and natural? Why do I seem to do a rather poor impersonation of Don Quixote by tilting at windmills when I should be embracing them? It was Don Quixote who, on glancing at 30 or 40 windmills on the plain, stated that he was prepared to engage in battle to slay those giants:

"For this is righteous warfare, and it is God's good service to sweep so evil a breed off the face of the earth."

He was a few hundred years ahead of his time. If he was to travel around some parts of the country, he would find no shortage of monstrous giants to tilt at.

In 1991, there were 13 wind turbines; today, we have 518. In my constituency, two anemometers are testing the strength of wind power. If it is sufficient, there will no doubt be an application for wind turbines in the Ribble Valley, which is one of the most beautiful parts of the country. Some wind turbines are 100 ft high, and there are proposals for some more than 200 ft high, monotonously pumping iron and producing relatively small amounts of energy at enormous cost to our natural environment by wrecking the peace of rural areas, scarring the countryside and ruining landscapes. As they multiply around the country, they will prove to be a price not worth paying.

The more I investigate wind turbines, the more I am convinced that the Government will take a long, hard look at their efficiency and benefits compared with the massive sacrifice that some parts of the UK have had to make. They will say that enough is enough. I hope that they will reach that conclusion sooner rather than later. As the chairman of the Countryside Commission said at the beginning of the year:

"England's scenic countryside is in danger of being turned into a windpower wilderness."

[Mr. Nigel Evans]

Seventeen wind energy sites have already been earmarked in or adjacent to sites in the vicinity of national parks. Seven are to be developed on heritage coasts or areas of high landscape value. We are in danger of industrialising some of our most beautiful countryside.

If economic benefit and the efficient production of energy were on the side of the wind argument, cost-benefit analyses would fall more often on the side of the wind factories. However, they do not. According to planning policy guidance 22, the aim of the planning system is to secure economy efficiency and amenity in the use of land in the public interest. That is where wind turbines do not measure up to the hype that surrounds them.

It would take a wind farm the size of the city of Birmingham to produce the same amount of electricity as a modern 1,000 MW nuclear power station. When I learned that, I did not think about the amount of space involved or the raw materials needed to build so many wind turbines, but it made me realise how inefficient wind farms are. There are 518 wind turbines in Britain. To put the matter into context, at 5.10 pm on 29 January this year, UK demand for power was 48,400 MW. The 40 wind farms produced 64 MW of that energy. That gives some idea of how many we would need to have a real impact on our energy supply.

Mr. Cynog Dafis (Ceredigion and Pembroke, North): May I invite the hon. Gentleman to attend meetings of the all-party renewable and sustainable energy group, which discusses such matters regularly and makes it clear that the energy and electricity supplies of the future will depend on relatively small contributions from a range of different renewable resources? Does he accept that the impact of wind energy is as nothing compared to the huge ecological impact of the continued use of fossil fuels—let alone that of the use of nuclear energy?

Mr. Evans: I would be delighted to attend future meetings. We must examine a variety of energy resources, but also what measures can be taken to ensure that the fossil fuels that are burned contribute less to sulphur dioxide and carbon dioxide emissions into the atmosphere. Certain measures must be taken by the energy companies to reduce harmful emissions into the air.

That does not mean that we should do away with one energy source and cover the United Kingdom with windmills. I am sure that the hon. Gentleman knows that the biggest wind farm in Europe is in Powys; it has 103 turbines that produce in a year what a conventional 2,000 MW power station produces in two days. It would require 16,000 windmills to produce that energy.

As well as driving up the costs, the intermittent nature of wind brings other disadvantages. According to the Parliamentary Office of Science and Technology:

"the variable and unpredictable nature of wind energy may mean that . . . not all of the potential savings in emissions will be realised."

That failure to fulfil its potential is caused by two main deficiencies. First, there is the need to provide reserve capacity. Secondly, there are cycling losses caused by the additional fossil fuel used in the increased start-up and shut-down of stations due to the need to adapt to unpredictable changes in the supply of wind. Fossil fuels would still be needed.

Wind power supplies up to 0.1 per cent. of our national electricity needs. To reach the potential that is often talked about, which is in the region of 10 per cent. of the nation's energy, we would need between 30,000 and 40,000 wind turbines. That would occupy 1,500 square miles. It is not only a case of not in my back yard, but not in my front yard as well.

The Countryside Council for Wales said in its policy document on wind turbine power stations:

"while they are welcomed as a source of renewable energy, the scale of their contribution to meeting energy needs does not justify overturning established planning policies and safeguards".

Sir Donald Thompson (Calder Valley): I have no interest to declare. My hon. Friend will agree that the wind factories are blown. The biggest U-turn in politics this decade has been that by the Greens, the conservationists and the rest against wind farms. They are recognised as blights on the land.

My hon. Friend can frighten them away. He can be Don Quixote. We frightened them away from the Bronte moors by sticking to the truth and by putting the facts to the people, not by hiding behind the spurious figures and comparisons that are turned out by a business that is in the honourable profession of making money, but also in the dishonourable profession of irreparably scarring the landscape.

Mr. Evans: I am grateful to my hon. Friend, who is his own Don Quixote. I congratulate him on his success in preserving the natural beauty of his countryside. Up to now, the argument in favour of windmills has been dominant. People have been afraid to say that there is a downside to them. That is why I have initiated this debate.

Even Friends of the Earth, which recently wrote to me saying that the best way to stop pollution and save energy is to

"turn off the light and the television set",

admits:

"most of the best areas for wind energy, due to the high mean annual wind speeds, correlate with areas that have . . . landscape and conservation value."

Those are often beautiful areas.

Mr. Colin Pickthall (West Lancashire): I thank the hon. Gentleman for introducing the subject in the way he has. Does he agree that the point is not so much the existence of wind turbines, which have an important part to play in renewable energy, as the problems that he mentioned with their location? To speak selfishly, that is especially true in his constituency of the uplands that form an important part of the landscape for many thousands of my constituents who live miles away from them. Does he agree that it is invidious to put the biggest windmills so far all the way down Kirby moor in south Cumbria, blighting an important landscape?

Mr. Evans: The hon. Gentleman makes an important point. It is not only people who live in such places who suffer from the visual impact of wind turbines. Thousands of people visit those places because of the beauty of the countryside. The last thing they need is industrial activity—and that is what it is—created by the imposition of wind turbine factories.

The siting of such turbines must be handled sensitively. That is one of the major reasons that I sought the debate. It is not only the responsibility of the Department of Trade and Industry but of the Department of the Environment to take action to review PPG 22, which has done some damage in respect of where turbines are to be sited.

Mr. Peter L. Pike (Burnley): I am sure that the hon. Gentleman will have seen the wind farm at Cliviger, between my constituency and Calder Valley. It is in a most beautiful area, and is visible wherever one is in Burnley. The planners said that it would be possible to see it only in close proximity. It is very damaging, and further wind farms in our area would be unacceptable.

Mr. Evans: I totally agree with the hon. Gentleman. I know his strong feelings on the issue. One would have to have extremely impaired vision not to be able to see the windmills in his constituency.

Mr. Pike: They can be seen from your constituency.

Mr. Evans: Indeed, I can see them from mine. I know about his problems, and wish him well in any future fights to prevent further intrusion on the open countryside in his constituency.

Not only is the north-west suffering. In Scotland, there is a proposal for 37 turbines at Helmsdale. I have spoken to the hon. Member for Caithness and Sutherland (Mr. Maclennan), whose constituency includes Helmsdale. He has fought the proposal.

It is amazing that such an application has been accepted, particularly in the face of opposition from Scottish National Heritage, the community councils, local landowners, tenants, tourists and most of the local inhabitants. There is a very strong campaign. I understand that those 37 turbines would be visible from one of the most scenic stretches of road in the country. It would have a devastating impact in the area, and I hope that the Secretary of State for Scotland will use his power to look at the decision, and—hopefully—his good sense and judgment to overturn it.

As the hon. Member for Burnley (Mr. Pike) has intimated, some of the turbines are far taller than Nelson's column and can be seen for miles around. I agree with my noble Friend Lord Parkinson, who said about wind turbines when he was Secretary of State for Energy:

"nobody could call them beautiful, in fact they are extremely ugly".

Lord Stoddart made the point succinctly when he said:

"wind turbines are visually ugly and destructive of the landscape. The best way of obtaining energy is to conserve it."

When applications to erect wind factories have reached a public inquiry—there have been four to date—they have always been defeated, because the environmental impact has always outweighed the energy they produce.

Apart from the problems that I have already mentioned, there are also problems of noise and electromagnetic interference. The latter affects television signals, and people have to switch to cable television to overcome interference. Unfortunately, the noise problem is not so easily overcome. Mechanical noise has resulted in several turbines on a wind farm in Holland being stopped for eight hours each night due to complaints from neighbouring residents.

One victim of wind factory blight said in *The Daily Telegraph* a couple of years ago:

"The 'thrump' of the blades and grinding gears is driving us to distraction. My kitchen amplifies these noises sickeningly. Since commissioning in July, the house has frequently vibrated with penetrating soundwaves. At night, these disrupt sleep, even when all the windows are closed. As I write, turbine droning is audible above the computer's hum. For my family and those in a similar plight on windfarm sites in Wales and Cornwall, there is a distressing human cost to this supposedly environmentally friendly electricity. For us, this is no brave, new, clean energy but a rapacious industrial giant."

Research in America, Japan and Germany predicts that people living within two miles of wind farms may have medical effects from infrasonic vibration. One person is the first in Wales to achieve a council tax reduction because the value of his house has fallen. The Select Committee on Welsh Affairs has even admitted that the noise is clearly disturbing and unpleasant, and may have some psychological effects. If we want the green and the peace, turbines are not for us.

Even such an authority as Jonathon Porritt wrote in *The Daily Telegraph*:

"The modern wind turbine is a mighty intrusive beast. It's not into nestling, blending in or any of the other clichés so beloved of rural romantics".

Of course turbines have to be obtrusive in the landscape, in order to catch the wind.

Turbines have also proved deadly to birds. A two-year study in California showed that 500 birds had been killed, including 78 protected golden eagles. Other studies have demonstrated that some of the more astute birds fly up to 500 m away from the wind turbines to avoid them, and therefore reduce their natural habitat. If it were not for the non-fossil fuel levy, skewing the price in favour of such a form of energy generation, nobody would touch it.

Mr. Dafis: Will the hon. Gentleman give way?

Mr. Evans: No, I am coming to the end.

Wind turbines are relatively inefficient, highly visible and extremely ugly. They scar the natural beauty of the countryside; they are a blot on the landscape. Their continuous noise—audible and subsonic—is extremely monotonous and unpleasant, and might cause health and psychological problems. Bird habitats are destroyed, and many birds are killed. Tourists dislike them, and residents suffer through lower property values. Infrastructure still has to be erected in the countryside first to direct and then to harness the energy produced. If it were not for the subsidy, we would not be buying their power.

What is in favour of windmills? There is the mythology that, somehow, there is no downside to the sticking of a few harmless windmills out of the way in remoteish areas where they will produce bounteous amounts of energy at no cost to anyone. I am afraid that that is tosh.

I ask the Minister to look again at fresh ways in which to conserve energy, and at research into improving the harnessing of wind energy, making it more viable, and giving more weight to local authorities so that they feel secure in saying no to unsightly turbines in the countryside—not only in areas of outstanding natural beauty or national parks, but areas abutting them. Many areas outside areas of outstanding natural beauty are still remarkably beautiful. If we are to persist with such turbines, we must get the siting right. If we do not, we will be guilty of ruining one of Britain's greatest assets: our green and pleasant land.

1.45 pm

The Minister for Small Business, Industry and Energy (Mr. Richard Page): I thank my hon. Friend the Member for Ribble Valley (Mr. Evans) for giving us the opportunity to debate wind power. I also thank him and all hon. Members who are present for not falling into the obvious trap of saying how appropriate it is that politicians are discussing wind.

My hon. Friend's speech and the interventions in this very short debate show the interest in the subject. My hon. Friend will have noticed that there is not a completely unanimous view on wind power. I should like a much longer debate in future, because the matter is extremely important and valuable to our country and our economy.

My hon. Friend raised the specifics of wind power. It is a major part of the renewable energy scene. In supporting renewable energy, the Government are committed to the principle of sustainable development, and make it the touchstone of their policies. If my hon. Friend has some idea that the Government will walk away from the idea, he is doomed to disappointment.

Government policy is to stimulate the development of new and renewable energy sources, including wind energy, whenever there is the prospect of it being economically attractive and environmentally acceptable, to contribute to the diversity, security and sustainability of energy supplies. My hon. Friend rightly referred—if he did not mention it, I certainly would—to the reduction in the emission of pollutants.

In doing that, the Government have to take account of what influences business competitiveness. We are working towards 1,500 MW of declared net capacity of the new electricity generating capacity from renewable sources by 2000. That broadly sets out the Government's objectives. The principal instrument for achieving that 1,500 MW by 2000 is the making of orders under the non-fossil fuel obligation—with parallel arrangements, as everybody knows, in Scotland and Northern Ireland—that goes under the name of NFFO. That makes it sound like some sort of toffee bar, but I think that everybody knows what it stands for. It is a considerable success, of which the Government can be rightly proud.

Already, more than 330 MW of declared net capacity is operational, of which, as my hon. Friend the Member for Ribble Valley has said, about 66 MW comes from wind. There are 37 wind projects, including 28 wind farms, operating in the United Kingdom. I am very pleased with the progress made in that direction. It shows that the Government have been right to give some support to the wind industry to enable it to gain a footing.

To justify that confident support, the industry has had an opportunity to show its skill and enterprise. The Government announced a fourth renewable order in England and Wales in November 1995 for another 400 MW, which will help us towards the target of 1,500 MW. There are also proposals under SRO-2 for an expected 70 to 80 MW of new capacity in Scotland, and for 45 MW of new capacity in Northern Ireland under the NI-NFFO 2 order. These are aims and the objectives of the NFFO programme.

I have been most encouraged by the response to the NFFO orders, which expresses the enthusiasm and commitment to an emerging industry. The industry is not just about providing energy for this country from renewable sources, as there are other areas of activity that can help this country. I wish to talk in a moment about the export and manufacturing capacity created in this country through the NFFO orders.

My hon. Friend the Member for Ribble Valley calculated that the city of Birmingham would need to be covered with wind farms if we were to reach the 10 per cent. energy level. I must assure him that the Government have no intention of turning the city of Birmingham into a wind farm—the wind levels there are not quite sufficient. Nevertheless, we must remember that, if we were to move towards that 10 per cent. level, we would reduce the pollutants coming into this country from carbon sources by 8 million tonnes of carbon. That is an immense amount of pollutant, and it cannot just be lightly tossed to one side. The 10 per cent. figure is the maximum practical response that can be achieved, but would require, I understand, some 1 per cent. of the UK's land area to bring that about.

The export potential of wind energy is considerable. It is estimated that about 50,000 wind turbines, representing 22,000 MW of electricity generating capacity, can be built in the next 10 years, and that the business is worth £11 billion. In Britain, the NFFO programme has created success stories. The packed Gallery up there ensures that such success stories receive no publicity in the press.

For example, a company called Airlaminates is selling wind turbine blades around the world, and its orders in 1995 have exceeded £2.3 million. Coupe Foundry Ltd. in Preston has won some £2 million of orders to supply the major components of a German wind turbine. McNulty Offshore in South Shields recently won an order to supply 30 towers, with a value of more than £2 million, for a wind farm in Scotland. Aerpack Ltd. is planning to go ahead with a factory in Scotland to manufacture complete wind turbine blades. I wonder whether the workers in those factories would want wind energy to be tossed to one side, following the rather draconian measures advocated in some quarters.

Progress ultimately depends on developers' abilities to find sufficient sites that are acceptable in planning terms, particularly from the point of view of noise and visual impact. I must emphasise that the holding of a NFFO contract does not confer any special presumption in favour of gaining planning consent.

Mr. Dafis: Will the Minister give way?

Mr. Page: With respect, I want to put on record the planning process, and I literally have only a few minutes to do so. Today's debate is not long enough to do the subject sufficient justice.

In view of the comments of my hon. Friend the Member for Ribble Valley, I thought that it would be helpful to set out some of the planning arrangements in detail. The Government recognise that renewable energy is different from fossil and nuclear forms of generation, in that they are decentralised and small scale. Hence they differ in land use and other material planning considerations.

In considering this, the Government issued specific planning guidance on renewable energies, PPG 22, in February 1993. PPG 22 reiterates the fundamental principles of planning, and deals with particular issues raised by renewables. It states that planning decisions

have to reconcile the interests of development with the importance of conserving the environment—the issue at the heart of sustainable development. Specifically in relation to energy, it states that the Government's general aim is to ensure that society's needs for energy are met in a way that is compatible with the need to protect the environment, both global and local.

PPG 22 says that planning authorities must weigh carefully the Government's policies for developing renewable energy sources with those for protecting the environment, and draws particular attention to those relating to the countryside, PPG 7, and the coast, PPG 20. PPG 22 states that planning applications should be determined in accordance with the structure plans of the county council and the local plans of the district councils. Those plans are required to include policies for conserving wildlife and the natural beauty and amenity of the land. PPG 22 also requires that they now take account of the Government's policy on renewable energy.

Although we have had a quick gallop through the subject, I hope that the House will return to it in the fulness of time in much greater detail, because it is of immense value to our society. I am not sure whether my hon. Friend the Member for Ribble Valley's parallel with Don Quixote is a good one, and perhaps he should not use it in the future. If I remember rightly, Don Quixote had a fairly chequered career, most of which was completely and utterly unsuccessful. Wind power is here to stay, and we must make sure that it is introduced in a sensitive fashion.

It being six minutes to Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Sitting suspended, pursuant to Standing Order No. 10 (Wednesday sittings), till half-past Two o'clock.

PRIVATE BUSINESS

University College London Bill

Order for consideration read.

Considered; to be read the Third time.

Oral Answers to Questions

SCOTLAND

Beef

1. **Mr. Kirkwood:** To ask the Secretary of State for Scotland when he expects to meet the Scottish National Farmers Union to discuss problems in the beef industry associated with bovine spongiform encephalopathy; and if he will make a statement. [26048]

4. **Mr. Jacques Arnold:** To ask the Secretary of State for Scotland what discussions he has had with representatives of the beef industry in Scotland. [26052]

11. **Sir Hector Monro:** To ask the Secretary of State for Scotland what recent discussions he has had with the National Farmers Union of Scotland concerning beef production; and if he will make a statement. [26061]

The Secretary of State for Scotland (Mr. Michael Forsyth): Scottish Office Ministers have regularly met representatives of the Scottish National Farmers Union over recent weeks and I have established an industry group which regularly meets my senior officials.

Mr. Kirkwood: Will the Secretary of State acknowledge that urgent practical steps need to be taken now so that consumer confidence can be won back and the European ban lifted? Will he therefore consider the possibility of ensuring that the cattle disposal scheme is fully available throughout Scotland by the end of this week, and will he use his influence with the intervention board to try to get more beef out of the system north of the border? In addition, will he consider the possibility of relaxing some of the rules of the special beef premium scheme so that more cattle will be eligible for the subsidy and of waiving the scaling back of the financial limit on the scheme for 1995? If he does not do so, in six months there will be no beef industry to save.

Mr. Forsyth: I agree with the hon. Gentleman about the importance of lifting the beef ban, and I hope that he and his colleagues, who have been such enthusiasts for passing more power to Brussels, will learn from this experience.

With regard to the proposals that he has put forward, I will ensure that they are drawn to the attention of my right hon. and learned Friend the Minister of Agriculture, Fisheries and Food. My right hon. and learned Friend and I have been determined to take measures as speedily as possible, and we have been guided in our conduct of policy by the splendid way in which the farming unions have spoken for the industry as a united industry and have worked with others who have an interest in the matter.

Mr. Arnold: Is my right hon. Friend aware that farmers throughout the country bitterly resent the proposal by bureaucrats in Brussels for a holocaust of British cows in response to the panic of the German housewife? Is it not an irony and a tragedy that the panic about British beef was started in this very House by the irresponsible scaremongering of the hon. Member for Peckham (Ms Harman)?

Mr. Forsyth: I agree with my hon. Friend about the considerable concern throughout the United Kingdom about the impact of this unjustified ban on British beef. I also agree with what he says about the hon. Member for Peckham (Ms Harman), but I would exempt from that criticism the hon. Member for Hamilton (Mr. Robertson) and his colleagues, who were rather more restrained in their response and did not, in my view, contribute to some of the hysterical coverage which came as a result of the hon. Member for Peckham trying to make political capital. I hope that that will not embarrass the hon. Member for Hamilton.

Sir Hector Monro: Will my right hon. Friend accept that everyone appreciates very much the work that he and Lord Lindsay have done to resolve this problem? Will he answer two questions? First, as the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) asked, will he implement the disposal scheme as quickly as possible, particularly in relation to slow-maturing cattle? Secondly, will he say something about exporters of beef, who are in desperate trouble along with the farmers?

Mr. Forsyth: The 30-month scheme will be in operation tomorrow, and steps are being taken to get information out to producers so that they are aware of the system. On exports, my right hon. Friend is absolutely right to point out their crucial importance to Scotland's beef industry. We produce very high-quality beef products, and we have worked for years to develop those export markets. The position is similar in Northern Ireland. It is very disappointing to see the stress that is being placed on those sections of the industry that have done so much for British interests in the past. I am currently considering, with my right hon. and learned Friend the Secretary of State for Northern Ireland, what measures we can find to help those who are dependent on the export trade, and how to take account of the specific circumstances of exporters.

Mr. Dalyell: Does the Secretary of State regret in any way his statement at Inverness that the scientific committees in the European Union were under political direction?

Mr. Forsyth: I neither regret it nor retract it. The fact is that it is there for all to see. Our scientific advice states that there is no justification whatever for the ban on British beef, and the World Health Organisation has taken the same view. It is quite sad to see the way in which people who should be free to take a professional view are at variance with the view of every major global authority. In my view, that is because they are acting under political direction from member states, which have no justification for keeping British beef out of their markets other than their own commercial interests.

Mr. Hood: Having visited Luxembourg this week, met judges in the Court of Justice and been told that no complaints have so far been lodged with the Court of Justice by the National Farmers Union, the Government or, indeed, any exporter against the ban on beef, can the

Secretary of State tell us when the Government intend to put their complaint to the Court of Justice, as they have previously told the House that they would?

Mr. Forsyth: My right hon. and learned Friend the Minister of Agriculture, Fisheries and Food will make a statement to the House later today. As Opposition Members would expect, the Government will be as good as our word, and we shall pursue our legal action very swiftly.

Mr. Bill Walker: My right hon. Friend will be aware that every sector of the beef industry has been affected. Can he confirm that when the culling process is in operation, no one sector will have an advantage—for example, the abattoirs will not have an advantage over the auction marts—so that the pricing structures that have been arranged to compensate will take care of that matter?

Mr. Forsyth: I am not sure that I can answer my hon. Friend's question in precisely the terms that he would like. I can tell him that no one will gain any advantage from this catastrophe, which has blighted our industry. The blame for the difficulties that our farmers and meat industry currently face rests four square with Brussels. The sooner Brussels lifts the ban, the sooner those people will be able to go about their legitimate business—as they ought to be able to do under the terms of the single market.

Mr. Wallace: When the Minister of Agriculture made a statement in the House on 16 April, he said that the Government were considering ways in which there might be some exemption from the 30-month slaughter for specialist herds which take longer than 30 months to mature. That statement was welcomed on both sides of the House. When some colleagues and I visited the Commission in Brussels last week, we found that it was responsive to such a measure and thought that it might be one step towards lifting the export ban; yet it had received no proposals from the British Government. Can the Secretary of State tell us when the Government will present such proposals?

Mr. Forsyth: The hon. Gentleman is mistaken to suggest that the British Government have not put proposals to the Commission for the lifting of the ban. The hon. Gentleman heard what my right hon. and learned Friend the Minister of Agriculture said in his statement to the House. Of course we wish to see exemptions from the 30-month rule in respect of slow maturing cattle such as Galloways and Highland cattle, and that is a matter that we continue to pursue. The hon. Gentleman must not lose sight of the fact that the ban on British beef of whatever kind is not justified. That remains our position and we shall continue to argue that case while also arguing for the widening of the exemptions to which my right hon. and learned Friend the Minister committed himself in the House.

Mr. Neil Hamilton: The German Chancellor has proposed a final solution to the BSE problem which involves the unnecessary slaughter of a large part of the British national herd and he has been warmly supported by many of our European competitors. As the right hon. Member for Sedgefield (Mr. Blair) has said on many occasions that he would not wish to be isolated in Europe, does not the logic of his position mean that he would have to support the German Government rather than the interests of the British people?

Mr. Forsyth: I agree with my hon. Friend to the extent that Opposition Members who are so keen to give more power to the Community will find it extremely difficult to explain in their constituencies how their policy is consistent with standing up for British interests. There has never been an occasion on which British interests have been more threatened. It is important that the ban is lifted.

On the point about the public statements that have been made by leading figures in Europe, I agree with my hon. Friend that it is difficult to understand how people can say that they eat British beef and believe that it is safe and yet continue to go along with a proposal to exclude it from the Community. I do not often agree with the *Daily Record*, but it is absolutely right to bring that message home to the people of Scotland. I understand that it has approached a number of leading figures in Europe, all of whom have taken the same view on British beef. It is high time we saw action which reflects their view and which allows our farmers and producers to go about their daily business.

Mr. Salmond: Does the Secretary of State agree that the best way to help the exporters of Scotland and Northern Ireland is to get their beef back on to the European market? With that in mind, has the Secretary of State read early-day motion 773, tabled by the hon. Member for East Antrim (Mr. Beggs) and now signed by 79 hon. Members on a cross-party basis, which argues that the way to go forward is to get the quality-assured, naturally fed beef from Scotland, Northern Ireland and elsewhere back on to European markets?

Given the indications of support for that approach from European farming ministers and the fact that the motion has been signed by the hon. Members for Ayr (Mr. Gallie) and for Eastwood (Mr. Stewart), will the Secretary of State retract his dismissal of that attitude, start arguing the case for Scottish beef and stop putting his unionist politics before the livelihoods of my constituents?

Mr. Forsyth: I will continue to argue the case on behalf of the Scottish industry and to take advice from that industry. The Scottish industry's advice is clearly that we should argue for the ban to be lifted and that we should not seek to divide the industry. If those involved in the Scottish farming industry—they are the people whose livelihoods and work are on the line—change their position, we will take account of that. The hon. Gentleman will have to do more to satisfy the people of Scotland than try to play politics with this issue. I am sure that they will take note of the fact that, at a time when our industry is being savaged by this ban, he thought it appropriate to put a European star on his party's logo.

Mr. Jessel: Does not the consumption of British beef—Aberdeen Angus beef—by Chancellor Kohl at No. 10 Downing street make absolute nonsense of the European Union's ban on British beef, which it pretends is being imposed for health reasons?

Mr. Forsyth: I agree with my hon. Friend: seeing is believing. The President of the Commission, Chancellor Kohl and the Commission have indicated by their actions that they believe that British beef is safe. We now want to see the Commission and the Community act accordingly so that our people can get the benefit of what we were promised when we joined the European Union—access to a single market.

Mr. George Robertson: The Opposition accept that there should be a lifting of the European ban on British beef as soon as possible. We agree with that position as strongly as the Secretary of State does. However, does he recognise that, if the Conservative party continues to treat this issue as part of the battleground of European politics which is tearing that party apart, it will hinder our chances of persuading our European partners of the strength of our case?

The crisis did not start in Brussels. It started as a result of an announcement by the Government on the link between bovine spongiform encephalopathy and Creutzfeldt-Jakob disease. Public reassurance will return only when there is an agreement on the effectiveness of actions to eliminate BSE from our cattle. How can people be reassured on this issue when the arrangement to dispose of the carcases of cattle more than 30 months old has become a shambles all over Britain this week?

The Opposition have taken a constructive attitude because a huge Scottish industry is at stake and thousands of jobs are in peril. Practical steps have to be taken to reassure the public across Europe. If those practical steps are taken, we will support them. At the end of the day, the Government must govern and they will be judged.

Mr. Forsyth: The hon. Gentleman took a long time to say that action must be taken, but he did not put forward a single proposal. That is typical of what we have come to expect from the Labour party. The hon Gentleman believes that the Labour party's approach on Europe is in Britain's interest. I point out to him that the beef ban has been imposed by qualified majority voting—and the Labour party wishes to see more qualified majority voting in Europe.

Several hon. Members *rose—*

Mr. Kirkwood: On a point of order, Madam Speaker. In view of the totally unsatisfactory nature of the Minister's answer, I give notice to the House that I will seek to raise the matter on the Adjournment.

Madam Speaker: Order. In that case, I am not able to call Mr. Gallie and I must close the question.

Veterinary Scientists and Technicians

3. **Mr. Eric Clarke:** To ask the Secretary of State for Scotland how many veterinary scientists and technicians were made redundant in the past year, 1995–96, in Scotland; and how many of these redundancies were followed by withdrawal of Government grants. [26051]

The Parliamentary Under-Secretary of State for Scotland (Mr. Raymond S. Robertson): The information that the hon. Gentleman has requested is not held centrally.

Mr. Clarke: I am surprised at the Minister's answer, as I have been co-operating with him to try to get the answers I want. As a result of the bovine spongiform encephalopathy situation, a number of scientists—including my constituents Dr. Melrose and Mrs. Margaret Clark, who are scientific technicians—have been made redundant due to Government cuts. I believe that they should be employed. The area that I come from is renowned for scientific excellence and veterinary research. A review of 35 of these institutions throughout the United Kingdom is currently under way. The confidence of the people involved is low because the Government have withdrawn their grants.

Mr. Robertson: I am grateful to the hon. Gentleman for giving me notice of his question with regard to his constituents. That is an indication of how seriously he takes this issue. The Overseas Development Administration has a contract with the university of Edinburgh for the provision of certain research services. However, it is up to the university to decide how it delivers the service and the number of research staff it needs to do so. The number of staff will vary according to the nature of the research at any particular time.

I emphasise that the ODA—and therefore the Government—is not the employer. That is a matter for the university. Individual contract staff who have a grievance about their employment should pursue the issue with the university, which may then decide to take the matter up with the ODA. If the hon. Gentleman has any further information that he would like me to pass on to the ODA, I shall be delighted to do so.

Mr. Gallie: Does my hon. Friend agree that the use of veterinary and other scientists in the United Kingdom goes beyond that of other countries in relation to food hygiene and ensuring the safety of the public in general? On that basis, does he not despair that the sound advice given by scientists in our country that British beef is safe is ignored by scientists elsewhere, who do not carry out tasks at similar levels with the same degree of responsibility in their own countries?

Mr. Robertson: My hon. Friend raises a valuable point. This year, the Government are spending more than £9 million on research into bovine spongiform encephalopathy and Creutzfeldt-Jakob disease, and the amount will be increased to £10 million next year. As my hon. Friend said, all the scientific advice available from the world's experts is to the effect that British beef is safe. As my right hon. Friend the Secretary of State has so eloquently said, the ban should be lifted.

Dr. Bray: Is the Minister aware that the closure of research institutes and the dismissal of research teams goes far wider than that? The prior options study is cutting a swathe through Government research establishments and greatly weakening the efforts in Scotland. Is he further aware that the progress of scientific research, which underlies the ability to tackle diseases such as BSE and CJD, depends critically on the underlying basic research, which has been savaged by the Government?

Mr. Robertson: The hon. Gentleman does himself no credit with his wilful scaremongering. The prior options review of the research establishments is no threat to the

marvellous work done in the United Kingdom. The Government are fully committed to supporting the excellence of the UK science base, and we are spending more than £6 billion per annum on science and technology.

However, the research establishments cannot be immune from regular review and appraisal, and there is a need to ensure that research is being conducted in the most effective manner, providing the best value for money. With his background, the hon. Gentleman should be praising what is going on in this country, not seeking to run it down and trying to score cheap party political points.

Drug Abuse

5. **Mr. Michael J. Martin:** To ask the Secretary of State for Scotland what steps he is taking to deter drug abuse in Scotland; and if he will make a statement. [26054]

The Minister of State, Scottish Office (Lord James Douglas–Hamilton): On 7 May we are launching a new all-party drugs campaign, which will build on the significant progress that has been made in implementing the recommendations of the ministerial drugs task force report.

Mr. Martin: Every mother and father heaves a sigh of relief when their child joins a youth club, because when they are in the youth clubs they are off the streets and away from the drug pushers. Will the Government give every encouragement to local authorities and the voluntary sector by helping such organisations? People in my community and throughout Scotland are also sickened to see those who are making money from drugs buying up land, public houses and taxi companies and many other so-called legitimate organisations. May we hope that the courts will not only sentence those people harshly but take away their ill-gotten gains?

Lord James Douglas–Hamilton: I agree wholeheartedly with everything that the hon. Gentleman has said. We have passed into legislation measures to the effect that the proceeds of drug trafficking should rightly be confiscated. That provision is in place, and that is now happening in Scotland. Youth clubs need to be strongly supported, as the hon. Gentleman said, and I am glad to confirm that the all-party campaign will build on, not replace, the drugs task force work already under way. As the hon. Gentleman knows, the drug action teams are very active in and around his constituency. Many measures have been put in place, and we intend to advance them in a co-ordinated manner.

Mr. Bill Walker: What measures will my hon. Friend introduce to tackle the problem that arises when senior social workers make comments that are unhelpful to the all-party campaign? There is no doubt that the great advantage of the all-party campaign has been its all-party basis, and it is making progress.

Lord James Douglas–Hamilton: I think I know what my hon. Friend is referring to, and I am glad to note that the person concerned subsequently acknowledged that drug misuse was illegal and unsafe, and declared that she would never condone the taking of Ecstasy or any other drug. *[Interruption.]*

Madam Speaker: Order. There are a lot of arguments across the Floor of the House. Has the Minister completed his answer?

Lord James Douglas–Hamilton: It was impossible for me to hear what the hon. Member for Dundee, West (Mr. Ross) was saying, but I shall be only too happy to answer him.

Madam Speaker: The hon. Gentleman did not ask the question. It was asked by someone else. Has the Minister finished? If he has, I will call Mr. Davidson, who very seldom gets called.

Mr. Davidson: Thank you, Madam Speaker. I am particularly glad to be called today as this programme appears on Scottish television, although my mother, who resides in Galashiels, will not be able to see it because Border Television does not carry the programme.

Does the Minister agree that, in the fight against drug dealers, the police are greatly handicapped because, when they catch people for offences and charge them, those people are often quickly back out on the streets, either because the procurator fiscal's department does not oppose bail or because the courts grant it far too readily? In my constituency, there are many youngsters running around who have committed serious offences with knives. They are released and can then offend again. Such occurrences demoralise the police and the public. What does the Minister intend to do about that?

Lord James Douglas–Hamilton: I shall certainly look into the matter, although it comes within the responsibility of the Lord Advocate. The hon. Gentleman will be aware that guidelines have been issued to procurators fiscal, especially in relation to restricting bail. If the hon. Gentleman will give me the names and examples, I will ensure that the matter is followed up speedily with the Law Officers.

Forestry

6. **Mr. Pawsey:** To ask the Secretary of State for Scotland how many staff in his Department are involved in the administration of forestry, and at what cost. [26055]

The Parliamentary Under–Secretary of State for Scotland (Mr. George Kynoch): The Forestry Commission currently employs 3,600 staff throughout Britain, at an annual cost of £66 million.

Mr. Pawsey: I thank my hon. Friend for his typically helpful, detailed and comprehensive reply. Given the amount of resources being made available within the Scottish Office for United Kingdom forestry, does my hon. Friend feel that it might be wise to transfer those responsibilities to the Department of the Environment?

Mr. Kynoch: I am not sure that I heard my hon. Friend correctly. My hon. Friend's interest in forestry matters is well logged. Under Scottish Office guidance, forestry is

faring exceedingly well. The Forestry Commission is looking for significant efficiency improvements in its manpower and expects to achieve a reduction of about 10 per cent. in staffing over the three years from 1994. Perhaps Labour-controlled local authorities in Scotland could learn from that.

Ms Roseanna Cunningham: What effect will the right of pre-emption have on the Government's plans for forestry in Scotland, given that it is likely to cause great difficulties in the transfer of crofting estates? Do the Government intend to introduce legislation to remove that feudal remnant from our past?

Mr. Kynoch: The hon. Lady will be aware that a consultation document on crofting has been issued. All the matters will be raised when the results of that consultation are known.

Police Officers (Protective Clothing)

7. **Mr. David Shaw:** To ask the Secretary of State for Scotland what progress is being made with research into protective clothing for police officers, and if he will make a statement. [25056]

Mr. Michael Forsyth: A £100,000 research project, largely funded by my Department, is currently under way at the university of Strathclyde. It will, I hope, pave the way for the development of a lighter vest to protect police officers against stabbing attacks.

Mr. Shaw: I welcome the news that the Government have made that finance available. Will my right hon. Friend confirm that that was possible because police funding in Scotland is ring-fenced? Does he accept that the issue of drug abuse, which was raised earlier, is connected with our ability to protect the police from stabbings and other threats to the body, and that protective clothing is clearly necessary in such circumstances?

Mr. Forsyth: I am grateful for my hon. Friend's words of welcome. Police funding is not ring-fenced in Scotland. Funding for that particular project came from central funds, from my budget, following representations made to me last year by the Police Federation. I strongly believe that we have a duty to ensure that our police on the streets are equipped with all the means we can find to protect them when carrying out their difficult duties.

Mr. Charles Kennedy: On the subject of protective clothing, will the Secretary of State ensure that his research also takes into account the findings from last night's incident, when the police and others in the vicinity of the Skye bridge were placed at risk due to explosive material left behind by the developers? The material had to be safely taken care of and detonated at a nearby quarry. The Minister of State spoke to me about the matter over the telephone this morning, and there is local anxiety that the inquiry for which the Scottish Office has called is to be carried out by the company and not by the police. No individual would get away with that, so why should the company?

Mr. Forsyth: If indeed it turns out that the blasting explosives were left by a subcontractor, that is not the same as the company doing it. I am sure that the hon. Gentleman is aware of the distinction. I understand that the main contractor—the company—is inquiring into how the explosives were left behind. As the hon. Gentleman pointed out, it is a serious matter. Fortunately, no one was hurt, and I am sure that the whole House is grateful for that. When the company has produced a report, we shall consider whether further steps are necessary.

Mr. Stephen: Will my right hon. Friend confirm that, in the current year, Scottish local authorities will receive an increase of 7 per cent. in the police grant which will enable them to equip police officers even better than at present? Does he recall that, when Labour left office, the Scottish police service was undermanned and underpaid, and experienced police officers were leaving in droves?

Mr. Forsyth: My hon. Friend is correct. We are determined to see more policemen on the beat and we have provided more resources in the public expenditure survey round to facilitate that. Although we never anticipate succeeding PES rounds, I am happy to confirm to the House that the police will again be a priority in the next PES round.

Mr. McFall: The Opposition welcome the funding of research into protective clothing, which is necessary, in part, because of the Government's complacency about law and order. Since the Conservatives came to power, the number of recorded crimes has more than doubled, to almost 1 million per year. Despite the Minister's warm words, the culture of knives prevails in society, with increases in the number of offensive weapons crimes, violent assaults and drug-related crimes. Is it not clear that the soundbite politics that is cheered at Tory party conferences does not help to solve the problem? The message is that today's streets are more dangerous than ever before because of Conservative law and order policy. When will the Secretary of State do something to assist beleaguered communities?

Mr. Forsyth: The hon. Gentleman is looking increasingly ridiculous. He speaks for a party that has opposed virtually every measure that we introduced to make life tougher for the criminal. In recent days, he criticised me for calling for longer sentences for criminals and for more prisons to put them in. If we are to have safe streets, we must lock up the criminals. The hon. Gentleman and his party oppose that policy.

Tourism

8. **Mr. Simon Coombs:** To ask the Secretary of State for Scotland what recent measures he has adopted to promote tourism in Scotland. [26057]

Mr. Kynoch: My right hon. Friend has increased the resources made available to the Scottish tourist board this year by £3 million, or 20 per cent.

Mr. Coombs: I am grateful to my hon. Friend for that most encouraging information. Is he able to reveal the financial and the commercial success of last year's Autumn Gold campaign? I understand that the marketing campaign resulted in a substantial number of inquiries, but

was it a success financially? What support do the newly established local tourist boards receive from local authorities throughout Scotland?

Mr. Kynoch: My hon. Friend, who takes a great interest in tourism matters, is absolutely right: Autumn Gold has been a remarkable success in its early stages in seeking to extend the tourist season in Scotland. Some 37 per cent. of those who requested an Autumn Gold pack then took an autumn break in Scotland in October and November 1995, which was an increase on previous seasonality campaigns. I am sure that the campaign has contributed to the 11 per cent. increase in the number of tourists from England who visited Scotland in [illegible].

Mr. Maxton: Does the Minister agree that local authorities play an essential role in maintaining our tourism industry, by providing funding for the arts, halls, museums and recreation areas as well as by enforcing health and safety standards in our hotels and restaurants? Does he further agree—as he is nodding—that the swingeing cuts that he and the Secretary of State have imposed on local authorities will damage our tourist industry?

Mr. Kynoch: I agree with the first part of what the hon. Gentleman said, but I disagree totally with the second part of his question. The hon. Gentleman does not seem to have got it into his head that this year the Government have provided an extra 3.7 per cent. of local government funding. In addition, most local authorities have increased their council tax far in excess of inflation—there have been 10, 12 and 15 per cent. increases, and some were even greater. Therefore, local authorities have more than enough resources to spread around the services.

I hope that local authorities play their due part in the partnership that is needed in tourism to ensure that their areas are promoted. Tourism is important to small and medium-sized business. It makes a considerable contribution to the Scottish economy, and local authorities have a significant part to play in encouraging it.

Mr. Stewart: Is it not a matter of concern to my hon. Friend that so many tourists visiting Scotland go to Edinburgh, where they encounter one of Scotland's leading slums called Prince's street and sit around in the virtually permanent traffic jam there? Does he agree that it would be better for Scotland if tourists were encouraged to visit the city of Glasgow, which has superb facilities, thanks to the partnership between the public and private sectors? While they were there, they could also visit the superb facilities in Rouken Glen park in Eastwood.

Mr. Kynoch: My hon. Friend is always a staunch supporter of his part of the world, but I hasten to add that there is a much larger section of Scotland north of the central belt. I would like all tourists to Scotland to experience the benefits of the entire country. I was particularly pleased that, recently, the Scottish tourism co-ordinating group which I chair discussed ways of getting tourists to travel further afield in Scotland.

My hon. Friend is absolutely right: most tourists visit Edinburgh. There are many reasons why they should go further north. Some airlines, particularly Ryan Air and Easy Jet, are considering taking favourable fares for tourists further north. I hope that we shall be successful in our campaign, because much of Scotland's heritage, history and countryside, which are of great benefit to tourism, is further north.

Mr. Malcolm Bruce: Following on from what he has just said, does the Minister acknowledge that, although it is fine to promote attracting visitors to Scotland, they need information on the ground? In the light of that, the cuts in local government support for tourism have reduced the number of information centres: there are now no information centres whatsoever between Aberdeen and Fraserburgh since the closure of Ellon, Turriff and others. In those circumstances, does the hon. Gentleman recognise the need to increase funding, to provide local information centres? That will ensure just what he wants—tourists visiting all parts of Scotland, not just the capital.

Mr. Kynoch: I am surprised that the hon. Gentleman has the cheek to raise that question here, as he is referring to the action of the Liberal Democrat administration in Aberdeenshire and the Labour-controlled Aberdeen city council, which decided to reduce their funding of the new area tourist board. I hasten to point out that central Government, through the Scottish tourist board, have put an extra £700,000 into the area tourist board network.

It is for local authorities to decide their own priorities. Aberdeenshire has been given more money than ever before and has certainly increased the council tax by some 20 per cent. across the area, yet it has decided not to give as much to the area tourist board. If local authorities decide not to make tourism a priority, they must be accountable to their electorates. I hope that the Liberal Democrats will stand up and be counted.

Mr. Foulkes: Has the Minister seen the report in *The Herald* today on the threat to tourism in my constituency from the sludge dumped in the Clyde in the 1970s and 1980s containing dangerous chemicals that are now being dispersed throughout the firth? Why has he kept the marine laboratory's report secret? What action are the Government taking to protect public safety and ensure that there are no threats to tourism in Ayrshire and beyond?

Mr. Kynoch: I have not seen that article in *The Herald*, but I shall draw it to the attention of my hon. and noble Friend Lord Lindsay, the Minister with responsibility for the environment and for the new Scottish Environment Protection Agency, which I am sure will be interested in looking into the matter.

Thomas Campbell and Joseph Steele

9. **Mr. Wray:** To ask the Secretary of State for Scotland when he will make his decision regarding a review of the Thomas Campbell and Joseph Steele case. [26058]

Lord James Douglas-Hamilton: Once consideration of this case is completed, a decision will be announced.

Mr. Wray: Does the Minister agree that, under section 124 of the Criminal Procedure (Scotland) Act, due to come into force on 1 April 1996, the Secretary of State for Scotland will be allowed to refer this case? The families of Thomas Campbell and Joseph Steele think it unjust that a conviction was obtained on the basis of

evidence from a perjurer who was known by the procurator fiscal and by a Queen's counsel to be lying.

A fortnight before the trial of the Doyle murderers, he had stated that he was living with his sister and never left the house between Friday and Sunday. A fortnight later, he gave evidence to the effect that he heard the relevant conversation. He is now saying that he conspired with the police—

Madam Speaker: Order. The hon. Gentleman should ask a question.

Mr. Wray: The man is now saying that he conspired with the police and the procurator fiscal.

We want justice for this family. Will the Secretary of State bring section 124 of the Act into operation?

Lord James Douglas-Hamilton: Some of the petitions received raise difficult and complex issues of law and judgment, requiring careful and detailed consideration. This may involve interviewing witnesses and commissioning expert reports. Most petitions are dealt with quickly; in some cases, it takes a considerable time to complete the detailed examination which the matters raised in the petition require. I can, however, give an undertaking that these matters will be looked at thoroughly and rigorously.

Care Services

10. **Sir David Steel:** To ask the Secretary of State for Scotland what extra resources he plans to make available to local authorities to carry out responsibilities designated by his circulars (a) under the Carers (Recognition and Services) Act 1995 and (b) in increasing inspection of residential nursing homes. [26060]

Lord James Douglas-Hamilton: No extra resources are required.

Sir David Steel: I am astonished by that reply. Since the financial settlements were reached with local authorities, six circulars have been sent out to social work departments imposing new responsibilities on them—one of them only today. Some of them are perfectly sensible, such as the requirement to inspect nursing homes twice, not once, a year, but no new resources have been attached to the circulars. May I plead with the Minister, therefore, that no circular should in future be sent to local authorities without the accompanying cash to enable them to carry out their new duties? Without that, undesirable cuts will be made elsewhere, such as in the home help service in the borders area.

Lord James Douglas-Hamilton: Many circulars confirm good practice and give appropriate guidance without involving extra funds. Borders council has £14.5 million for its community care responsibilities; that is an increase. The Carers (Recognition and Services) Act 1995 stresses good practice; the guidance does not require more funding.

The guidance on local inspection of residential and day care services does not impose significant additional burdens on local authorities but does provide up-to-date guidance. That is why additional funds are not being awarded—they are not required.

Sir Hector Monro: Does my hon. Friend agree that £662 million for community care in Scotland this year is a substantial sum? Does he further agree that many elderly folk are pleased that the Chancellor, in his Budget, increased the capital sum below which support has to be provided for residents in these homes?

Lord James Douglas-Hamilton: My right hon. Friend is absolutely right. There has been an increase of £41 million on the 1995-96 settlement. It is for authorities to establish their expenditure priorities.

Ms Rachel Squire: In this National Carers Week, does the Minister agree that it is completely unacceptable that young carers in Scotland are not to have a statutory right to an assessment of their needs, unlike young carers in England and Wales? Will he further agree that this is another example of the Government saying one thing and doing another? Other hon. Members and I understood the Minister to promise, during the debate on the Bill on the Floor of the House, that Scotland's young carers would have such a legal right to an assessment of their needs.

Lord James Douglas-Hamilton: The Government strongly supported the Carers (Recognition and Services) Bill during its passage through Parliament. Differences with the English provisions will not significantly disadvantage carers in Scotland. The guidance that we are giving encourages more co-ordinated, better-quality respite care services. We are encouraging local agencies to provide appropriate support for carers.

Travellers' Children

12. **Mr. Galloway:** To ask the Secretary of State for Scotland if he will meet the Scottish Showmen's Guild to discuss the education of the children of Scotland's travelling people; and if he will make a statement. [26064]

Mr. Raymond S. Robertson: Neither my right hon. Friend nor I have had any request to meet the Scottish Showmen's Guild to discuss the education of the children of Scotland's travelling people. Our policy is to promote equal opportunities in education, including education for travellers' children.

Mr. Galloway: The guild is desperate to meet the four Scottish Office Ministers who are taking their place on the coconut shy in the fairgrounds these days because of the savage cuts in local government funding that they have imposed. The cuts have led to the imperilling of Whiteinch primary school in my constituency, where the travelling people send their children. Is the Minister aware that Whiteinch is the most popular primary school in Britain for the children of travelling people because of the hospitable welcome that they have been given there by the staff and by other pupils? Would it not be a tragedy if the school were to close as a result of the mean, tight-fisted settlement that the Government have reached with Glasgow city council, which has made such dreadfully painful choices necessary?

Mr. Robertson: The hon. Gentleman is on the dodgem ride in dodging responsibility for his Labour-controlled local authority. He will agree with Accounts Commission for Scotland reports telling us

that there are 300,000 surplus school places throughout Scotland, and it is only right that new unitary authorities consider school closures carefully and sensitively. As I have said in the House on other occasions, when authorities come to do that I hope that they will take all factors into account. When considering the position of Whiteinch primary school, they must take into account the specific care and the sensitive treatment given to travellers and their children.

I hope that the hon. Gentleman will arrange an early meeting with his Labour-controlled council to put the points to it that he has put to me. At the end of the day, it is the council that must come to a decision.

Mr. Stewart: Does my hon. Friend agree that the guild represents a responsible set of people? Many of them will be at the Neilston show this Saturday, which starts at 11 o'clock, if my hon. Friend is free. Does he agree also that the education of travellers' children involves a genuine issue? If he receives a request from the guild for a meeting, will he agree that either he or my right hon. Friend the Secretary of State or, if appropriate, his Scottish Office officials should have a discussion on genuine issues, not the points raised by the hon. Member for Glasgow, Hillhead (Mr. Galloway)?

Mr. Robertson: When my hon. Friend sees the members of the guild on Saturday in his constituency, as he takes his place at the fair, he can pass it on to them that my right hon. Friend and I will be delighted to see any delegation that is led by my hon. Friend.

Mr. Connarty: It is obvious that the Minister will be concerned about the closure of any school that is attended by travellers' children and any other children. How is it that the same concern was not given to a school that is likely structurally to collapse? I refer to the Minister's visit to Bo'ness academy in my constituency. As a result of the cement that was used in construction, the school is falling down. We are told that it will have to be replaced within a decade. In other words, it will not be used after that. Why did the Minister not come forward with any further funding for the school? Why has he left the local authority with the problem of a collapsing school, with no help from an uncaring Government?

Mr. Robertson: It is truly unfortunate for the hon. Gentleman's constituents that he feels that he cannot adopt the responsible attitude that has been taken by the headmaster and the local authority. The hon. Gentleman knows that I visited the school with him on 26 February. He knows also that the consulting engineers' report made it clear that there was no immediate concern about the continued occupancy of the building, subject to the results of continuing monitoring. The new Falkirk council has time to consider the options for the building in the light of the information that it now has.

During my visit, as the hon. Gentleman knows, I encouraged the council to think further about the private finance initiative and work on the school building. On 9 April, PFI officials from the Scottish Office met Falkirk council and offered its representatives every assistance. I have asked to be kept in close touch with developments on that front.

Income Tax

13. **Mr. Brooke:** To ask the Secretary of State for Scotland what estimate he has made of the additional revenue which would be raised from an extra penny on income tax in Scotland. [26065]

Mr. Michael Forsyth: The latest Treasury estimate is that each penny raised in tartan tax would raise £130 million.

Mr. Brooke: Given what that sum would achieve if expended throughout Scotland, does my right hon. Friend agree that it would be much better if it were allowed to remain and fructify in the pockets of the people?

Mr. Forsyth: I agree with my right hon. Friend's words, which I think were originally put forward by Gladstone, whose legacy has been betrayed by the Liberals, who are too keen now to raise the tartan tax in Scotland. I agree that it would be unjust for people in Scotland to have less in their pay packets for the same wage as others elsewhere as a result of implementation of the proposal to have a tax-raising parliament.

Mr. David Marshall: Does the Secretary of State agree that Scotland is colder than the rest of the United Kingdom and that Scots pay more value added tax on fuel than any other part of the UK? Does he not realise that VAT on fuel is a hated and iniquitous Tory tartan tax on Scotland's people?

Mr. Forsyth: If we had listened to Labour Members, we would have much higher VAT rates, because, until recently, their period in opposition has been geared towards arguing for more expenditure. If the hon. Gentleman is interested in taxes that place an unfair burden on Scotland, he might have a word with the hon. Member for Dunfermline, East (Mr. Brown), who wishes to remove child benefit for children over the age of 16. That was originally a tax allowance. Removing it is a tax on education and on students. With more people staying on after the age of 16 in Scotland than in any other part of the UK, Scotland would be hit hardest by that Labour proposal to tax education.

Mr. Gallie: Does my right hon. Friend agree that additional revenue raised by Government means lower take-home pay for individuals? What effect would that have on business, on high streets in Scotland and on people attempting to create wealth?

Mr. Forsyth: If we have to pay higher taxes for Labour's Scottish Parliament in Scotland, there will be one result: fewer jobs, less take-home pay, less investment and less opportunity for us to have a say at the top table in the European Community, at Westminster and in the world's councils. That deal suits no one except the socialists.

Mr. Maclennan: I welcome the Secretary of State's recognition of Mr. Gladstone's fiscal prudence, which is, of course, a typically Liberal characteristic, and I draw the Secretary of State's attention to Mr. Gladstone's favouring of devolution all round. Instead of speculating

about taxation in future, will the right hon. Gentleman give a factual account of how much increased revenue he and his Government have raised in Scotland as a result of taxation increases since the last general election?

Mr. Forsyth: May I respectfully point out to the hon. Gentleman that the best traditions of 19th-century Liberalism are found on the Conservative Benches? On the subject of his party's commitment to home rule in the 19th century, perhaps the Labour party might learn a lesson there, because that commitment destroyed the Liberal party and condemned it to being out of government for a generation and more.

Mr. George Robertson: Given the Government's deplorable record in breaking practically every one of their tax promises made at the last general election, the Secretary of State has a cheek to raise in any way the subject of tax. When will he realise that the Scottish people are not impressed by scare stories and exaggerations about a power for the Scottish Parliament, which will probably never be a tax burden, but they are impressed—and, indeed, disgusted and angered—by the fact that, since 1992, they have had to pay 22 extra tax increases imposed by the Government, they have had a real tartan tax in VAT on fuel and they are now getting the Forsyth tax and council tax bills through every letterbox in the land?

I read that the Secretary of State was claiming that the Scottish Tory party has

"no divisions and no factionalism",

and that he wants it to be seen as a model for the Tory party nationally. If that model is going to reduce the national Tory party to 13 per cent. in the opinion polls, I endorse his call.

Mr. Forsyth: I hope that the whole of Scotland will recognise the hon. Gentleman's smugness in assuming that, because he happens to have a bit of a lead in the polls at present, he has a mandate to make the Scottish people pay more in income tax than any other part of the UK.

The hon Gentleman is a reasonable man. If he is sincere in his hints that he will never use the power that he says he will seek in order to raise a tartan tax, why does he not just drop his commitment to the tartan tax and end the uncertainty that is disadvantaging Scotland in competing for jobs and inward investment? Why not remove that from the scene altogether? It would be easy to do.

The hon. Gentleman should also say how he will fund the promises made by his hon. Friend the Member for Dunfermline, East, involving about £390 million extra for local government. That represents the whole of the 3p of tartan tax. Where is the money to come from and what is going on in the Labour party? This morning on the radio, the hon. Member for Holborn and St. Pancras (Mr. Dobson), who speaks for the Labour party on local government, said, "There will be no more extra money for local government." But north of the border Labour is saying that there will be more money for local government. Where will it come from if not from the tartan tax?

Lady Olga Maitland: In addition to the punitive tartan tax, will my right hon. Friend confirm that the sixth form tax that has been proposed by Labour would punish people to the tune of £1,000 per child for children trying to follow a sixth form course? *[Interruption.]* Is that not cheating children, denying them the chance of fulfilling their education?

Mr. Forsyth: These questions are broadcast, and I hope that every parent in Scotland with teenage children who is struggling to keep them at school or send them to further education colleges will note how Opposition Members laughed, jeered and sneered when my hon. Friend spoke about the importance of child benefit and what it means. The hon. Member for Hamilton (Mr. Robertson) might like to note that the removal of that benefit is equivalent to an additional tax. It is far more than the tartan tax, and it has been proposed by the Labour party, which should be ashamed of putting it forward.

Fire Service

14. **Sir Russell Johnston:** To ask the Secretary of State for Scotland what assessment he has made of the adequacy of the funding of the fire service. [26066]

Lord James Douglas-Hamilton: Revenue funding of the fire service is the responsibility of the fire authorities. It is for those authorities to ensure that the budgets which they set are sufficient to enable them to comply with their statutory obligations.

Sir Russell Johnston: The Minister knows that the highland region considers that the allocation of funds for the fire service in the highlands is quite inadequate and does not take proper account of that spread-out rural area. In view of the Ministers well-known belief in open government, does he agree that it would be good if the structure and funding of the fire service were looked at by the Select Committee on Scottish Affairs?

Lord James Douglas-Hamilton: It is obviously up to the Select Committee what subjects it looks at. Grant-aided expenditure has been increased by 20 per cent. for the current year. None the less, the new fire board has substantially reduced its budget. That represents an abrupt change of policy which I deplore.

I also make it quite clear that, if the fire board does not like the formula that has been laid down by the Convention of Scottish Local Authorities finance working group, it should submit its proposals and disagreements to COSLA. However, I understand that so far it has not done so. If it tries to close fire stations, putting people under threat and at risk, its proposals will have to have the clearance of my right hon. Friend the Secretary of State, who has made it clear that he will not allow any deterioration of service. There will be no support for unacceptable proposals.

Mr. Macdonald: On that point, will the Minister assure us that he will also veto any proposed redundancies that are suggested purely on cost grounds in this financial year, in the way he has said that he will veto fire station closures in this financial year?

Lord James Douglas-Hamilton: The hon. Gentleman is right to say that a reduction in the number of firefighters, fire appliances or fire stations would definitely require my right hon. Friend's approval, and he

has made it clear that he will not approve closures or reductions that would prejudice public safety. I repeat that we have increased grant-aided expenditure by 20 per cent., so there is no need whatever for such moves.

Greater Glasgow Health Board

15. **Mr. Watson:** To ask the Secretary of State for Scotland when he expects to meet Greater Glasgow health board to discuss NHS funding. [26067]

Lord James Douglas–Hamilton: My right hon. Friend has had no request for such a meeting.

Mr. Watson: The Minister knows that one of the acute hospitals covered by Greater Glasgow health board is the Victoria infirmary, which is suffering a severe funding crisis. Partly as a result of that, it is indulging in a competitive tendering process for support services, about which I have written to him.

Will he address the concerns of trade unions, staff and, to some extent, management about the activities of a company called Capita and an individual called Norman Foster, who was previously employed by the hospital? He seems to be giving the company an inside track in the tendering process while an in-house tender bid has been blocked. Those are important issues of public interest that must be investigated. Will the Minister undertake to do so?

Lord James Douglas–Hamilton: I am happy to look into the case. My understanding is that the NHS trust has already done so and considers that there is not a conflict of interest and that the correct procedures have been followed. I agree that there is a potential conflict of interest. I will look into the matter and write to the hon. Gentleman. I stress that Greater Glasgow health board has been allocated more than £589 million for revenue expenditure, which is a substantial sum for choosing the priorities for its health care.

BSE (Agriculture Council)

3.30 pm

The Minister of Agriculture, Fisheries and Food (Mr. Douglas Hogg): With permission, Madam Speaker, I would like to make a statement about the meeting of the Agriculture Council which finished yesterday evening. I represented the United Kingdom, assisted by my noble Friends the Parliamentary Under-Secretary of State for Scotland and the Parliamentary Under-Secretary of State for Northern Ireland, and by my hon. Friend the Parliamentary Under-Secretary of State for Wales, the Member for Cardiff, North (Mr. Jones).

The Council discussed the reform of the Community fruit and vegetables regime and the Commission's proposals for this year's farm price fixing. Both are important matters, and I set out the United Kingdom position on the lines that I have explained to the House on many occasions.

The Council also discussed bovine spongiform encephalopathy. I put before it a dossier of information setting out the measures that the UK has taken. I shall place a copy of that dossier in the Library. My first objective at the Council was naturally to achieve action on the export ban. Progress was made on this, and the conclusions of the Council explicitly recognise that the ban is temporary. They also recognise that the measures already put in place and foreseen form

"part of a process which should allow the export ban to be progressively lifted on a step by step basis."

In addition, the Council has recognised that the lifting of the ban in respect of tallow, gelatine and semen should be addressed in the Standing Veterinary Committee shortly. As the House knows, the relevant decisions are taken by qualified majority vote in the Standing Veterinary Committee, not in the Council. The next meeting of the Standing Veterinary Committee takes place next week.

Nevertheless, this welcome progress should not obscure the fact that the ban is disproportionate and unjustified. Accordingly, I made it clear to the Council, and recorded in a formal UK statement, that, on the basis of the scientific evidence available, there should be an early and complete lifting of the ban. Accordingly, we are proceeding with our application to have the ban set aside by the European Court of Justice under article 173 of the treaty. Our application is in an advanced stage of preparation, and will be lodged shortly.

The House will also know that the National Farmers Union has been granted leave to seek judicial review of the export ban, and I understand that the matter is expected to be referred to the European Court of Justice on 3 May.

I turn now to the concept of the selective cull. The Council accepted that the proposals that I have made involving the culling by farm of birth of age cohorts born after September 1990 in which there have been cases of BSE were very much in the right direction. It was also agreed that it would be helpful to investigate whether additional measures targeted on herds where there had been many cases of BSE would be justified.

This is a point which is obviously worth careful consideration, and my officials will be entering into technical discussions on this shortly. It is, however, already clear that, should we proceed with the cull, the scheme that we have put forward will form the major component of any such policy, and that the scale of any measure finally put in place will be very much along the lines that I have already indicated to the House.

I turn to the link between a lifting of the ban and the selective cull. The Government's position remains as it has always been: the two must proceed in parallel.

I am glad to say that the partial recovery in the beef market has continued. Consumption is now at about 80 per cent. of pre-crisis levels for good-quality cuts, and average market prices are 109p a kilogram, compared with 120p a kilogram before the crisis.

The scheme for the slaughter of male calves has been operational from 22 April and the scheme for the disposal of cattle of more than 30 months old, at the end of their working lives, will start operation tomorrow. That follows a decision of the management committee on 26 April, when, on our proposal, specific provision was made for payments to be made on a dead weight as well as live weight basis. That follows strong representation from the farming unions.

I know that many hon. Members and their constituents are concerned about how the scheme—I shall call it the 30-month slaughter scheme—will work in practice. The first point is that the scheme is now launched. The first cattle are likely to be processed tomorrow. More than 60 abattoirs and 80 markets across the United Kingdom will act as collection centres. Farmers will be anxious to have the finalised details. We shall be sending direct to farmers a note setting out all they need to know about the new arrangements.

I would summarise the position thus: in our view, the ban that has been imposed by the European Union is unjustified and should be removed. The conclusions arrived at yesterday have established a process that could achieve that. I very much hope that the Commission and all member states will play a full and active part in resolving this grave and urgent problem.

Dr. Gavin Strang (Edinburgh, East): I advise the Minister again that we fully share his commitment to securing an early lifting of the ban on the export of UK beef and beef products, and it is very disappointing that he has so little progress to report to the House. He said that the European Union Standing Veterinary Committee is likely to consider lifting the ban on tallow, gelatine and semen. Although any alleviation of the ban is to be welcomed, he will recognise that the number of jobs involved is small relative to the total number at stake.

Is the Minister aware of the great anxiety across the industry at his failure to put in place the programme for the destruction of the carcases of the cattle over 30 months old? There is huge uncertainty about which cattle will go first, to which livestock market, and to which abattoirs.

Does the Minister feel that his failure to put that programme in place, as he agreed to do, undermined his position at the council meeting? Does he agree that it is absolutely vital to the financial position of farmers and the welfare of animals that he brings that programme into full operation as soon as he possibly can? The measure should be up and running now, and while we continue without it fully in operation, many animals are on farms that are running out of feed, where serious welfare problems could develop.

Will the Minister also give very careful consideration to the levels of dead weight compensation and live weight compensation for the animals that are to be destroyed, taking into account the needs to give a fair return to farmers and to avoid further disruption to the beef market?

How are the slaughterhouses expected to deal with animals that are ineligible for human consumption? There is unease in many quarters that animals that are to go into our food may be slaughtered in slaughterhouses that are also dealing with animals that are ineligible for human consumption. Is it the Government's intention that the whole carcases of all the animals ineligible for human consumption are to be incinerated?

Two weeks ago, the Minister spoke about the need for an urgent look at exemptions to the 30-month ban. What progress has he made on that? With regard to the additional selective slaughter programme, can he confirm that the agreement that he reached last night was on the basis of a strengthening of the proposed additional slaughter programme? Does that mean killing even more cows?

Is it not now clear that the Council of Agriculture Ministers was not satisfied with our identification arrangements? Had the Government implemented the tagging policy that we advocated six years ago—which is now in place in Northern Ireland—the Minister might have been in a slightly stronger position in the Council this week. If we are to embark on an additional selective slaughter programme, this must be arranged quickly—not least because of concerns that farmers who have BSE cohort animals may be tempted to sell them on.

The eradication of BSE is a desirable objective. The Minister will have read the letter that I sent to him on Monday, calling for an investigation into the flouting of the ruminant feed ban, and into the high percentage of new cases of animals born after the feed ban was introduced in 1988. Such an inquiry could have been completed within two or three months, and it is necessary if we are to eradicate BSE from our cattle.

Surely the determination—*[Interruption.]* I can assure Conservative Members that we intend to pursue this issue, which is the major issue facing the Government—the Prime Minister himself has said so. Surely the determination to resolve the issue and tackle the question of eradicating BSE completely from our cattle is vital. The quicker we go down that road, the quicker the ban on exports will be lifted.

Does the Minister recognise that this BSE/Creutzfeldt-Jakob crisis throws a new light on the importance of the research establishments that are carrying out work on BSE and CJD? The Minister will advise the House that the Government have increased expenditure on BSE research since it was discovered in 1986—it would be hard not to have done so—but that increase was against the background of massive cuts in food and agricultural research. Has it occurred to him that the Government's policy of short-term contracts in research establishments is not helpful to the long-term research that is required on BSE and CJD?

Finally, I appeal to the Minister and to the Government to withdraw the prior options review plan to sell off the Government establishments that are carrying out research into BSE and CJD. Surely he must recognise that selling these establishments and privatising the staff is not in the interests of our scientists. *[Interruption.]* He must understand that BSE and CJD will be with us for some years to come, and that long-term research must be done by scientists in Government establishments who do not spend their time looking around for their next job. *[Interruption.]*

Mr. Hogg: The reception that the House gave to the hon. Gentleman's last points might suggest to him that he was not holding the House on those particular points.

First, I am grateful to the hon. Gentleman for his support. Secondly, as regards movement on gelatine, tallow and semen, clearly if we get it, it is modest; we would like more—we must have more—but it is welcome none the less.

As regards the 30-month rule, the scheme will become operational tomorrow. I always said that it would start during the week beginning 29 April. We will put out to all farmers an information note, and the hon. Gentleman will have seen an extensive advertisement dealing with that in at least three of the farming newspapers last week.

The hon. Gentleman will know that we have persuaded the beef management committee to agree to a live weight of 1 ecu a kilo and a dead weight of 2 ecu a kilo. That was secured last Friday.

The carcases of animals slaughtered under the scheme will go to rendering. They will be kept separate in distinct lines, and may be dealt with on separate days.

The exemptions are important. I spoke to Commissioner Fischler about that last week, and again frequently in the Council. I think that we will be able to make progress with the Commission on that point, and I shall go out to consultation, because it is important.

With regard to the selective cull, we clearly should consider reactions to our consultation process, both within the United Kingdom and from Community and Commission vets. The Commission vets made it plain to the Council and to everybody else that they endorsed the scheme that we brought forward and that they could not identify a scheme which they would commend in preference to our own.

Yes, identification needs to be improved, and we hope to have a much improved scheme in place by 1 June.

With regard to cattle born after the ban, if the hon. Gentleman would care to look at the dossier that I am putting into the Library, he will see a number of documents under the heading "A" which show an encouraging decline in the number of cattle born after the ban. Our concern over that question is one reason why we changed the feed regulations in the way we did.

Finally, of course it is desirable to accelerate the reduction in the rate of BSE. It is that thought which is, at least in part, behind the thinking that underpins the concept of a selective cull.

Several hon. Members *rose—*

Madam Speaker: Order. The entire House seems to be rising. It is unlikely that everyone will be called and it is extremely unlikely that Members will be called if there are long exchanges, so it is entirely up to the House how many Members are called. I want brisk exchanges, please.

Sir Hector Monro (Dumfries): Does my right hon. and learned Friend accept that many of us are most grateful

[Sir Hector Monro]

to him and his colleagues for the efforts they have made to resolve the problem? But will he also accept that it is now urgent that farms should get the 30-month-old cattle away and compensation paid, and that consideration should be given to the slow-maturing cattle? Will he do rather more than was apparent this morning to explain to the auctioneers and to the farmers what is to happen, when the beasts will be taken to the market, and all the details they so urgently require?

Mr. Hogg: My right hon. Friend is entirely right. At the end of last week, the farming press carried details of the 30-month scheme. I shall be sending a note to farmers and others with the relevant information. It is important now that the scheme opens tomorrow and that there is rapid progress through the collection points, and thereafter through the abattoirs, followed by early payment.

Mr. Paul Tyler (North Cornwall): Does the Minister recognise that we share his objective of seeking to raise the export ban as quickly as possible? May I go further and commiserate with him most sincerely over the very difficult situation in which he has been put by two avoidable factors, the first being, of course—as Sir David Naish of the National Farmers Union made clear—the ultimatums, threats and sabre rattling of the Euro-sceptics in the Conservative party? As the Minister was not in the Chamber to hear it, perhaps I should draw his attention to the remarks of the Secretary of State for Scotland, who repeated precisely those accusations an hour ago, and said that they were making his task that much more difficult.

Is it true—as is apparent from everything that the Commission told me and my colleagues when we were in Brussels in the past 10 days, and from everything that it has told many Conservative Members—that, had the Minister presented his package of proposals weeks ago for informal consultation, by now we would be well on the way to removing entirely the ban on exports?

I shall put a specific question to the Minister, which obviously will require a specific answer. Yesterday, his colleagues in the Scottish Office Agriculture, Environment and Fisheries Department, in part 6 of a briefing paper, said:

"It has been suggested that we should cull whole herds, but that approach implies that BSE is transmitted from animal to animal, whereas on the available evidence that is not happening or not at any significant"—

Madam Speaker: Order. I have asked the House for brisk questions. It is totally unfair for hon. Members, when they see so many other hon. Members rising, to take up so much time with long quotations. Hon. Members know full well that the Minister is making a statement. They should come into the Chamber with their questions prepared and not have to sort through a great deal of paper to find a relevant section.

Mr. Tyler: I simply ask the Minister whether he endorses the Scottish Office's view that this disease can be transmitted from animal to animal. If he does, it blows the whole of his cull policy out of the water.

Mr. Hogg: The hon. Gentleman's support was a bit double-edged—none the less, I am grateful to him for the favourable aspects of it. Yes, of course speedy movement is important. To get it, we must have political good will among member states. We have had considerable assistance from the Commission, for which I am grateful, but we now must have good will from member states. That is what I say to my colleagues around the Council table.

Mr. Paul Marland (West Gloucestershire): In the light of the Europeans' blatant disregard of the best scientific advice available, does my right hon. Friend think that they have a hidden agenda, especially since the Irish have been saying that this ban is likely still to be in place by the autumn? Furthermore, is it time for us to start insisting that we will not accept meat into this country that has not passed through slaughterhouses with the same standards as we have in the United Kingdom? We know that there is BSE in Europe, and we also know that specified offal is not removed in slaughterhouses in Ireland, Germany, Spain or—most interestingly for McDonald's—in Holland.

Mr. Hogg: Many hon. Members will share the concern expressed by my hon. Friend at the end of his observations. As for his first question, there is no good scientific basis or other legitimate justification in law or in logic for the ban. We are facing a very deep concern among member states about the perception of consumers in their respective states, which is getting in the way of a rational, considered view of the evidence.

Mr. Andrew Faulds (Warley, East): What plans does the right hon. Gentleman have to set up a profound examination not only into the dangers of cannibalisation of feed but into the much more disturbing and profound problem of transgenic experimentation?

Mr. Hogg: It is clearly important to have a view about the risk that feed has posed to the health of the national herd. We have a clear view on that, and it was our concern which led to the ban on the incorporation of feedstuffs, in the first instance of ruminant protein, and thereafter of all mammalian protein.

I will tread a little cautiously on the second point, because I am not sure exactly what the hon. Gentleman had in mind. Research on transgenic mice has been important in determining whether BSE is transmissible. I hope that the hon. Gentleman would support that.

Mr. David Nicholson (Taunton): Over the past six weeks, my right hon. and learned Friend has shown extraordinary patience with our European partners, but he must be aware that that process has sorely tested the patience of many in the farming and beef industries, who are crying out for clear and detailed decisions regarding a resolution of the matter. Bearing in mind the remarks made a moment ago by my hon. Friend the Member for West Gloucestershire (Mr. Marland), will he consult and take decisions with his Cabinet colleagues about how much further we can go from the very selective slaughter policy that he has proposed, because I do not think that Conservative Members would back such progress, and what other measures we need to take to safeguard our national position?

Mr. Hogg: My hon. Friend said that the crisis and the reaction to it have sorely tested the patience of the

industry. He is quite right. I am also conscious of the fact that it has sorely tested the patience of right hon. and hon. Members. I have explained to my colleagues around the Council table the huge importance, expressed in political terms, of making early progress. I have explained that with reference to such considerations as I know are in the mind of my hon. Friend. I entirely endorse his sense of exasperation and frustration that progress has been so slow.

Mr. Dennis Skinner (Bolsover): Has it not crossed the mind of Ministers of this pathetic Government that, during the 23 years since we became a member of the Common Market, the only way to resolve matters has been to go in there and let the other Ministers know that you mean business? For a few fleeting moments last week, somebody in the Tory Government was going to bang a big drum, but then they backed off. It was the only time that the Government looked as if they were going to do something positive.

It is high time that the Government understood that they are involved in a political issue—it is not technical or academic. When they realise that, they will be doing something for the farmers and all the others who have got the sack in Britain. It is high time that there was a cull—a cull of the Cabinet and the Government. Let us have a general election and cull the lot of them.

Mr. Hogg: One should not always be kind to the hon. Gentleman, but there is a grain of truth in what he said—perhaps more than a grain of truth—to the extent that he has emphasised the grave consequences of the ban for the industry, for people across the rural community and in other parts of the economy. That is true.

Because this is so serious, we cannot indulge ourselves in the sort of idle rant that we have just heard from the hon. Gentleman. We must ask ourselves what policies are most likely to lead to an early lifting of the ban. I have advocated, do advocate and have pursued the policies of persuasion and negotiation, because I think that those are most likely to achieve the essential end.

Mr. Nicholas Winterton (Macclesfield): Is my right hon. and learned Friend aware that those of us who represent beef and dairy constituencies are running out of patience? We will not accept an increased cull unless it is justified by scientific advice. Will he understand that decisions have to be reached within hours, not weeks? Will he give me an assurance that the Chelford market and agriculture centre in my constituency will be nominated as one of the collection points? He knows that the European Community is out to destroy our sale and distribution system, and the only way to retain it is to ensure that all the cattle markets share in whatever funds are going.

Mr. Hogg: I understand that most right hon. and hon. Members and the agricultural community are losing patience. I understand my hon. Friend's reservations about the concept of a selective cull, and we have tried to address those reservations in our consultations. I am conscious that we could not pursue a selective cull policy unless it was a policy that the House was ready to acquiesce in. That is the most important reassurance that I can give my hon. Friend.

Mr. Calum Macdonald (Western Isles): Why are the Government still completely isolated in Europe? Either the other Governments are complete villains and will not listen to reason and argument, or the Government are entirely inept in the way that they are putting forward their argument. Which is it?

Mr. Hogg: That is not the correct analysis. I agree with the hon. Gentleman that there is enormous resistance to lifting the ban—that is true. However, when one listens to the arguments advanced across the Council table or among the vets, one sees that that resistance is not justified in scientific terms, and rarely in any other terms of considered argument. It is articulated in terms of consumer concern. I believe that a real fear is stemming from the market reactions in countries in Europe, and that that has caused them to fix on this matter as a way of restoring market confidence in their own countries. That is not a proper approach, and it is not one that I would commend to the House.

Sir Patrick Cormack (South Staffordshire): Will my right hon. and learned Friend say very firmly to our European colleagues that there is nothing more destructive of public confidence—about which they are protesting so much—than their constant refusal to accept scientific advice?

Mr. Hogg: My hon. Friend is wholly right, and I have said this to my colleagues in the Council many times—sometimes in even more robust language than that of my hon. Friend.

Mrs. Ray Michie (Argyll and Bute): In relation to the slaughter scheme, I press the Minister, in particular, on collection centres and designated abattoirs. The farmers in my constituency do not know what is happening. We need to know whether there will be local provision on some of the islands and Kintyre. I am glad that the Secretary of State for Scotland is in the Chamber.

If there is no local provision, and if there is restriction on these centres, will not animals be ferried and trucked for many hundreds of miles to a collection centre and then back again? That will result in a loss of weight and a loss of value in the animal. The farmers in my constituency are deeply frustrated. A logjam is building up, and there are cash flow problems. There is an increasing feeling of hopelessness, because farmers do not know what will happen.

Mr. Hogg: As the hon. Lady can see, my right hon. Friend the Secretary of State for Scotland is sitting on the Front Bench, and he has heard what she has said about information. He is sending information to the Scottish farming community. I know that he has paid careful attention to what the hon. Lady has said. The farming community and the Government are worried about a logjam in the early stages of the 30-month-plus cull. We are seeing whether there are any ways in which we can free up that logjam.

Sir Peter Emery (Honiton): Does my right hon. and learned Friend accept that most people believe that he is doing all that is possible to fight for the agricultural industry? None the less, we know that the Opposition are political and commercial, to the benefit of the French, German and Dutch farmers.

[Sir Peter Emery]

Irrespective of that, does my right hon. and learned Friend understand that there is great concern in the south-west? Farmers do not know where they are—they do not know what is happening and what they should do. Will he try to ensure that communication between his Department and not the NFU but farmers individually, is considered and greatly improved? Farmers are desperate to know how to act and what to do.

Mr. Hogg: My right hon. Friend has a very important point when he suggests that the opposition to our position is not based on science; I agree with that view. He is also right when he emphasises the importance of communicating the schemes and the details to the farming community. We did place material in the farming press last week. We have given much material and information to the NFU—I take my right hon. Friend's strictures—and he may have heard that I shall be sending a note to all farmers very shortly.

Mr. William Ross (East Londonderry): Does the right hon. and learned Gentleman understand that we welcome the fact that payment on a dead weight basis as well as a live weight basis will now be the norm? Will he confirm that the sum of 109p per kilo is on a live weight basis?

Does the right hon. and learned Gentleman recall that he commended the Northern Ireland system of tracing and identifying cattle? Given that this subject, as he said today, is a matter of consumer concern and consumer perception, would it not be wise to use the traceability methods that exist in Northern Ireland, and in some other parts of the United Kingdom, as a lever to open the European export door? Every beast exported from anywhere in the United Kingdom is one headache fewer for him and for the Treasury.

Will the right hon. and learned Gentleman also consider, in the light of the interest displayed in his statement today, that we are overdue for another full debate on that subject?

Mr. Hogg: A full debate is a matter for the usual channels. I am grateful to the hon. Gentleman for his support for both a live weight and dead weight valuation for compensation.

On identification, the hon. Gentleman is right to say that the Northern Ireland arrangements are better than those in any other part of the United Kingdom; that is wholly correct. As the hon. Gentleman knows, we are considering the concept of an exemption from the 30-months scheme. It is possible that that might also be used as a justification for a partial lifting of the ban in respect of those herds that are so defined. We are working energetically on that. That would, I think, be of enormous value to the Province.

Mr. Nicholas Budgen (Wolverhampton, South–West): Will my right hon. and learned Friend confirm that, if he were to introduce a scheme of compulsory killing of healthy cattle to reassure European consumers, he would need fresh primary legislation in this Parliament? Does he agree that, judging by the views of the House this afternoon, it would be very unlikely that such a Bill would pass the House?

Mr. Hogg: Clearly, any scheme that was brought forward would have to have proper statutory authority. As my hon. Friend well knows, that could be primary legislation or it could be secondary legislation under existing law. I further agree with my hon. Friend that a scheme could not be brought forward, whether under primary or secondary legislation, unless it was such as commended itself to the House.

Mr. Peter Hardy (Wentworth): Will the Minister remind his hon. Friends that the western European countries—indeed, any country—could impose a ban, and that, in the present situation, political skill and adequate initiative might lift that ban earlier than would be the case if we did not have an economic union?

Does the Minister understand that there is deep anxiety on this subject? I listened, and he may have listened, to farmers expressing on television their concern that they have heard nothing from the Ministry of Agriculture in recent weeks. They pointed out that we have not even had replies to questions of the sort that I asked the Minister two or three weeks ago—will animals be killed that have never been fed infected mammalian protein, in farms where there has been no death or case of BSE from animals that have never been fed that protein? A large number of dairy farms in this country are in that position, and the farmers have wrestled with acute anxiety for far too long.

Mr. Hogg: The hon. Gentleman is right to imply that the European ban is not the only problem we face. There are a number of national bans across the world—including those erected by Commonwealth countries—which need to be addressed.

I accept that farmers need yet more information. We have placed a whole lot of stuff in the farming press, we have been in continuous and virtual daily contact with the farming unions, and I shall be sending written material to all farmers.

On the last part of the hon. Gentleman's question, his description of farms in his constituency explains why we are pushing for an exemption scheme to enable established herds of the sort that he described—but more than 30 months old and beef—to be allowed into the human food chain.

Mr. Richard Alexander (Newark): Does my right hon. and learned Friend recall that, when he and I first came into politics, the European Union was known as the Common Market—a mutual trading organisation? By what right does that organisation now say, on no scientific grounds, not only that our beef cannot be sold in Europe, but that it cannot be sold anywhere else, either?

Mr. Hogg: I share my hon. Friend's view that extending the prohibition—whether wholly or in part—to third countries, goes beyond the competence of the Union.

Mr. Robin Corbett (Birmingham, Erdington): While it is right that the emphasis should be on the state of the beef market, what consideration has the Minister given to the impact of the proposed slaughter policy on the dairy industry? Is it likely to force up the doorstep price of a pint?

Mr. Hogg: I believe not.

Mr. Edward Garnier (Harborough): Does my right hon. and learned Friend accept that any case that he brings

to the European Court of Justice will no doubt please my farmers, but could take as long as two years to reach a conclusion? Will he ensure that any application for interim relief is launched as speedily as possible?

Mr. Hogg: That is obviously an important consideration.

Mrs. Alice Mahon (Halifax): I declare an interest in public health. Public confidence has been badly affected by this debacle, and many people do not want to eat beef or feed it to their children. Is it not therefore important that the weaknesses in the current food labelling laws should be urgently addressed? Manufacturers are not required to identify the species origin of the meat used in their products. What plans does the Minister have to tackle that problem and to allay people's fears?

Mr. Hogg: The essential question to ask is whether British beef is safe—to which the answer is yes. I do not honestly think that labelling has the slightest bearing on that issue.

Sir Donald Thompson (Calder Valley): Have not my right hon. and learned Friend and his predecessors consulted the EU since 1987 on every step of BSE? Have not the veterinary committees and other committees in the Union been appraised of what we were doing, and have they not agreed with what we were doing? Does not the current hysteria point to commercial and political considerations, not scientific ones?

Mr. Hogg: My hon. Friend has an extremely distinguished record in the field, having been a distinguished Minister in my Department, and what he has said has considerable force. There has been an endless dialogue between officials from the United Kingdom and those in the European Union. My hon. Friend is right to assert that most of the opposition we have been encountering has no justification, either in science or in logic.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley): Is not the truth that, in spite of all the Minister's huffing and puffing and his dossier, in six weeks he has achieved nothing in terms of lifting any of the bans, including those imposed unilaterally by Commonwealth countries that have nothing to do with the European Union, while many of my constituents are continuing to lose their jobs? How long can the Minister continue in his job if he gets nowhere and still retain any degree of respect in the House?

Mr. Hogg: As to respect in the House, that is for the House to decide. At Luxembourg, we put in place a process that is capable of leading to the lifting of the ban. The essential question we must face is whether member states will play a full and active part in response to Commission proposals that will enable that to occur. I express the earnest and profound hope that they will.

Mr. Patrick Nicholls (Teignbridge): Does my right hon. and learned Friend agree that an uncharitable assessment of the position is that all he can do in the present position is to ask, plead, beg and to cajole, but compel nothing? Does he agree that, if he and his right hon. Friends are reduced to such a position under the present rules, the time has come to learn the real lesson of this miserable business and to ask: on what terms should we remain in the Community for the next 25 years?

Mr. Hogg: This is a very grave matter. Therefore, it is incumbent on all who have policy responsibilities to ask ourselves what kinds of policies are most likely to result in a lifting of the ban. I have been pursuing a policy of persuasion and negotiation, and I believe that that is the right approach.

Mr. Ieuan Wyn Jones (Ynys Môn): Does the Minister accept that the understandable frustration felt by farmers could now turn very easily into anger and despair at the delay in lifting the ban and lack of information about the slaughter policy? Will he do two things immediately? First, will he confirm that under no circumstances will the Government agree to the ban remaining in place until autumn this year? Secondly, will he confirm when the farmers will receive letters informing them about the collection points and the licensed abattoirs?

Mr. Hogg: On the matter of information, the hon. Gentleman will know that, last week, three farming publications carried extensive information about the issue. In a few days, the Ministry will write to all farmers enclosing a very detailed information pack.

Mr. John Townend (Bridlington): Will my right hon. and learned Friend accept that there is great disappointment in my constituency at his inability to announce the lifting of the ban? Our fishing industry has been savaged by the European fishing policy, and now the European Union has started on our dairy and beef industries. My right hon. and learned Friend has admitted that the ban is illegal, unjustified and unwarranted. Therefore, will he apply a time limit and tell our friends overseas that, if the ban is not lifted within three to four weeks, we shall take retaliatory action?

Mr. Hogg: This is indeed a very serious matter, but we are all under an obligation to ask ourselves and one another what policies are most likely to bring about a speedy removal of the ban. The policies that I have outlined are those which I believe are most calculated to achieve that objective.

Mr. Tam Dalyell (Linlithgow): Could we return to the desperately important question raised by my hon. Friend the Member for Edinburgh, East (Dr. Strang) about the United Kingdom's scientific infrastructure? What is happening with the central veterinary laboratory, the central science laboratory and the neuropathogens laboratory in Edinburgh and the cuts in work that may be vital in identifying the root cause of the problem? The last time that he was at the Dispatch Box, the Minister said very courteously that he would look at the experiments conducted in Ames, Iowa, involving proteins 130 and 131, and the question of prions in sub-heated food.

Mr. Hogg: Of course scientific research is important. I have discussed it on a number of occasions with Professor Pattison, the chairman of the Spongiform Encephalopathy Advisory Committee, to ascertain

[Mr. Hogg]

whether he considered there to be a shortage of resources that could be addressed in those areas for which I have responsibility. I hope that I am not misquoting Professor Pattison, but I think that he was content with the present level of research. If he were not, he would express further concerns, and I would certainly do my best to address them. In the current year, we have increased MAFF spending on research by £1 million.

Mr. Tony Marlow (Northampton, North): Is my right hon. and learned Friend aware of the concern that, if there are too few collection points for cull cows, many calves and other animals will go to those collection points, and other markets will lose business and may well be threatened? Will my right hon. and learned Friend look carefully at that issue, and consider licensing other collection points?

Mr. Hogg: On the general point, of course it is important there should be a sufficient number of collection points. When we see the system in operation, we shall certainly reflect on whether the number is adequate. I hope that my hon. Friend will forgive me—as will my hon. Friend the Member for Macclesfield (Mr. Winterton)—if I do not accede to specific applications on the Floor of the House, as that is not an orderly way to conduct business.

Mr. Andrew Welsh (Angus, East): As the Irish Agriculture Minister believes that the blanket ban will still be in place in the autumn and the science involved takes time, will the Minister take note of the early-day motion calling for a zonal or regional approach to breaching the blanket ban? It was supported by 86 hon. Members from all parties and by several European Ministers. Surely a step-by-step approach should start with a breach of that blanket ban. Gelatine is one thing, but it does not compare with beef. The Minister's present policy is a waste of beef, and a waste of time.

Mr. Hogg: The slaughter of all the cattle involved in the 30-month-plus scheme, for example, is a dreadful waste of beef and money. I have the highest regard for the judgment of Mr. Ivan Yates, the Irish Agriculture Minister. I know him well, and I like working with him. He will be the next president of the Agricultural Council, and I hope to persuade him that it is not in his interests that the ban should be in place for that length of time.

Sir Teddy Taylor (Southend, East): On fruit and vegetables, which we discussed earlier, did the Minister offer his congratulations to his colleagues in the European Union on the fact that the food destruction programme, which last year reached 2.5 million tonnes and was designed purely to keep prices artificially high, appears to have broken all previous records? Will he tell the House straight—as I am sure he will—the cost to the taxpayer of the 30,000 cull that he is proposing, or the larger one that the Labour party supports? May we have some figures as to how much the taxpayer will pay?

Mr. Hogg: In the end, it all depends on the numbers that are brought within the selective cull scheme and the extent to which we can get Europe to contribute to the costs. Therefore, although I could provide figures, they would be speculative, and not of the solid variety that I know my hon. Friend likes.

Mr. Roy Beggs (East Antrim): The Minister has done his best, but I am afraid that it is not good enough. The simple reason is that it is not in the interests of any other member of the European Union to concede that the blanket ban should be lifted. In order to provide assurance, he should have implemented throughout the United Kingdom the provision that exists in Northern Ireland for identifying our cattle herds.

As he says that there must be progressive lifting of the ban, will he seize the opportunity—where there is a measure of consent in the European Union—to adopt a regional approach? That is the only way to overcome the prejudice that exists, no matter how often we seek to confirm from scientific evidence that all British beef is safe. It is more important to get British beef moving, and I appeal to the Minister to help us—especially in Northern Ireland and Scotland, where we can meet the conditions that are being sought.

Mr. Hogg: I am grateful for the remarks with which the hon. Gentleman began his question. It is perfectly true that Northern Ireland has a traceability and identification scheme from which the rest of the United Kingdom has a great deal to learn. We will have a good scheme in place by 1 June, although it will not be in every respect identical to the one in Northern Ireland.

It is certainly true that the Northern Ireland herds have very low levels of confirmed BSE. However, I have a preference for proceeding collectively, so that the policy that we pursue applies throughout the United Kingdom. The exemption policy that we are pursuing will be of particular benefit to Northern Ireland producers because of the character of the herds in the Province.

Mr. Mark Robinson (Somerton and Frome): I welcome my right hon. and learned Friend's assurance that the cull scheme will start tomorrow. May I urge him to ensure that abattoirs are given the details of the scheme? As of this morning, a major abattoir in my constituency could get no details whatever from MAFF.

Mr. Hogg: My understanding is that all abattoirs have the details; I am sorry that my hon. Friend knows of a case which apparently does not. If he will be good enough to talk to me or a colleague afterwards, we can perhaps make sure that the details are faxed this afternoon.

Mrs. Ann Winterton (Congleton): I congratulate my right hon. and learned Friend on his brave attempts at the Agriculture Council; but I must tell him plainly that every man and woman in this country can now see that we in this House are not the masters of our own destiny; and that the European Union has nothing to do with fairness or scientific fact and everything to do with politics—as the hon. Member for Bolsover (Mr. Skinner) said—and protecting markets. Every cattle market in this country has been adversely affected by the BSE crisis. Why are there to be only 80 collection points? Every cattle market should be a collecting point, and I want the Congleton cattle market among them.

Mr. Hogg: It seems to me that the Winterton family is, collectively, a powerful advocate of certain causes. I shall

certainly take my hon. Friend's point into account—although without commitment, because I must look at each application on its merits.

I am grateful for my hon. Friend's congratulations. I was right to suspect, however, that they would not be undiluted. I repeat what I have told many hon. Friends today: we have been pursuing the policies that we judge the most likely and the most effective to lift the ban.

Sir Ivan Lawrence (Burton): Has my right hon. and learned Friend told his European colleagues that most people in this country think that, if we can be treated like this by our European friends, our membership of the Union is not working well? Has he told them, furthermore, that, as it is unlawful for them to ban our exports, we might consider unlawfully banning their imports? One way we can boost our beef industry is to redirect our exports to our domestic market. If that means banning imports of German, French or any other European beef, so be it.

Mr. Hogg: I have certainly told fellow Ministers in the Agriculture Council and others that a failure to solve this problem would seriously damage relations between the UK and the European Union, and between the UK and member states. I have tried to spell out to my colleagues the serious political consequences in this country of a failure to move on this matter. They know that—I have told them so many times.

Mrs. Jacqui Lait (Hastings and Rye): Does my right hon. and learned Friend agree that, if we were not a member of the European Union but still faced a worldwide ban on our beef exports imposed by individual countries, we would have to negotiate at the World Trade Organisation just as we are negotiating now with the EU? Would that not be infinitely more complicated?

Mr. Hogg: My hon. Friend makes a serious and important point. Of course, we have focused a great deal of effort and attention on the EU ban—the House knows why—but a large number of national bans have been imposed by countries outside the EU. They too need to be dealt with. I believe that removing the EU ban would be an important element in getting at least some of the national bans removed.

Mr. Graham Riddick (Colne Valley): Bearing in mind the fact that the EU's ban on the worldwide sales of British beef is unacceptable and perverse, is it not time that the Government, rather than awaiting further good will from our European partners, took active steps to promote the sale of British beef in countries outside the EU, and also took steps to ensure that the bans in some of those countries are lifted? It is action that British farmers and meat traders require.

Mr. Hogg: We have focused on a number of priorities, of which the most important is, I think, to try to bring urgent assistance to the UK farming community, and that we have done in great measure. We have placed great importance on getting the EU ban lifted. There are national bans too that need to be addressed, and we shall address them.

Mr. John Greenway (Ryedale): My right hon. and learned Friend has done as well as anyone could have done, given the stubborn intransigence of the rest of the EU at the Council meeting. Does he agree that, given all the calls today for direct action, perhaps it is right not to go down the road of a tit-for-tat trade war? It is certainly right, however, to use what powers my right hon. and learned Friend has to ensure that our farmers and agriculture industry have a future.

We need more collection points. We need also a scheme for heifers under 30 months of age. In addition, we need unilaterally to say that we shall have exemptions for cattle over 30 months of age. It would be a grotesque obscenity to see perfectly healthy animals, many bred on grass, being destroyed.

Mr. Hogg: My hon. Friend knows a great deal about this subject, bearing in mind his constituency. I, too, attach considerable importance to what we have been loosely referring to as the exemption policy in respect of 30-month-plus cattle. I would prefer to agree that approach with the EU.

Mr. Bill Walker (North Tayside): My right hon. and learned Friend will not be surprised that many people are saying that the EU is not working, and that it desperately needs reforming. To turn to matters that are under the control of my right hon. and learned Friend in the culling programme, will he confirm that live weight and dead weight will not give a financial advantage to any one sector? If he were to find that there was a financial advantage and the cost to the taxpayer was being increased, would adjustments be made?

Mr. Hogg: The live weight/dead weight ratio is contained in the conclusions of early April. We secured an agreement at the management committee last Friday that we should have a dead weight option as well on the basis of previous conclusions. In doing that, I was responding to strenuous representations from farming unions.

Mr. William Cash (Stafford): Will my right hon. and learned Friend, who continually refers to persuasion and negotiation, appreciate that there is deep anxiety in my constituency and in all the other agricultural constituencies of the land? Will he bear in mind the fact that, when he refers to urgent assistance, there are some legal remedies that he could employ, or recommend to the Cabinet, including the suspension of payments, which would deal with the Community's cash flow? It would not be a tit-for-tat arrangement, but it would bring to bear on the minds of those representing other member states the realisation that they need our money too.

Mr. Hogg: Of course I am aware, as is my hon. Friend, of the deep anxieties that are felt in rural constituencies, as elsewhere. I have represented a rural constituency since 1979. Indeed, it is one of the most rural of English constituencies. I am anxious to pursue those policies that I deem most likely to bring about a rapid lifting of the ban. I think that I have been doing that. I shall consider any suggestion that is proper, lawful and likely to be effective, but we must consider the consequence of any particular policy.

Mr. David Harris (St. Ives): While my right hon. and learned Friend is undoubtedly right to pursue a policy of

[Mr. David Harris]

persuasion and negotiation, does he not agree that the lesson of Luxembourg is that, unfortunately, it looks as if such a policy will take a significant time to achieve the right result, and that, as the negotiations continue, we shall be pushed ever further in the direction of following a slaughtering policy for which there can be no scientific justification? Therefore, will he actively pursue other means that are open to him, especially the legal challenge—bringing, I hope, a case in the European Court for interim measures? That would be a test case, perhaps in more senses than one.

Mr. Hogg: I shall of course pay considerable attention to what my hon. Friend says about the legal challenge. That is an important point. On selective culling, I return to two points that I have made on a number of occasions. First, we could properly pursue only a policy that was proportionate in terms of slaughter, and that was targeted. Secondly, any policy must be one to which the agricultural community and the House will give their broad assent.

Mr. Anthony Coombs (Wyre Forest): On collection points, assuming that a selective cull is necessary, is my right hon. and learned Friend aware of the great concern of farmers in my constituency—indeed in the whole of Worcestershire—that neither Kidderminster cattle market nor any cattle market in Worcestershire has been designated as a collection point? Is he not aware that the already great difficulties caused for farmers as a result of the crisis may be exacerbated by the long-term decline of Kidderminster market if it is not designated as a collection point at this time?

Mr. Hogg: Obviously I am concerned that we should have adequate coverage by way of collection centres. During this afternoon's exchange, four centres have been suggested, and I have a feeling that many others would have been, had you, Madam Speaker, called other hon. Members, so I will not give any commitment in respect of particular markets; but, of course, I take account of what my hon. Friend has so eloquently said.

Mr. Elliot Morley (Glanford and Scunthorpe): The Minister has conceded that there are potential welfare problems and that there is a need to ensure the speedy implementation of the measures, which will of course have to be enforced. Given all those factors, is this the right time to make cuts in the state veterinary service's budget? Will he think again about that?

Mr. Hogg: We have made adequate provision to deal with the sort of concerns that are troubling the hon. Gentleman.

Local Authorities (Trading and Competition Powers)

4.37 pm

Mr. Gordon Prentice (Pendle): I beg to move,

That leave be given to bring in a Bill to allow local authorities to trade and compete with private sector providers.

Such a Bill is long overdue. It is needed to clarify beyond doubt the powers that local authorities have to supply services or goods to other organisations. In this vital sector, the law is opaque.

I have always wanted to give local authorities a power of general competence that would allow them to do anything that is not specifically prohibited by Act of Parliament. At present, the position is precisely the reverse. Councils can lawfully act only if the powers have been given to them by Parliament. However, a power of general competence along those lines does not feature in the Bill. It is much more narrowly focused. I therefore hope that it will receive all-party support.

The form of the Bill has emerged after discussions with the Association of Direct Labour Organisations, its director John Roberts, and others. ADLO has a membership of more than 200 councils nationwide, and they are all crying out for clarification of the law. They tell me that they have to negotiate a legal minefield before they can respond positively to requests from local companies or local people who wish to buy their services. Sometimes it is possible, but, more often than not, it is unlawful, and the council must turn down the chance of earning money that could only benefit council tax payers.

Railtrack, whose prospectus is published today, is a case in point. It wanted to contract with councils to cut grass and to remove litter on railway land, but that was outside the powers of local authorities, and the proposal was spiked.

The Bill would allow councils to provide goods and services that are connected with their functions. It would not allow them to set up car companies, for example, in competition with Nissan, or factories to manufacture television sets. However, the Bill would allow councils to acquire premises, appoint staff, and form companies. They would be able to charge for the goods and services they supply, and that has always been a grey area.

These important new powers would be circumscribed by regulations that the Government of the day may consider necessary. The regulations could exclude certain goods or services, or restrict the geographical area within which a local authority may provide goods or services, or may in some way restrict the terms or conditions of any agreement that councils may enter into. I say that for the benefit of Conservatives, who may fear that the new powers would give councils an unfair advantage over other organisations or individuals. The Bill contains plenty of safeguards.

Currently, councils have a restricted range of services in which they can engage in head-to-head competition with the private sector. A council car park is one example. Round the corner from it there may be an NCP car park which is competing head to head for the same trade. However, that is the exception rather than the rule.

Thamesdown Contractors is the trading arm of Thamesdown borough council, and its experience is more typical. It manufactures and supplies PVC window fames,

and can install them in council houses. But if someone exercises his right to buy his council house and wants the council to put in a new set of windows, the council cannot do it, because it would be against the law. That is clearly absurd. There are many other such examples.

Many councils employ arboriculturists to deal with trees that overhang highways or are in public parks. Out of the goodness of their hearts, they often offer advice to individuals on the care and preservation of trees and so on. Sometimes they advise on the design of new developments, but on the strict application of the law, they are unable to respond to requests from local people who want their services and would be prepared to pay for them.

Motor vehicle services are also important. Virtually every council has a fleet of vehicles that needs to be looked after. Why is it not possible for that service to be offered more widely? Councils are well placed to undertake the maintenance of private gardens and sports pitches, but it is legally impossible. The surfacing of private car parks or drives in conjunction with highway work on an adjoining site is possible. It is absurd that a council laying tarmac cannot run it up a private drive whose owner is prepared to pay for it. That is an eminently sensible idea, but it is unlawful.

Many councils grow plants, and the cost to the parks departments of putting in a few extra plants is minimal. Although all the gardeners out there would like to buy plants from local authorities, it is impossible. There are many areas in which people would freely choose to buy services, but the law prevents them from doing so.

I mentioned safeguards. No one wants to see florists, glaziers or local garages put out of business by local authorities, and anyone who suggests that that would happen is misrepresenting the Bill. The councils want the famous level playing field, no more and no less. They do not want unfair advantages. As I have said, the law is opaque. The power to trade is severely circumscribed, and is permitted only by the Local Authorities (Goods and Services) Act 1970, which sets out the limited room for manoeuvre that is open to councils.

The Audit Commission has taken a narrow view of council powers. According to the *Municipal Journal*, its advice to district auditors has been the kiss of death to direct service organisations. That is true. There are people who take a much less restrictive view, arguing that it is permissible, lawful and sensible for councils to contract to provide services and employ staff to carry out the agreement. Tragically, that has never been tested in the courts. Local authorities have always erred on the side of caution, fearful that they might be visited by the district auditor, who would exact terrible retribution if the council spent money when it had no lawful authority to do so.

The Department of the Environment has confused things even more in a letter that was sent to the local authority associations on 7 December last year. It apparently gives the green light to local authority trading, stating:

> "It is the Department's view that local authorities have powers to trade for profit and to take on staff for the purposes of those trading activities."

No one knows whether that is a correct statement of the law, but coming from the Department, it has a certain authority. All is confusion.

The Audit Commission is apparently revising its earlier guidance in the light of the Department's letter, although we have yet to see the new guidance. It is all haphazard and unsatisfactory. That is why legislation is needed to clarify the law. Councils up and down the land are hungry for new work and opportunities. They have embraced the contract culture, which will please Conservative Members, and demonstrated that they can deliver top-quality services that people value. My Bill will give powers to local authorities to do just that.

4.46 pm

Mr. Robert G. Hughes (Harrow, West): The hon. Gentleman called for all-party support. I am on my feet to disappoint him. He went to great lengths to reassure us about how restricted the Bill's scope is but Conservative Members know that if Labour councillors are given new powers, they will abuse them. Labour councils have foreign policies and increased or newly invented allowances for Labour councillors. They run political campaigns on taxpayers' money. Council after council uses double accounting in respect of council nursing homes. It costs more to run, but they are able to put in their books that they charge less for those places.

Of course Labour councillors would welcome the Bill, as they would any extension of their powers. Consider their record. They have failed to spend money wisely; they cannot control expenditure; they cannot collect their council tax; they will not collect their rents; they charge as much council tax as they can get away with; they saddle their communities with debt; and they run measurably worse services. No wonder the hon. Gentleman attacks the Audit Commission, which is what measures how badly Labour councils perform. Now they and the hon. Gentleman want more freedom to wreck their communities.

Labour has always dreamed of councils with the power to do everything, provide any service, and ride roughshod over private providers. Labour simply cannot understand that it is fundamentally wrong for council tax payers to subsidise speculative commercial activities. It would not be the councillors who took the risk, but the council tax payers. When such activities go wrong, as they clearly would, those working in the businesses that the council has done its best to destroy will pick up the bill, having already faced unfair competition, as council tax payers are the lender of last resort.

What is Labour's track record that leads to the Bill's introduction? What would be in its prospectus? Would it be Bradford, where the direct labour organisation paid people who were not even on the payroll? They worked for free for the managers' favourite rugby league side. Presumably to keep everybody quiet, the senior managers were the highest paid in any metropolitan council.

Would it be Darlington, where Labour built a model train with enough bricks to build 44 large houses? Would it be in Goole, where the clerk of a small town council with a budget of little more than £1 million was paid more than a Cabinet Minister? Or would it be Kirklees, which has refined its time for recruiting housing officers to six months, of which I am sure it is proud. Or would it be Lancashire, where sick leave cost £12 million last year alone? Instead of spending money on poorer people, it spent £100,000 on a so-called anti-poverty unit. That money would have paid for more than 16,000 hours of home help. What people in Lancashire will get is hot air rather than home helps.

[Mr. Robert G. Hughes]

In Birmingham, even a Labour councillor has been forced to admit that the council's budget

"is operating in many ways like a slush fund."

That is real Labour in power—real power, real abuse.

The hon. Member for Pendle has, if I may say so, a special place in local government. Before he went to Lancashire, he was in London, where, as leader of Hammersmith and Fulham council, he invented the crazy notion of using debt swaps to expand trading. The point is not that debt swaps were not used before, but the way in which the hon. Gentleman and his council used them—trying to fund extra spending with junk bonds.

Of course, it all went wrong, and probably cost Hammersmith and Fulham council tax payers £97 million. The hon. Gentleman clearly does not like to keep good ideas to himself, as he has shown today. As a Labour party employee, he so enthused other councils with the idea that the total loss in the country probably exceeded £500 million. What a marvellous record for one person.

Before we take the proposal of the hon. Member seriously, we should look at where his previous good ideas have taken us. The Bill is so silly an idea. The House has better things to do, so we should simply let him carry on with it and just ignore him.

Question put, pursuant to Standing Order No. 19 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and agreed to.

Bill ordered to be brought in by Mr. Gordon Prentice, Mr. Peter L. Pike, Ms Joan Walley, Mr. Thomas McAvoy, Mr. Neil Gerrard, Mr. Roy Beggs, Mr. David Rendel, Mr. Eric Illsley, Mr. James Wallace, Mrs. Helen Jackson and Mr. Calum Macdonald.

LOCAL AUTHORITIES (TRADING AND COMPETITION POWERS)

Mr. Gordon Prentice accordingly presented a Bill to allow local authorities to trade and compete with private sector providers: And the same was read the First time; and ordered to be read a Second time upon Friday 10 May and to be printed. [Bill 119.]

Orders of the Day

National Health Service (Residual Liabilities) Bill

Not amended (in the Standing Committee), further considered.

New clause 2

LIMITATION OF ANNUAL EFFECT ON PUBLIC EXPENDITURE

'.—(1) In exercising his duty under section 1 and section 2 the Secretary of State shall seek, so far as is practicable, so to manage the transfer of any residual liabilities as to secure that the total of any resulting charges on the Consolidated Fund or on moneys provided by Parliament does not in any one financial year exceed such sum as the Treasury shall by order specify.

(2) The Treasury may from time to time by order vary the sum contained in any order for the time being in force under subsection(1) above.

(3) The power to make an order under subsection (1) or (2) above shall be exercisable by statutory instrument, but no such order shall be made unless a draft thereof has been approved by the Commons House of Parliament.'.—*[Mr. Galbraith.]*

Brought up, and read the First time.

4.51 pm

Mr. Sam Galbraith (Strathkelvin and Bearsden): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Michael Morris): With this, it will be convenient to discuss new clause 3—*Annual report on effects on public expenditure—*

'The Secretary of State shall prepare and lay before the House of Commons a report, in respect of each financial year or part thereof, on the exercise of his duty under section 1 and section 2, with particular reference to any resulting charges on the Consolidated Fund or on moneys provided by Parliament.'.

Mr. Galbraith: The more I consider the Bill, the more I am worried, not only about its operation but about its consequences. My new clause would involve the Treasury right from the start of the process. Important consequences for the national finances are hidden in the Bill. The private finance initiative is basically all about Government bodies borrowing money, but not having it set against the public sector borrowing requirement. That position is untenable and my new clause would reverse it.

When the Bill was first proposed, the Secretary of State for Health tried to maintain that it was merely a technical measure, which he would never have to use. That is a slightly odd position to adopt, because he was in part forced to introduce the Bill. Those who wanted to become involved in the PFI thought that there was a possibility of failure in hospital trusts and other health service facilities, so they wanted a guarantee.

Although the Secretary of State felt that the power might never be used, that was not the view of the financial institutions, construction companies and other private firms involved. Indeed, the more I considered the matter, the more I realised that there were risks of failure in NHS-run projects. It may not be a large district hospital that is affected, although that could happen. It is more likely to be a smaller institution, a facility for caring for

the elderly, a laboratory or a piece of capital equipment. The question then is: on whom does that liability fall? That is not yet clear in my mind.

Part of the reason for the difficulty is that the PFI involves a large number of differing projects with different relationships. We have trouble sorting them out, because the initiatives and contracts involved are secret. None of us knows what they are or who is liable. For that reason, the Treasury must be consulted and must consider laying the liability against the national finances.

If the PFI—which was first developed by the National Economic Development Council in the early 1980s—was about anything, it was to ensure that the private sector adopted all the risk. The cheapest option had to be chosen, and the private sector alone accepted the full risk. That clearly was not acceptable, and the Ryrie rules were changed and were eventually dropped completely. In 1992, the then Chancellor of the Exchequer, the right hon. Member for Kingston upon Thames (Mr. Lamont), reintroduced the concept of the PFI which, under the Ryrie rules, originally dealt with nationalised industry. The right hon. Gentleman reintroduced the concept for other Departments, but again on the basis of some risk being accepted by the private companies.

The right hon. Member for Kingston upon Thames said at the time that the PFI

"would remove the unnecessary obstacles to private sector investment in Britain's infrastructure."

But he reiterated that the private sector must generally assume some risk. That again proved to be unworkable, and the position was gradually changed. Today, the private sector will get involved in the PFI within the health service only if it carries no real risk. If it carries no real risk, the NHS will carry the risk and any capital involved should therefore be set against the public sector borrowing requirement. The basis for my new clause is to ensure that that becomes part of the process.

There are some risks involved for the private sector. For example, those involved claim that they must deliver on time. I must say that anyone in business who does not accept the necessity of delivering on time probably should not be in business in the first place. There is the risk of obsolescence, and that is a real problem. As an example, I shall refer to Takare, the company involved through the PFI in Greater Glasgow health board. The company looks after the care of the elderly, and we are locked into a 15-year lease. Some of that model is now obsolete, but we are stuck with it. We can either break the contract—with the risk then falling on us—or persist. Although there is a risk, once again the health service is carrying it.

There is a risk in terms of volume. In other words, the amount of work contracted for might not be available later. Again, the health service will be faced with the risk, not the private sector. If the hospital that has been built does not have enough work to sustain it, we can either close it down and accept the risk or continue with an obsolescent institution.

There are risks also to the public sector. How great are the capital costs? We do not know the risks, the capital costs involved or who has accepted them, simply because we do not know about the contracts. I shall refer to a case that the Minister of State, Scottish Office, who is in the Chamber, will appreciate—Stonehaven hospital. The building of the hospital, the running of its services and the employment of staff are covered by the private finance initiative. Three bids have been put in for that, yet we are not allowed to see them. The local trust, which also put in a bid, initially intended to make its tender public knowledge, but it has been stopped from doing so by the Scottish Office. All that we as the taxpayers will be allowed from a publicly accountable body is a press release, which we have had, and a little picture of the proposed hospital. That is all the scrutiny that is available to us and to the House.

5 pm

What other financial arrangements are involved in that hospital? What liabilities do we carry? If the companies that are proposing to build it borrow money in order to do so and the companies fall, will we carry the financial liabilities? If we do, we face a serious problem. If such liabilities are not declared in the public sector borrowing requirement, they are being hidden and the PSBR does not reflect the position. We have a financial sleight of hand, a massaging of the figures, as a result of which the increase in the PSBR is not shown and is thus a matter of deceit.

I am more and more of the view that not only will that happen under the private finance initiative, but the Government are already coming round to accepting it. The consultancy for building firms, Beard Dove, in a paper on the prospects of the Scottish construction industry and the Government's private finance initiative of October 1995, says that the Scottish Office should reduce private sector risk in NHS projects. I remind the House that the basis of the private finance initiative is that private financiers accept the risk. But here the consultants are suggesting that the Scottish Office should reduce that risk by developing some formula whereby the capital cost of replacement of material and service elements is reimbursed to the consortia on the actual cost basis.

The consultants, Beard Dove, say:

"it is almost impossible to assess the replacement costs of major elements of mechanical and electrical services in a hospital building some 15 years from now."

I agree with that. That is the difficulty. We do not know what the NHS will be like 15 years down the line. Events in the NHS move quickly; that is one of the problems of financing it. That is part of the challenge of the NHS. Businesses will not want to go into it because of that, but that is the risk that they should have to take. That is one of the risks of obsolescence. In other words, they want us to take on the real risk. They want to have it both ways. They want to make a profit, but if anything goes wrong, the public sector will have to pick up the tab. That cannot be right.

But leaving aside that moral-political argument, it is clear from what the consultants are saying that, within such contracts, we shall take on considerable on-going capital costs about which we do not know and which will not be declared in the annual accounts. For that reason, therefore, this matter, and every private finance initiative, must be considered by the Treasury. The sums involved must be set against the PSBR or, at least, each year a certain amount should be set beyond which one cannot go. I know that the Minister will tell us about the external financing limits, but such sums are not part of the external financing limits. They will not be considered. They will be outside the EFL. We have a new capital borrowing requirement. That being so, it must be set against the

[Mr. Galbraith]

PSBR. This is a sleight of hand to massage the Government's books. We must not tolerate it. We must have transparency.

Mr. Hugh Bayley (York): New clause 2 seeks, rightly, to limit the residual liability that may fall on the Treasury in any one year. Hon. Members on both sides of the House are well used to the existence of cash limits in the NHS. If there is a cash limit on the resources available for surgeons to provide operations for NHS patients, surely we should have a cash limit on the services that financiers provide to the NHS in terms of capital investment.

New clause 2 is necessary because there is an overall cash limit on the money available in the NHS. Every pound that is spent out of the NHS budget on meeting and underwriting the costs associated with residual liabilities, should a trust close or no longer be able to service its obligations to a private sector investor, is no longer available for treating patients. It is a straight trade-off. Each pound can be spent only once. Therefore, the larger the potential residual liability that the NHS has to meet in one year, the greater will be the effect on the availability of cash for NHS patients.

That is not a theoretical concern. The Minister might come to the Dispatch Box and say that, theoretically, that could happen, but that, of course, more than one trust will not go under in a long period. However, I ask him to think carefully about two considerations. First, at the moment we are in the early days of the private finance initiative, and individual trusts, if they have a PFI scheme, will have only one. But over the years, they could develop so that the liabilities, should a trust fail, could be substantial.

Secondly, the financial health of some NHS trusts is—let me put it this way—far from perfect. In the NHS annual accounts, published a month or so ago, the auditor qualifies his audit in a number of ways. One of the notes of qualification is that 36 NHS trusts in England failed to meet their statutory duty to break even. In some cases, their deficit in the year in question, 1994-95, was relatively minor—in one case it was as low as £25,000—but at the other extreme was a trust with a deficit of £8.4 million.

We face the possibility of trusts in effect going into liquidation and the residual liability obligations put forward by the Government in the Bill being put into practice. The trust with the £8.4 million deficit would probably go under with greater liabilities if it had a number of PFI schemes, but if it went under with its retained deficit for the year as liabilities, £8.4 million would be taken away from other parts of the NHS budget; taken away from patients. That is what the House will have voted for if the Bill is enacted without new clause 2. It will be gambling with the cash available for treating NHS patients.

Mr. Malcolm Chisholm (Edinburgh, Leith): I support new clause 2, perhaps slightly nervously after the contributions of the previous two distinguished speakers, my hon. Friends the Members for Strathkelvin and Bearsden (Mr. Galbraith) and for York (Mr. Bayley), a brain surgeon and a health economist respectively. They obviously spoke with great authority and I want to back up what they said.

I can understand why the PFI has immediately been considered attractive in some ways in the health service, as elsewhere. It appears to get round an immediate borrowing problem. The PFI is very attractive if it can make money available for hospital buildings without running up immediate borrowing. But problems are being stored up for the future, and the new clause addresses one of those problems.

It is perhaps no accident that I am the second Scottish Member to speak in the debate. We seem to be at the cutting edge of the PFI—in Edinburgh, where I come from, and most notably, of course, in Stonehaven, which has been part of an experiment in contracting out all the services in a new hospital to the private sector. There are very serious anxieties about that experiment in Scotland.

The first drawback of operating the PFI in health is, of course, that, to make it attractive to the private sector, there is a temptation to give out as many services as possible, because the private sector can then make more money. Opposition Members find it totally unacceptable that clinical services, such as doctors and nurses—in fact, all the clinical services—at Stonehaven are being put out to the private sector.

Our second worry about the PFI is its long-term consequences. The Treasury Select Committee report on this subject raised concerns that were felt by Conservative Members as much as by Labour Members, because, while the PFI solves long-term borrowing problems, it piles up enormous pressure on future revenue budgets.

I recently had a meeting with a chief executive of a trust that is involved in a major PFI deal, and he explained to me how those contracts are working. He said that there is an increasing amount of revenue payments over the period of the contracts, and that if health expenditure remains flat in real terms, as it has done, there will be a very serious problem in meeting payments on those contracts. So problems are being stored up for future revenue budgets, which may of course translate into problems for services. If the revenue budget is under pressure, there may well have to be a higher patient turnover, and money may have to be saved in other unacceptable ways.

The third anxiety is specifically referred to in the new clause. A greater amount of public expenditure might be involved if the contract fails—for example, if the trust cannot meet its expenses because the referral pattern to the trust has changed or for any of a number of other reasons that we cannot foresee, because we are talking about contracts that may be for 25 years or longer.

The Bill's purpose is to ensure that, basically, the Government meet liabilities if a trust cannot meet them as part of its contract. So a series of potential problems with future expenditure arise through operating the PFI in the health service.

My hon. Friend the Member for Strathkelvin and Bearsden mentioned another anxiety that we have in Scotland. All the bids that have been submitted for Stonehaven, and no doubt for other hospitals subsequently, have been secret, so we cannot scrutinise the small print to discover what is involved. That is another serious concern.

We do not think that a blank cheque should be given by the Government to any trust, to enter into any deal or to borrow on its own to any extent that it likes—up to £5 billion for the country overall. We are very concerned

about that, and we are surprised that a Government who pride themselves on sound finance should be so keen to enter into such an arrangement. I suppose the reason is that they are so determined to go down that route that they are prepared to pay any price.

The new clause represents at least a certain small element of check on the process, and the Government would be well advised to accept it.

Mr. Kevin Barron (Rother Valley): My hon. Friend the Member for Edinburgh, Leith (Mr. Chisholm) is absolutely right to talk about the issue of the private finance initiative and clinical services. I shall return to that matter on the Bill's Third Reading later today, if we get that far. We thought that we would get to Third Reading in the early hours of last Thursday, but the Government's Whips, unfortunately—for some inexplicable reason—decided to withdraw the Bill's remaining stages on that day. Nevertheless, we have come along today hoping to finish the Bill's Report stage and Third Reading.

5.15 pm

Hon. Members will know that my hon. Friend the Member for Strathkelvin and Bearsden (Mr. Galbraith) is not only a well respected Member of Parliament, but a very well respected member of the medical profession. Many of us therefore believe that not only it is right for the House to listen carefully to what he says, that we should also give due recognition to what he thinks should be contained in health service legislation passing through the House. On that basis, I hope that the Minister will respond fully to the points that he made.

I should like to examine in turn each of the new clauses tabled by my hon. Friend the Member for Strathkelvin and Bearsden. New clause 2 is straightforward and logical. My reading of it is that it attempts to consider the Bill's real effects on public finances, which is something that Ministers should have considered and acted on during the Bill's passage. The Government have sprung on Parliament this Bill as a reaction to the need to get the PFI moving somewhere—whether in the city, the Treasury or wherever—or to promises of new hospitals. The Bill has, more or less, been an attempt to liven up the Government's PFI, and is not an attempt to find the best way in which to look after the interests of the public purse.

New clause 2 has two effects. First, it requires that the Secretary of State absorbs as few residual liabilities as practicable. Secondly, it states that the total that the Secretary of State transfers to himself, rather than to other health service bodies, should be limited to a maximum amount, specified by the Treasury. Those provisions are entirely sensible. I must say that I am still unconvinced, as are other Labour Members, that we would have proper scrutiny and statutory control of public expenditure in this sphere only if the amount reaches £5 billion. We find that that is unacceptable. The provisions of clause 2 alone are sufficient. I think that the Minister should seriously consider accepting it.

The clause makes a further provision that enhances its importance, requiring that Parliament approves the limit set by the Treasury on total allowable liabilities absorbed by the Secretary of State in any one year.

We have consistently argued that the PFI process is far too secretive. We have also argued that the Secretary of State is assuming so-called "powers" under this Bill that are not powers at all. He is merely gold-plating risk in the private sector—a risk which, he has told us on numerous occasions in different speeches, is a risk that the private and not the public sector should take. His "power" is merely the power effectively to write blank and undated cheques. Even if he is knowledgeable about the sum involved, Parliament is not so knowledgeable. The power is effectively to write out cheques on behalf of the public purse and to hand them to private sector companies through the PFI.

This new clause will limit the extent to which the public purse will be exposed to such blatant rigging of the PFI process, and Parliament will consider what should be the right amount of risk for the Secretary of State to guarantee. It is important that someone does so, because the Secretary of State is not required under this Bill to consider the amount of risk to which he may be exposing the taxpayer.

New clause 3, which was tabled by my hon. Friend the Member for Strathkelvin and Bearsden, further requires that the Secretary of State prepares a report to lay before Parliament detailing how much his gold-plating exercise will cost us. Currently, no one may ever find out how much has been spent on risk transfers to the public sector. No one may ever know how much public money is being siphoned off into the private sector at the expense of the NHS. My hon. Friend's new clause corrects that situation and brings back a degree of openness that is entirely lacking in the Secretary of State's dealings with the House on this Bill.

I believe that these clauses should be considered because, importantly, they bring some semblance of balance and responsibility back into the Bill. It is of some concern that Ministers did not consider the need of the House and the country to ensure that proposed legislation is fair and balanced and that we, as Members of Parliament and the protectors of taxpayers' money, have a say in how that money is spent.

Without these clauses, the Bill is diminished. Parliament will have no say in the way in which possibly billions of pounds may be expended. That expenditure, which ultimately taxpayers will have to pay for, may be virtually unlimited.

The Minister must be concerned about the possibilities raised by the Bill. What will happen when the £5 billion ceiling has been reached—the only statutory protection that exists currently? Will the Government be back for more, asking us to increase the target with as little consultation as we had in setting it in the first place? What will the Secretary of State say when Parliament asks what measures he took to limit public expenditure? What will he say when he is asked why he made no effort to monitor effectively the liabilities being incurred? These clauses would give Parliament such responsibilities. Since they appear to be too much for the Minister and his colleagues to handle, why not let Parliament assist in the process?

We believe that the unwarranted extension to the PFI system in the health service, which the Bill proposes, is flawed. There is no effective scrutiny or monitoring. There is no real accountability and there is certainly no openness. The clauses repair some of the damage that the Bill will inflict. Perhaps the Minister will recognise that

[Mr. Kevin Barron]

the Bill is unbalanced and irresponsible and that without provisions such as this it will remain so. I hope that the Minister will look favourably on the new clauses.

The Parliamentary Under-Secretary of State for Health (Mr. John Horam): As the hon. Member for Rother Valley (Mr. Barron) reminded us, his hon. Friend the Member for Strathkelvin and Bearsden (Mr. Galbraith) has a distinguished medical career. In view of the nature of the new clause and some of the helpful suggestions that he made in Committee, he might think of a second career in finance should he ever lose his seat in the House.

Mr. Galbraith: Too boring.

Mr. Horam: I agree with the hon. Gentleman. I would rather be a doctor than be involved in finance.

The hon. Member for Strathkelvin and Bearsden wanted to ensure that the Treasury was involved at the start. I can assure him, without fear of rebuttal, that the Treasury is involved throughout all the PFI schemes and I would not have it otherwise, because it looks at these things in a firm financial way. That is right and proper.

Mr. Galbraith: My memory of this debate last week is that the Minister maintained that the Treasury could not possibly be involved in all the issues because there were far too many. Is the Minister saying that the position has changed since last week? Has the Treasury scrutinised the Stonehaven project? I believe that there was a suggestion that the Treasury might be involved above a certain limit. Is it involved in all the schemes, some of them, or none of them?

Mr. Horam: The hon. Gentleman is right. There is a de minimis limit whereby the Treasury is not involved in some of the smaller schemes. For the major schemes, which are the purport of the Bill, it is involved. I remind the hon. Gentleman that about 22 smaller schemes have already gone ahead with the benefit of PFI and that some buildings are already being constructed and equipment is being installed. Clearly, for such small schemes, Treasury investigation is not necessary and the problem of liability on a large scale does not occur. It is only with the larger schemes where there is a possibility of the liabilities in some sense not being transferred that the Treasury is involved.

Mr. John Spellar (Warley, West): For clarification, can the Minister tell us where the limit lies?

Mr. Horam: Last Wednesday I told the House that the figure starts at £10 million, but it can be less than that on a sample basis, perhaps down to £4 million. I believe that, roughly, those are the figures. So the Treasury is involved in the bigger and medium schemes.

The hon. Member for Strathkelvin and Bearsden argued that the private sector was carrying no risk. On the contrary, it is carrying a great deal of risk. If a new hospital is being built and it is not completed on time or there are cost overruns, the private sector will bear the risk under the PFI. With a publicly funded hospital such as, for example, the Chelsea and Westminster, the taxpayer bears the cost. There were large overruns running into tens of millions of pounds when that hospital was not completed to the budgeted cost.

If maintenance costs are exceeded after the construction of a building, that will be down to the private sector. If there is a facilities management contract, it will have to be performed properly and, if that is not done, the private sector will carry the risk. It is for that reason that these schemes need not be counted against public sector finance. The private sector is taking the burden of the risk just as the public sector takes other risks, such as political risks. It is right to apportion risk in that way. It would be necessary to canvas against private sector finance if there were no risk for the private sector. I accept the logic of the hon. Gentleman's argument, but there is risk for the private sector.

Mr. Simon Hughes (Southwark and Bermondsey): This is a continuation of the debate that we had in Committee. I believe that the argument is flawed when the risk can be limited by contract and the liability under the contract can fall entirely on the contractor. The Minister needs to explain to the House why, in public sector contracts, the NHS cannot enter into a contract that stipulates that the building company takes the risk. That would contract away the risk that the Minister said would fall on the public sector under the present non-PFI system. That can be dealt with in a normal legal and contractual way.

Mr. Horam: To be honest, I do not fully understand the hon. Gentleman's point. The distinction that I am making is clear. We are saying that private sector finance must bear certain risks. If it does not bear those risks, or if the Treasury deems that the amount of risk is unsatisfactory, it will not agree to the scheme, and it will count as public sector finance.

Mr. Hughes: If we take as an example the Chelsea and Westminster or any other old-style contract, of course there is a risk that costs might expand. However, there is no reason why the trust cannot do a deal with the builder saying, "We will pay an all-in figure of, say, £50 million, and anything above that will be your responsibility and liability." That is normal. There are all sorts of building contracts. It happens to be the job that I did before coming here, so I know a little about it. It is perfectly proper to agree an all-in facilities contract or an all-in construction contract. All the risk of any additional cost can be contracted away. Why is it not possible for that to continue in the NHS in the future as it has legally been possible in the past?

Mr. Horam: The fact is that it has not been done in the past. We are taking a road that should perhaps have been obvious to previous Governments. It is a sensible road to take, because it means that we can take the burden off public sector finance.

The nature of the scheme is rather different. The hon. Member for Southwark and Bermondsey (Mr. Hughes), remembering the arguments that we had in Committee, is thinking of a construction scheme. We are not talking about "build and forget", which has been the typical method in the past. We are talking about a continuing commitment. The constructor owns the building and

provides the facilities to support the clinicians. That is the difference between this sort of scheme and the scheme that the hon. Gentleman has in mind.

Mr. Hughes: There are two types of contracts: there are building contracts and there are management, running or facilities contracts—or whatever the Minister would like to call them. I accept that in the past the NHS has not said, "This is the fixed price, you take the responsibility". I am arguing that it is possible to do that without it being done in the private finance initiative way, which says, "You build it, you run it; we are simply an agent, a tenant or a lessee." That would be possible. There is an advantage if the NHS moves into an agreement for the services as opposed to an agreement for the building. However, it is entirely possible to keep that under a traditional contract. That does not make a strong argument for PFI as opposed to any other form of finance.

Mr. Horam: I cannot agree with the hon. Gentleman because it seems to me that what he is proposing is radically different from what has been the traditional pattern of public sector building. We are taking into account not only the construction of the building but also the ownership of the building, the supply of maintenance facilities, et cetera. To some extent, we are comparing apples and pears. The financial arrangements that we are putting forward are consistent with the sorts of risks involved for the private sector.

The hon. Member for Strathkelvin and Bearsden referred to the name of a consultant—I think it was Beard Dove—and he said that private contractors will suggest that the risk be reduced. Indeed, they will say, "We are being asked to bear too much risk in this case"—that is a natural negotiating posture for contractors. The fact is that they have to bear some risk and the amount of risk that they bear cannot go below a certain amount, or it will not be agreed to by the hospital trust or by the Treasury. They may put forward their point of view, but the Government will not necessarily agree to it.

5.30 pm

The hon. Member for Strathkelvin and Beardsden also talked about the Stonehaven example in Scotland and how much information was made available to the public. The bidders can decide how much knowledge of their bid is made available to the public. The health board has conducted a full public consultation about the types of facilities that should be provided and the facilities, in essence, determine the nature of the contract. Beyond that, the details of the negotiations are a matter for commercial confidentiality and the Government do not want to disadvantage the public sector or private bidders in this situation.

Mr. Spellar: Why?

Mr. Horam: It is a matter for discussion and negotiation, and it is not sensible to go into questions of commercial confidentiality when important issues are at stake. I refer to the comments by the hon. Member for York (Mr. Bayley). I am sure that he appreciates that the Bill translates what is at present a discretion into a duty. As we have always honoured the liabilities that we are talking about in the Bill, there will be no increase in the use of public funds. The practice has been to honour liabilities in the health service and that will not change. The final sentence of the financial memorandum attached to the Bill states:

> "Given that no NHS trust has so far been dissolved without its liabilities being transferred elsewhere, any additional expenditure occasioned by this Bill is likely to be negligible."

Mr. Spellar: How will this affect the concept of risk? When the Minister replied to the hon. Member for Southwark and Bermondsey (Mr. Hughes), he implied that risk was the danger that the provider of the building and services might fall down on the contract. That is a normal problem; that is not the question of risk that someone may fail to do the job for which they have been contracted. Risk is the danger that the market might collapse or that clients might go bust. By taking away the concept of risk even further, is not the Minister changing this from a PFI contract to an ordinary service contract, which, as the hon. Member for Southwark and Bermondsey pointed out, has always been capable of being operated—whether the NHS has chosen to do so is another matter. Therefore, this is changing the nature of risk in the contracts.

Mr. Horam: As the hon. Gentleman has pointed out, real risk not only involves going over budget on the contract, but involves taking into account market risks or the ownership of a building in which clinical services are taking place. A contractor or a provider of facilities may commit themselves to a contract that lasts a number of years. What the hon. Gentleman has said is absolutely true: there are many kinds of risk in the market. In this case, the private contractor will be bearing all the normal commercial risks.

Mr. Spellar: As the Bill underwrites and acts as the client of last resort, the Secretary of State has removed that major sector of risk in this project. Someone not doing the job is an entirely different issue. Risk is the danger that clients may not be able to pay their bills. That element of risk has disappeared.

Mr. Horam: That is not so—market risk is still there. For example, in five years' time there may not be the same demand for the clinical services that are provided today by the trust or by contractor. That risk will be borne by the facilities provider. He may find that his revenue is less than he expected it to be because the clinical services are not in as much demand as was originally thought. Market risk is still there. Therefore, we are not removing any risk that is normal.

Mr. Spellar: The Government are underwriting it.

Mr. Horam: No, we are not underwriting it. What we are talking about in the Bill is the normal commercial liability. *[Interruption.]* No, the hon. Member for Stockport (Ms Coffey) is quite wrong. Obviously, any organisation honours the liabilities that it properly enters into—that is, it fulfils the contracts that it makes. That is what the NHS has always done. However, it has been discretionary and it is right that we make what is de facto de jure to reassure the people who are involved commercially that there is no political risk. The Bill

[Mr. Horam]

removes that element of political risk—it does not remove the normal commercial risk. I hope that the hon. Gentleman understands that.

Mr. Spellar: I understand the answer, but I am not entirely satisfied by it. There will be long-term contracts between the hospital trusts and the providers of the services. If, for example, the contract changes between the area health authority and the trust it may lead to the trust experiencing severe difficulties, which may lead the Minister to take action to do something about the trust—to dissolve it or whatever.

Therefore, the Minister is standing behind the contract and saying that the Secretary of State will act as the guarantor of the contract. Because of the size of the contracts—the Minister says more than £10 million—they will be long-term. Therefore, the Secretary of State will be acting as the final guarantor and removing that element of market risk.

Mr. Horam: No, that is not the case—we are not removing the market risk in any way. The Bill says that a contract properly entered into will be honoured by the NHS trust or by the Secretary of State in the final analysis. That is a perfectly normal practice and it means that the NHS will not welsh on its debts. However, the market risk will still remain. I cannot continue repeating this—it is absolutely clear to me.

Mr. Barron: Will the Minister further explain what political risk he is underwriting? Is it the possibility that there may be a change of Government in the not too distant future?

Mr. Horam: The hon. Gentleman is not rising to the level of the occasion. Political risk is perfectly plain: under the previous situation, the Secretary of State could walk away from his debts—that is, when a trust ceased to exist or was merged, he could decide not to honour its liabilities. He is simply saying that, in future, he will not be able to do that. That is an honourable and straightforward position. It has always been the case; it would always be the case. We are simply putting it into law.

I described that as political risk. It would be wrong for a commercial organisation to accept that political risk, because a commercial organisation is not the right body to accept that type of risk.

Mr. Galbraith: I am becoming more confused as the debate progresses.

Let us suppose that, 25 years ago, a PFI had been entered into with a health authority or trust to build a tuberculosis hospital, but that the disease was not as prevalent as it used to be and the hospital was no longer needed. Is the Minister saying that, if the hospital had been built—perhaps managed—under a PFI initiative but the trust did not want it, or if it had been agreed with the health authority but the authority did not want it, the Government would be liable to pay the necessary capital and running costs for that hospital for 25 years, even if, after five years, it was no longer needed? If so, we are building lack of flexibility and obsolescence into the system.

Mr. Horam: No, that is not the case. All the Bill does is to make what is de facto de jure, by saying that contracts properly entered into will be honoured by the Secretary of State. It is as simple as that. That is a very simple point, which I am sure that the House agrees with. I do not think that any Opposition Members—

Ms Ann Coffey (Stockport): He cannot want us to agree.

Mr. Horam: The hon. Lady served on the Committee and sat through three or four sittings. If she does not understand the simple point of the Bill now, I am afraid that I cannot begin to explain further.

Mr. Barron: Let us get away from the issue of political need. It is unprecedented for any Secretary of State not to meet a public sector debt, and contractors and suppliers of the national health service have been content in that knowledge for decades, so why do we have the Bill? Who insisted on it—the Secretary of State for Health or the private sector?

Mr. Horam: The hon. Gentleman knows the answer, because my right hon. Friend gave it to him on Second Reading. The hon. Gentleman has had it once; he does not need to have it repeated. In this specific case, it was unreasonable to expect the private sector to take on risk that it was not equipped to adopt. That is the simple position, and this is an extremely simple Bill, which does precisely that.

Mr. Simon Hughes: I want to clarify two last things. The Minister says that the simple and single purpose of the Bill is to prevent an agency—a part of the Department of Health—from walking away from its financial liability by dissolving itself, and that therefore the Bill will provide a guarantee that the Department of Health will pick up the tab.

How many times in the past has the Department of Health or an area health authority, regional health authority or NHS trust not paid its bills? Has it ever happened in the history of the Department of Health, since the creation of the NHS?

Mr. Horam: I am afraid that my memory does not go back quite as far as that, but, off the cuff, subject to the usual reservations, the answer is no—there has never been a case where properly entered into liabilities have not been honoured.

The hon. Member for Edinburgh, Leith (Mr. Chisholm) was worried about the Stonehaven example, but he should recall that, at the moment, that is still only a proposal. There are three bidders for the contract, one of which is the NHS trust. Indeed, in a sense there is no likelihood that clinical services will be privatised, because all the medical services—the core services and the wider group—will be provided in the usual NHS way. That is not yet an example of privatisation, and it may never be an example of privatisation in the way the hon. Gentleman means.

Finally, I shall reply to the points made by the hon. Member for Rother Valley and make some comments about the new clauses tabled by the hon. Member for Strathkelvin and Bearsden.

On scrutiny and control by Parliament of the private finance initiative and the public sector, I emphasise that there are already mechanisms for giving regular

information on expenditure and liabilities to the public and Parliament. The annual estimates and appropriation accounts procedures set out clearly the way in which moneys provided by Parliament are used. The annual departmental report gives more detail to Parliament about that. Among other things, it specifies contingent liabilities, as defined in the terms of the agreements between the Government and the Public Accounts Committee.

5.45 pm

Auditors of trusts are required to confirm that the accounts give a true and fair view of the state of the trust. All borrowing within a year and loans outstanding at the end of the year are disclosed in accounts.

The Comptroller and Auditor General scrutinises and summarises the accounts of the trust sector as a whole, and lays them, with his report on them, before both Houses of Parliament. That is the conventional accounting system between Parliament and Government.

The Treasury Select Committee recently recommended, in the context of the PFI especially, that an annual report shall be prepared by the private finance panel, reporting on projects undertaken. The Committee also asked for details of the process that the Treasury plans to set up to monitor the revenue commitments of the PFI. Those two things came out of the Treasury Select Committee. I am glad to say that the Treasury has already said that it will set up a monitoring system; no doubt it will cover that in its formal response to the Treasury Select Committee.

The National Audit Office plans to conduct value for money investigations into PFI schemes. As I was a member of the Public Accounts Committee for three years, I know how searching such investigations can be; if there are any problems with the PFI, they will certainly be thrown up by those investigations.

I agree with the hon. Member for Strathkelvin and Bearsden that this is a proper matter for Parliament. It is appropriate that he, as a Back Bencher, should make that proposal, because the scrutiny and control of expenditure in this way is a matter that it is certainly legitimate for Parliament to consider.

As I have shown by citing those examples, the hon. Gentleman is pushing at an open door. In future, not only will there be the traditional methods of considering Government expenditure but, as a result of the Treasury Select Committee's recommendations and what was said by the National Audit Office, new methods will be used to add to that stringent scrutiny. In those circumstances, I hope that he will agree that Parliament is moving sensibly to scrutinise and control that expenditure. I therefore believe that the hon. Gentleman's new clauses, although well-meaning, are unnecessary.

Mr. Galbraith: Having heard the Minister, I am convinced that the public finance initiative is a shambles. The more I hear about it, the more confused I become and the more I realise that I am not the only one who is confused. The Government will regret the monster that they have set running, especially in the national health service.

I return to my example of the privately funded tuberculosis hospital. I only take that as an example—obviously it is obsolete nowadays.

If a private finance initiative were to set up a hospital, in my view it would provide that hospital—the Minister also envisages that it must run the services and manage it as well because that is how it makes its money. In my view, the private company should set up the hospital and run it and say, "There you are, we will run this for you and the cost will be so much per year"—the normal yearly contracts.

However, because that would involve an element of risk for the company, it requires us to remove that risk absolutely and locks us into a contract for 25 years, to which we are committed and for which the Government will now pick up the tab irrespective of what happens. We are now locked into a contract that ensures that the private company has no risk. The wee bit of risk associated with it—never mind the delivery risk, which I did discuss—should be a usual part of business anyway. Instead, it will lock us into a contract involving no private risk.

If the company were to have risk, it would be a year-on-year contract, because that is the nature of medicine. That would be the correct thing for the health service to determine. Medicine moves swiftly. Diseases become obsolete; diseases move off. For a long time, cardiac surgery fell away because rheumatic heart disease had fallen; the complications of valvular disease were no longer around. We did not need cardiac surgery, and a number of units were closed, but then the incidence of coronary heart disease increased again—variations occur. Through the PFI, the Government have prevented us from being able to move with the variations; we are locked into a contract for a hospital that we have guaranteed and we have removed all the risks from the private sector. The Government have also shifted capital moneys into revenue account—that is how it will appear. With finesse, they have massaged the figures once again.

The Government will come to regret the provision and the comments that they have made today; their persistence will return to haunt them in future years. However, having said that, I have no wish to pursue the matter further or to divide the House. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 2

TRANSFER OF RESIDUAL LIABILITIES: SCOTLAND

Mr. Barron: I beg to move amendment No. 1, in page 1, line 6, leave out 'ceases to exist' and insert

'is dissolved or abolished by the Secretary of State'.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 2, in page 1, line 16, leave out 'ceases to exist' and insert

'is dissolved or abolished by the Secretary of State'.

Mr. Barron: I do not intend to keep the House too long as the purpose of the amendment is plain. We are concerned about the meaning of the phrase "ceases to exist". In Committee, we probed the issue at some length. The Under-Secretary said then that our amendment was defective and his answers were unsatisfactory. In the light of his comments, we have reworded the amendment.

The nub of the problem is that the phrase "ceases to exist" is vague and open to misinterpretation. We are concerned that the phrase has been placed in the Bill to

[Mr. Barron]

cover eventualities of which the House would take a dim view were they to happen. We wish to be assured about one matter in particular. If a trust could go bankrupt, or into receivership, without or before action having been taken by the Secretary of State, the House should be told about that now. If the phrase "ceases to exist" means anything other than the dissolution or the abolition of the organisations covered by the Bill, the House should be told now.

We recognise that the original National Health Service and Community Care Act 1990, to which the Bill adds, made it appear unlikely that a health service body could cease to exist without specific action by the Secretary of State for Health. We are concerned that the organisations covered by the Bill are being treated to different phraseology from that in the originating Act. Dissolution and abolition by the Secretary of State are the ways in which trusts and health bodies cease to exist. The Bill appears to open the door to other ways in which those bodies may come to an end. The clear implication of the wording is that the health service bodies covered by the Bill may come to some sort of sticky end without the Secretary of State's approval, and that such events may not be clearly within his control, as they are under the current Act.

It is an implicit admission by Ministers that they may well lose control of private sector involvement in the health service. Profit-dominated organisations may hold sway over our health care and a private contractor's bottom line may determine the continued provision of certain local health services. If that is not the case, the Minister has plenty of opportunity tonight to give us the correct position.

I have taken legal opinions from various sources on the phrase "ceases to exist", and they have given contradictory views on the interpretation of that phrase. The Minister will recall that my colleagues and I warned him in Committee that the phrase might open the floodgates to legal challenges should the Bill's provisions ever be used. It seems that the differing legal opinions that I have obtained may reinforce that warning.

In Committee, the Minister argued that the phrase "ceases to exist" was an umbrella term, but the umbrella term already exists in law—in part IV of schedule 2 of the National Health Service and Community Care Act. That Act defines the Secretary of State's powers as being exercisable, if considered appropriate,

"in the interests of the health service."

Why, then, has the second term come into being? Perhaps the Minister would like to argue that his phrase puts in plain English the occasions on which the powers granted to the Secretary of State under the Bill may be exercised, but it is surely an extremely unusual definition of plain English that confuses, rather than clarifies, the position.

Amendments Nos. 1 and 2 make the position clear. They insert in the Bill the concept that trusts and other bodies can come to an end only after the Secretary of State for Health has exercised a specified, positive powers. Our amendments suggest that "dissolved or abolished" is the term that effectively covers the exercise of those powers. That is real plain English. Both terms are well defined in the legislation and neither is open to misinterpretation by the courts.

There can be no reason to object to the amendments unless the phrase "ceases to exist" is in the Bill for some purpose other than plain English. Will the Minister assist the House by placing it on record that the Bill covers only the following eventualities: first, that a national health service trust is dissolved by the Secretary of State for Health; secondly, that a health authority or a special health authority is dissolved by the Secretary of State? If there are any other ways in which the Bill's provisions can be activated, the House must be told, and the Minister has the opportunity to do so in this debate. He must take this opportunity to assure the House that the continued day-to-day existence of national health service organisations lies with the Secretary of State and the powers invested in him through Parliament, the electorate and the British people.

If the Bill transfers risks from the private sector to the public, rather than the other way round, it already breaks the fundamental principle of the PFI. It already guarantees that the private sector will have an apparently unfettered line of credit from the public purse. Now, there is a further threat to the provision of health care and to the continued existence of the national health service, and it is no slight matter that that uncertainty is intended to be written into law.

The national health service does not need the uncertainty caused by the Bill's existing wording. The amendment helps to re-establish the principles of continuity in health service provision that we all wish to see. Sadly, continuity has not been a major feature of the Government's attitude to health care. The Secretary of State has not been backward in exercising his powers to dissolve, merge and establish trusts and, to some extent, health authorities.

There are frequent revisions to originating capital debt—given levels of interest-bearing loans and public dividend capital—as well as changes to external financing limits and various guarantees from the Secretary of State. Most of that process is designed to prop up the internal market and most of it simply adds resources to the bureaucracy at the expense of front-line patient services. Unless the Bill is amended in the way that we suggest—or by some similar wording, perhaps at a later stage in another place—that tangle of financial directives, limits and guarantees will be balanced all the more delicately against a crash.

The private sector, not the Secretary of State, will have the upper hand in determining whether a health service body crashes or survives. The Secretary of State will be giving away his ability to act positively, by abolition or dissolution, and will be left with no other duty than to pay off the debts and pick up the pieces.

It is a disgrace that the Bill has been introduced in order to prop up the PFI and to avoid answering major questions about the future of the national health service and its bodies. We seek a coherent definition of the circumstances in which the Government envisage using the powers that the Secretary of State proposes to take. The phrase "ceases to exist" does not provide any such

clarity or assurance. Our amendments Nos. 1 and 2 are far superior, and I urge the Minister to look upon them favourably.

6 pm

Mr. Horam: I agree with the hon. Member for Rother Valley (Mr. Barron) on this occasion. I do not think that there is any difference between the two sides about the matter and I can give him the assurance that he seeks.

All NHS bodies covered by the Bill are creatures of statute: they can be established and can cease to exist only by statutory procedure. The existing NHS Acts listed in the notes on clauses to the Bill provide the means by which those bodies can cease to exist. There is no other way, short of an Act of Parliament—which would come before the House—that they can do that.

The hon. Gentleman asked whether an NHS trust could go into receivership. That cannot happen—as a statutory body, insolvency legislation does not apply to an NHS trust. It can cease to exist only by the statutory procedure that involves the House. Therefore, I give the hon. Gentleman the assurance that he seeks: there is no other way in which such bodies can cease to exist, and we do not seek to enlarge that process.

I assure him that we mean nothing sinister by using that phraseology. It is a matter of semantics and of using what we believe to be plain English. If the hon. Gentleman's measures were adopted, wherever the phrase "cease to exist" appeared in the Bill, it would be replaced with "dissolved", "abolished" or "revoke the establishment order of". That is quite a mouthful. We are on common ground in talking about simple, straightforward terms that cannot be misinterpreted in law. I repeat that they are statutory bodies that can cease to exist, only by statutory procedure.

Mr. Barron: It is a great pity that the Minister did not provide that explanation when we discussed the amendment in Committee. He did not explain his position as succinctly as that then. I am sure that the House will be reassured by his comments. We will not argue over the Dispatch Box about what constitutes plain English. The Opposition and the people of this country—who dearly love the national health service—want to be clear that major decisions about local health services will be taken by the Secretary of State for Health and not in a banker's office or anywhere else in the City. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Order for Third Reading read.

6.2 pm

Mr. Horam: I beg to move, That the Bill be now read the Third time.

The Treasury Committee's verdict on the private finance initiative is that it is an imaginative and laudable innovation. It will bring forward the rebuilding and re-equipment of our major hospitals on a scale hitherto believed impossible. The last two projects that we announced—Swindon, which would have cost £90 million, and Norwich, which would have cost £170 million—will probably be built five years earlier than anticipated.

Mr. Barron: That is outrageous.

Mr. Horam: No, it is perfectly true, and I shall explain why. Until now, all schemes—however good and in spite of the approval of trusts, health authorities and Ministers—have had to wait in a queue for money. There was one turnstile and the Treasury controlled it. It had a monopoly on the supply of capital funds. Under the PFI, there will be any number of turnstiles and any number of competitive suppliers of finance—there will be no, or certainly shorter, queues. If a scheme is affordable and represents good value for money, it will go ahead. That has not occurred in the past, and clearly more schemes will now come forward.

As the House knows, in the past 10 years only one scheme worth more than £25 million went ahead each year—which is still better than the last Labour Government's record. Now, no fewer than 25 schemes, each worth more than £25 million, will go forward. If even half of those schemes are completed—I suspect that we shall complete more than that—other much desired projects will come forward at a much faster rate.

Mr. Simon Hughes *rose—*

Mr. Horam: No, I shall not give way. I have given way to the hon. Gentleman several times today.

More hospitals will be built, and they will be built better. It is no longer a matter of build and forget. The private sector will not only build the hospitals but be responsible for their on-going maintenance. That will provide the incentive to build them well and thus minimise maintenance costs—which is a good thing.

As the hon. Member for Strathkelvin and Bearsden (Mr. Galbraith) said, hospitals will be built more flexibly. Ownership of hospitals in the private sector will provide the incentive to ensure that they do not become white elephants within 10 years. Hospitals will be built using flexible designs that can be adapted to new uses as clinical measures develop. For example, the new Jimmy's hospital in Leeds is being built in such a way that it can be used for other purposes. There will be better hospital designs. I recently attended a conference of the Royal Institute of British Architects and architects' enthusiasm for the new design culture that we are bringing to the health service was evident. That is very heartening.

There will be less risk for the public sector. As I have said during today's debate, the risk to the private sector will increase because it will bear the burden of commercial risk which is borne by the taxpayer at present. For example, the taxpayer had to meet the cost overruns associated with the building of the Chelsea and Westminster hospital. The public and private sectors will be in partnership, a partnership that we encourage. The Opposition claim that they also support such a partnership—although they do not seem to do so in this case.

The national health service will have the opportunity to concentrate on what it does best: provide clinical services free at the point of use. It will determine its own priorities in its own way. Therefore, the NHS will be able to realise its ambitions for providing better patient care—which is ultimately what it is all about. The Bill helps the PFI to succeed. I recommend it to the House and I urge hon. Members to support it.

6.6 pm

Mr. Barron: The Bill has only one purpose: it is an attempt to breathe life back into the Government's failed private finance initiative in the health service.

[Mr. Barron]

Hon. Members and the general public know that, in its current form, the health service PFI is little more than an attempt at privatising the NHS by the back door. The Bill is an attempt to revive the privatisation of the health service which has been rejected categorically by clinicians, most NHS staff, patients and, increasingly, the private sector.

In general terms, we know that the private finance initiative is being used not as a supplement to, but as a replacement for, public provision. Opposition Members have argued consistently that, if the PFI has a role to play, it is in supplementing the existing Government capital expenditure budget for the national health service. We know that the PFI is a twisted and a distorted attempt to mirror the properly thought-out joint partnerships between the public and private sectors which have been suggested by the Opposition.

In health terms, Ministers have tried desperately to kick-start the PFI as the Government's years of neglect of the national health service have come home to roost. The Bill is the result of that. Ministers know that, in the period before the general election, they need to show the voters that foundations are being dug and bricks are being laid and that alleged new hospital projects are under way. We heard that again from the Minister tonight.

The groundwork has already been done, but only in the minds of Ministers. Successive Ministers have been announcing for years the same so-called new hospitals, yet not a single brick has been laid. In his speech tonight, the Minister had the audacity to mention Norwich and say that the new hospital that is badly needed will be built five years ahead of plans because of the private finance initiative.

Let us look at the truth about Norwich. The former Secretary of State for Health, now the Chancellor of the Exchequer, was first off the starting blocks when he announced the go-ahead for a new £100 million hospital in Norwich. That was in 1990. On 3 April this year, the current Health Secretary announced that he had "given the go-ahead today" for a new hospital in Norwich.

Mr. Henry McLeish (Fife, Central): Perhaps there will be two hospitals.

Mr. Barron: Two hospitals may have been promised, but no bricks have been laid on any of the sites. The second audacious announcement was made when we debated the Bill on Second Reading.

In December 1993, the then Secretary of State announced that he had approved a project to replace the Princess Margaret hospital in Swindon. On 3 April this year, the current Secretary of State issued another press release headed "Approval announced . . . for Swindon hospital". Health Ministers constantly claim to be building hospitals, but those hospitals exist only in their minds. Norwich and Swindon are just two examples of the cynical ploys that Ministers adopt in their efforts to look good on health matters.

Will the Minister tell us whether the latest announcements promising new hospitals will ever materialise? Perhaps he will tell us the difference between his assurances today and, for example, that given by the former Secretary for Health about Norwich, that

"construction is expected to start in 1992."

That year might ring a bell with hon. Members, as it was an election year.

Will the Minister and the Secretary of State be promising that the construction of the new hospitals that they have promised will start in the next 12 months—in advance of the next general election? Who does he expect will believe him? Multiple announcements of so-called new hospitals do not treat patients. Press releases are not pain relievers, however much Ministers would like to think otherwise.

The Bill shows that Ministers will go to any lengths in their attempts to persuade the electorate that theirs is a caring Government, but the electorate and the House know that that is not so. The Bill breaks the most basic principles of the PFI. It opens up the possibility of the private sector closing down parts of the health service to further profitability. It denies Parliament a proper role in scrutiny and removes any notion of accountability.

The basic principles of the PFI are unequivocally stated in a NHS executive letter of 20 March 1995, which states:

"A fundamental principle of the PFI is transfer of risk to the private sector."

The Bill does exactly the opposite. It commits the Secretary of State to guaranteeing totally and absolutely all the risks that are supposedly transferred to the private sector. It removes not one risk from central Government, yet it gives central Government virtually no role in assessing the risks that they have assumed.

It is universally acknowledged, even by the Secretary of State, that private sector services cost more than public sector ones. The right hon. Gentleman said that in his speech to the Royal College of Physicians. In the same speech he said:

"I am strongly in favour of testing public and private sector solutions and adopting the approach which offers best values."

I am asking the Minister to consider two identical projects. In each case, the risk falls entirely on Government, but the capital costs of one are more expensive. A normal, right-thinking person would choose the cheaper alternative, but the Bill creates circumstances in which the only possible option will be the more expensive one—the private sector project. Perhaps the Minister will explain the logic that he uses to conclude that that is the best possible future for the health service.

How can there be any justification for spending more money on the PFI alternative when it produces no benefit in terms of reduced risk? Clearly, there is no justification, unless, as we all suspect and Ministers occasionally let slip, PFI is a step on the road to the privatisation of our national health service and the Bill is designed to ease that route.

Already, the road to the NHS privatisation is clear. First, the Government starve a service of funds. The national health service capital programme has been cut by nearly 20 per cent. Secondly, pressure is applied to consider alternatives. All trusts have had to go through the entire process of testing major projects against private sector finance, regardless of the urgency of those projects. Thirdly, the pressure is racked up. In health, the fine line is continually blurred between what may or may not be possible targets for market testing, contracting out and privatisation.

On Second Reading, I complained that the Secretary of State had not responded to my letter of mid-February asking him to identify those services that would be exempt from PFI. I had the opportunity to ask the same

question in Committee, as it is important that we are clear about the scope of the PFI. The reason for that is illustrated by what my hon. Friend the Member for Strathkelvin and Bearsden (Mr. Galbraith) said about the hospital in Scotland where everything is being put out to tender. Although the Minister's defence seemed to be that one of the three bids being considered was from the NHS, we understand that every service is being put out to tender.

The Secretary of State is still reluctant to define clinical services. He knows that he has promised to protect such services from privatisation, but he does not want to do that. He knows that, if he has to list which services are clinical, he will be limiting the scope of privatisation. That would place question marks over the bids for Stonehaven hospital.

When an answer to my letter finally arrived—unfortunately, the day after the Committee stage had ended—it was not particularly helpful. The Secretary of State wrote:

"The requirement to include clinical support services as part of the testing of the PFI options are matters for local determination and cannot be decided without the support of local clinicians."

What can local clinicians hope to make of the Government's attitude? How can they hope to work within boundaries that the Secretary of State has blurred almost beyond distinction?

The Bill is being proposed to smooth the jangling nerves of potential PFI contractors. The Government hope that more of them will propose new PFI projets in the health service. However, about a fortnight ago the Financial Secretary to the Treasury told us on "Newsnight" that the PFI will replace public expenditure.

The blurring of choices means that local clinicians and other health service professionals are faced with a stark choice—private money or no money. One way to guarantee that a clinician will ultimately agree to the PFI is to starve him of funds to improve the services that he wants to give his patients. That is how it is being achieved; it is driven by withholding from clinicians the vital investment that they need to improve health care. It is a pity that the Secretary of State is not here, but I must tell him and the Minister that that is not the way to treat health professionals or issues of public health. I call on the Minister this evening to list all the clinical and clinical support services that he can guarantee will be free from the risk of privatisation.

The Government are driving towards privatising the NHS, and are stepping up the pressure to achieve their aims. The Bill makes matters worse. It is not just this Bill that is adding to the Government's PFI woes. The private sector is getting increasingly annoyed about it, despite all the concessions that the Secretary of State is prepared to offer it. Earlier today, the Minister said that the Treasury was involved in the PFI. John Laing Construction was recently reported in the *Financial Times* as having described the PFI regime as

"farcical and leading to growing frustration among contract bidders".

Laing is one of the leading bidders for health schemes, so its opinion must be taken seriously.

Martin Laing, the company chairman, said that there is

"virtually no chance"

of PFI targets being met

"unless there is a really big shake-up in the way the Government handles PFI projects".

Another PFI specialist, a City banker, is quoted in the same report as saying that the PFI needs

"to overcome the inertia and lack of expertise that reign supreme in most departments".

We already know that the public do not trust the Government on the PFI, and that clinicians and health service staff do not either. It now transpires that even the private sector does not trust the Government on the PFI.

The Secretary of State will have big problems if he intends to put all his NHS eggs in the PFI basket—but that is what he is doing. He is betting everything on the Bill and on its option of guaranteeing liabilities over which he has no control. The Bill solves none of the problems of the PFI and probably creates a whole new set of its own.

Still, I have little doubt that this Secretary of State will eventually get his way and that the Bill will be passed. After it has been railroaded through the House, he will be able to go back to the private sector contractors who demanded the Bill and tell them that it is safely through and that the Secretary of State has underwritten the risks that most people thought went with the contracts. I only hope for the right hon. Gentleman's sake that the contractors do not come back to him with yet another problem to solve. If and when they do, I hope that he will not cave in to them as easily as he did with this Bill.

The House deserves a better explanation of a Bill than the one we were given on Second Reading. It was disgraceful of the Government to talk about technicalities without telling us the public expenditure implications.

The next problem may arise in the context of information technology. The Department is already creating a shambles because of its unwillingness to get a grip on strategic provision. The recent trauma over hospital information support systems was just the latest in a long line of failures. Now we hear that the entire PFI growth area of information technology is under threat from the VAT man. PFI-led IT projects may turn out to be not just more risky and expensive than publicly funded alternatives: they may have an extra 17.5 per cent. VAT dropped on the final invoice too.

Many of the projects that the Minister has said are in train at the moment include small information technology units. Now there is a debate between the Treasury and the Inland Revenue about whether, as they will not be owned by the trusts, they ought to attract VAT. Ludicrously, the Government consistently say that they are in control of the PFI, but as soon as people are ready to sign contracts, all of a sudden 17.5 per cent. VAT is dropped on them. How can anyone have faith that the Government know what they are doing?

Perhaps, as the Secretary of State has already gerrymandered the PFI rules once, there will be another sweetheart deal for the private sector in health. Perhaps he will siphon off more NHS money to pay the contractors' VAT bills. The Opposition will not let this issue go away. It may be deemed the concern of the Treasury, but it affects public health, and we shall ensure

[Mr. Barron]

that the matter is not dropped. I only hope that the Government will introduce some coherence to what is happening with information technology under the PFI.

We are witnessing a long slide into confusion—a slide that the Minister cannot control, because the Bill gives him few or no powers, except to accept the consequences. The Minister has started down a slippery slope that may cost taxpayers billions of pounds, and there may be no end to the slope. The Bill represents a fundamental error of judgment. The Minister has been weak when a secure future for the health service required him to be strong. He has pandered to the private sector instead of supporting the best interests of Britain's health care.

The Bill offer gilt-edged returns to the private sector but does nothing for patients, nurses, doctors or health care. It merely bails out the Government's drive to privatise the health service. The Bill offers Parliament no openness, no accountability and no scrutiny. Contracts for up to 70 years will be signed—70 years of private sector risk but no parliamentary say in the matter. Who in his right mind, looking at developments in the NHS of the past decade, would allow that to happen? We are signing up to 70 years of public liability without a debate in the House on the daily innovations in the health service aimed at improving it.

There will be up to £5 billion in liabilities, and no parliamentary say in how or why they are incurred, and no chance to hold the Secretary of State to account for bailing out the private sector and, effectively, privatising the NHS.

The Bill is ill thought out and—I hope that I am wrong—the public purse and the people who need health care may find themselves paying for the Government's folly for many years to come.

6.26 pm

Mr. Galbraith: On Second Reading, I was prepared to give the private finance initiative in the NHS a fair wind and some consideration, but having sat through most of the Bill's stages I am now convinced that it is wrong. What has emerged from my confusion—Conservative Members may be confused as well—is that this is being done for short-term financial reasons while building in long-term liabilities. We are converting capital expenditure to revenue that will be with us for a number of years, and future Governments and generations will have to pick up the tab.

The PFI has other consequences too. Having heard the Minister, I am convinced that what is involved is a distortion of service provision within the NHS. I return to the idea of the hospital in my area becoming obsolete. In order to remove risk from the private sector, long-term contracts will be awarded whether or not the facility is needed. To avoid its becoming a white elephant with unoccupied wards and beds, NHS facilities that may be better prepared and more suited to people's needs will have to be closed so that the hospital built with PFI money can be used. This represents a drift, once again, away from a more effective and efficient NHS towards the private sector—one of the major problems associated with the PFI.

It is also clear from what the Minister said that the PFI will not be involved only in building and leasing buildings. He mentioned maintenance and the provision of services. After all, they are the only way in which money can be made in such ventures. The Skye bridge is a case in point; once it was built, it had to be run and charged for at rates higher than those charged by the ferry. The risks had to be removed from the private sector by locking into a long-term contract to enable it to recover its expenses. The Skye bridge was built only when the Government gave an undertaking that the profitable public sector ferry would cease to run, so as not to be in competition with the bridge. Within the national health service, public sectors will be closed to maintain the PFI project.

It serves no purpose for the Minister to maintain that clinical services will not be affected. It is clear that they will be an integral part of the PFI. Stonehaven is a classic example. We know that everything is up for grabs at Stonehaven. That is part of the Government's philosophy. That is the trend and that is the way in which the Government see the NHS continuing. The cat was let out of the bag by Duncan Nichol.

Mr. Bayley: The position has been made clear by the Secretary of State. On 21 November 1995, he spoke to the Royal College of Physicians. During his address, he said:

"Some Trusts have explored local arrangements for private sector provision of some clinical and clinical support services. That is a matter for local determination."

The right hon. Gentleman is sanctioning precisely what my hon. Friend fears.

Mr. Galbraith: I fully agree with my hon. Friend.

I mentioned Duncan Nichol, the former chief executive, who is responsible for the shambles within the NHS. He now works in the private sector with BUPA. In effect, he says, "It does not matter who provides the service. The issue is what charge is made when the service is delivered." The Government no longer talk about services being free at the time of need; they talk instead of services being free at the time of delivery—in other words, they are saying, "Although you need them you might not get them, except those that we decide to deliver."

The shift towards privatising clinical services and allowing individuals to have those services paid for by others will soon mean that individuals will have to take out private insurance. That will take us fully down the line of a privatised health service. That is part of the purpose behind the Bill. The Bill is not merely a short-term fix to overcome under-investment over the years by shifting moneys from capital to revenue. It is part of a long-term plan, the final aim of which is to have a fully privatised health service in terms of delivery and charges.

The Minister has argued that it will be much quicker under the PFI to have hospitals built. According to Douglas Watson, the head of structured finance at the Clydesdale bank, who wrote in the *Scottish Business Insider* of March 1995,

"putting together PFI projects is slow and time consuming and far from speeding things up, some projects may actually have been delayed by putting them out under the PFI."

The myth that the Government peddle does not accord with reality.

Another myth is that the PFI will make projects cheaper. That is not so; costs will merely be deferred over a period of years, leaving others to pick up the tab. It is

known that the cost to a trust of establishing a PFI to build a hospital is probably increased by 3 to 5 per cent. The Edinburgh royal infirmary project is an example. Expenditure will be increased, because of the PFI, by between £4.2 million and £7 million. That extra expenditure would not have been incurred under the normal arrangements. In addition, there is the high return demanded by venture capital of between 8 and 10 per cent. These are the increased costs that are incurred by use of the PFI.

We shall have a system in which we shall allow private finance to obtain substantial profits from the health service. There will be no risk. There will not even be the normal business risk. We shall build in obsolescence within the health service. We shall distort our clinical services, we shall further delay projects and we shall increase costs. What an indictment on the Government. In addition to the bureaucracy that they have enforced on us over the years, they want to charge us more. It is no wonder that I and, I hope, many of my right hon. and hon. Friends think that the PFI is a shambles. It is inherently wrong politically and financially unsound. We should have nothing to do with it.

6.35 pm

Mr. Simon Hughes: Before us is a short Bill and a big subject. No one disagrees fundamentally with the principle that the national health service should not leave others singing for their money. At the same time, no one has subscribed in a democratic way to the principle that we should build capital projects within the NHS in a new way, which effectively means building by the private sector. That is why the Minister has run into a squall and some difficulty.

The Conservative party's manifesto did not refer to capital projects within the NHS being undertaken by the private sector. The Government never stated in a Queen's Speech that they intended to go to the private sector for the building of hospitals. Instead, they have proceeded by stealth. The health service has suddenly discovered, through the Government's actions, little by little, project by project, idea by idea, press release by press release, and guidance of slightly more than a year ago, that it will have to enter into a greater partnership with the private sector, as have other sectors.

The move may be a good idea. There is nothing theologically wrong with the private sector being used to provide buildings or services. However, the case has never been made, and authority has never been given to the Government. My colleagues and I—indeed, Parliament—have never agreed to move from a system whereby the public purse finances NHS buildings and services to one that admits private sector finance. Such a change in system has never come before us as a proposition, and consequently there has never been a majority vote in the House.

The change of system has never been subscribed to even by the Conservative party, let alone on a cross-party basis. We should not change the capital funding of the health service by means of spatchcocked, belated Bills that are put together to close loopholes, without addressing the issues head on.

There is objection because the NHS is less democratic now than at any time since its creation. The Secretary of State is accountable to Parliament, but, as we well know—Ministers make no bones about it—when he answers detailed questions, he almost always says, "I don't know the answer, so ask the local trust." Alternatively, he will say, "I don't know the answer, so ask the local health authority." He may also say, "The figures are not kept centrally."

Trusts and health authorities are less democratic now than ever before. Members of trusts are appointed entirely by Secretaries of State. They meet in secret and make their decisions in secret. They cannot be part of a democratically elected health service. It is not that they want to be secret. I understand that the official policy of the National Association of Health Authorities and Trusts is that the authorities and trusts are happy to meet in public. It is not they who are blocking the system. Instead, the Government are refusing openness.

The management of the health service would have far more credibility if it were democratic, open and accountable. For as long as hospitals are managed, along with all other parts of the health service, behind closed doors by people appointed by the Secretary of State, who decide what they shall be paid in private, there will not be public confidence.

We are therefore even more dubious—not surprisingly—about going down this road if there cannot be any public participation. None of us pretends that the health service's previous structure was wonderfully, democratically accountable—of course it was not—but at least the majority of health authority meetings were open to the public, at least the health authority took the decisions, not just about commissioning, but about the running of services, and at least some democratically elected people sat on health authorities.

All that is out of the window. Regional health authorities have gone. They have been replaced by civil servants. Therefore, there is an undemocratic and unaccountable health service. That is not sustainable. Whether the Minister's party are again in government in the near future, or whether colleagues in the Labour Front-Bench team are in government, the one thing that both parties must do—the Labour party has not done it nearly adequately enough yet—is to ensure that we have a democratic health service structure, in which the public can choose the people who run the service locally and the public can get rid of them when they do not like them. We must see that happening in the open.

Mr. Harry Cohen (Leyton): The hon. Gentleman makes a good point. I agree with him about secrecy in the management of the national health service generally, but, specifically on the Bill, there will be secrecy in the relation to the PFI contracts that are entered into, some of which, as my hon. Friend the Member for Rother Valley (Mr. Barron) said, can go on for 70 years and incur NHS and taxpayers' money.

In Committee, the Minister refused to give a commitment that that procedure would be opened out before the contracts were signed, perhaps even with the community health councils being consulted. Does the hon. Member not think that it is appalling that that secrecy in the signing of such contracts could cost the NHS and taxpayers a great deal of money?

Mr. Hughes: I agree with the hon. Gentleman. The public might be concerned about all sorts of issues.

[Mr. Hughes]

They might, for example, not want a contract to be placed with a particular private sector contractor because of its investment policy, because it does not have ethical investment, or because it supports a drugs company that has an unsatisfactory record—there are all sorts of reasons. The public are carved out of that.

The hon. Gentleman knows as well as I that, in the public service, the more secretive financial contracts are, the more likely it is that bad practice or corruption will take place and all the rest of it. The same contracts are given to friends and to the people who happen to be part of the service, however well one tries to regulate it. I agree with him that that is a real worry.

That links to my third point. Let us not be naive about this. The reason why the Government are going helter-skelter down the road marked "PFI"—any Government might be in this position—is that the Treasury and the Chancellor of the Exchequer are saying, "We must cut and hold down public expenditure, so we must look for other ways of financing public projects."

The public's demand for public projects is going up. They are not saying, "We don't want more health services or public education," but, "We do want more health services and public education." The Government are therefore asking how they can find the money without raising taxes. Some of us subscribe to the view that a decent taxation level for people who can afford to pay is a prerequisite of a civilised society, as well as a fair and equitable distribution of wealth.

It will not surprise me if the next election is fought on this issue: should people who can afford to do so pay a decent level of taxes, and should people who earn an enormous amount of money pay an enormous amount of taxes? There appears to be a general, growing timorousness among hon. Members in the two largest parties about asking anyone to pay anything for anything. I am worried about that. That does not meet the public mood.

The public do not want Government and public services to waste their money, but they are willing to pay fair taxes if they know that the money is going towards decent public services. They are willing to pay for the health service and education, so long as the money goes on the health service and education.

If, at the next election, the Tory party says, "We are the tax-cutting party"—although no one believes it about that—and if the Labour party says, "No, we're going to be as good at tax-cutting as the Tory party"—I do not think that people will believe that either—I hope that some of us will go on saying, "You can't have decent public services supported only by cutting taxes."

There are short-term political pressures. I understand them and we should acknowledge them, but the foolishness is that, as the Treasury Select Committee makes clear—this is the fourth point—there is no guarantee that one achieves better value for money through the PFI. On the short section on the PFI in health, the Select Committee, to which the Government have not responded, gives warnings that the PFI may not provide the best value for money. First:

"The concern is that capital spending in health will be cut on the basis of expected PFI investment that has yet to materialise."

By the Chancellor's own admission, such spending is being cut, and we do not yet have a guarantee that the PFI will materialise. Secondly:

"A further criticism of PFI is that in some circumstances it has delayed rather than encouraged investment."

True—that is what we are all being told in our constituencies. Thirdly:

"This raises the concern that the ability of the Trust to plan effectively the provision of its services could be lost as decisions will be determined by the method of funding rather than an objective assessment of need."

That is very worrying. It will be a bit like the decision that led to the Jubilee line extension being built: a particular project will be built because it is the one for which the most funding can be secured rather than the one that patients need most.

Fourthly—this point was made by the hon. Members for Rother Valley (Mr. Barron) and for Strathkelvin and Bearsden (Mr. Galbraith)—in the view of the Select Committee and the Department of Health:

"clinical services should not be provided under the PFI."

They are as explicit about that as they can be, yet it is clear that clinical services are being provided under the PFI.

Lastly, the consequence is that

"PFI was forcing it"—

the trust—

"to introduce a false split between 'clinical' and 'non-clinical' services which, hitherto, had been successively provided together, in some cases by the same people."

We know the score: under the PFI, one contracts now, but pays later. The probability is that it will be no cheaper, and it may be more expensive. I will not go to the wall for saying that it will be, but it may be. All I say is that, until the Government—any Government—have the approval of the people and of Parliament to change the basis of the health service's funding, they should not do it.

We understand the logic of this little Bill, but that will be opposed tonight; that is why the Minister had better be careful that his Department does not go down this road so quickly that, throughout the country, it finds itself in a series of muddles, with the public increasingly dissatisfied about contracts that they think should never have been entered into.

6.47 pm

Mr. Ronnie Campbell (Blyth Valley): I have raised before the question of the Cheviot and Wansbeck NHS trust's Ashington hospital in my constituency. The other week, the trust met in secret to decide on phase two of the hospital, phase one of which has been open only about two or three years. The trust has been trying to get phase two off the ground.

Two weeks after it became a trust, it announced that it was £2 million in debt. We have discussed that on the Floor of the House. This time, however, the trust has decided that, to get phase two off the ground, it will put all non-clinical services out to tender. About 40 per cent. of the hospital will be privatised if it goes down that route. It has not made a final decision, but I understand that it is testing the water with tenders from private entrepreneurs.

It makes no difference what the Government say. I remember that, not long ago, they said that the health service was safe in their hands. I do not know what they

meant by that. If they meant that it was safe in their hands because they were going to privatise it, that was fair comment.

There is no doubt that this is a back-door method of privatisation by the Tories, as has been mentioned. I cannot understand why they are doing it, because public opinion does not want it. I expected that they would try to make themselves popular before the elections, but they are making themselves unpopular.

My local newspaper, *The Journal*, mounted a campaign against non-clinical services being privatised, and against the Bill. It was surprising for that newspaper to have a go at a Tory Government. Coming up to a general election, the Government should want to be popular. One opinion poll after another has shown that people do not want the health service to be privatised; but hospitals are being pushed into corners because, as my hon. Friend the Member for Rother Valley has said, their money has been savagely cut by the Government, and they are being forced into privatising non-clinical services—40 per cent. in the case of Wansbeck.

It is a disgrace that people do not have a say about privatisation. It is done by the back door, and it is time the Government stopped it. The Cheviot and Wansbeck trust has not yet decided, but it wants to test the water. I say to it, "Don't. Wait until Labour comes to power, and we will sort you out our way. Don't go down the Tory route. Labour will get phase 2 for Wansbeck."

6.50 pm

Ms Hilary Armstrong (North–West Durham): I am grateful for this opportunity to take part in the debate. I shall try to take the Minister back to his previous incarnation in the House, when he represented a constituency that was known as Gateshead, West. At that time, he represented the Labour party. I am sure that he may have tried to wipe out all memory of that. Part of the western boundary of that constituency must have edged on to bits of my constituency, which is large.

Shotley Bridge hospital, which I am sure the Minister knew in those days, certainly services the Derwentside part and some of the area on the northern banks of the Tyne. That hospital is now part of North Durham health trust, and the Government approved the building of a new hospital that would eventually link Dryburn hospital and Shotley Bridge hospital. Against my advice, the chosen site for that is Dryburn, and my constituents were promised that, when Shotley Bridge hospital was closed as a district general hospital, other good hospital functions would move to Shotley Bridge.

I do not want to go into my concerns about the process, but local GPs have come up with a good scheme for the development of Shotley Bridge. All this hinges on promises to my constituents about what would happen to the new hospital at Dryburn. It was approved over two years ago, before the Government had thought of the private finance initiative.

My complaint about the Government is that they have demonstrated time and again that they do not know what they are doing with the PFI. The Minister said that it would mean less risk to the public sector. That may be true in terms of the Government's overrunning and over-borrowing, which have led to the PSBR being much higher than anyone ever imagined, but it will not mean less risk for the public or for my constituents and their health care.

They are suffering enormously because of the Government's dithering, indecision and lack of understanding about what they were entering into when they told the trust that it had to go down the PFI route. That has delayed the new hospital at Dryburn, and, what is worse, it is now threatening any development at Shotley Bridge.

Last weekend, because the trust had overspent in the acute areas, it closed five wards in Shotley Bridge hospital. That is totally counter to all the promises it gave to my constituents and me about the way in which the amalgamation of the two hospitals would proceed.

Staff morale is at rock bottom, and constituents are angry, because they never wanted to lose their hospital, as the Minister will know if he remembers his previous incarnation. Instead of going to Shotley Bridge, people from the top of the Tyne valley and Weardale will have to travel about 30 miles to Dryburn. The accident and emergency service was closed before the commitments were given, and that was out of line with earlier commitments.

Far from the public being reassured, the Government's actions are a betrayal of the people of north-west Durham and of Derwentside. The Bill has been presented because the Government have made such a mess. If the PFI was working, the Bill would not be before us. If there was confidence, if people thought that the Government knew what they were doing, there would be no need for it. The Government try to tell us that the Bill will put into law what has always been happening, but the reality is that nobody knows the practice, because the PFI procedure has not been tried before.

The Government do not know the nature of the contracts, because the people who draw them up are not publicly accountable. The Minister said that we have to respect commercial confidentiality. He is asking us to agree that the services and their nature and delivery for the next 25 years will be secret. How on earth can we justify that in the public sector? By all means we should work with the private sector to get money to support the public sector, but when that is done in a way that betrays and breaks the trust between the public and their health service, it will fail dismally.

I beg the Minister to reassess what is going on. My constituents face the worst of all worlds: every promise made to them by the trust and by previous Ministers will have been broken. It is their health service and their hospital. What we have worked out together, and the GPs' plan for a GP-led community hospital, are now in jeopardy because of the overspending of the acute trust and because of anxiety to get the PFI right. The rest of health care and support is likely to disappear, and that will mean that the acute service will not be able to meet the needs of my constituents.

The other half of my constituency is served by Bishop Auckland hospital. As hon. Members will know, we were promised months ago that the PFI in that hospital would be the first to be announced by the Secretary of State. That did not materialise, and I heard worrying rumours this week about the PFI crumbling in Bishop Auckland. That will leave half my constituents with no hospital, and some of them will have to travel nearly 40 miles to get to one. That is a disgrace.

[Ms Hilary Armstrong]

It is about time the Minister shook himself out of his complacency and recognised that, when we debate people and health, we must discuss the public need for health care, and not his Government's incompetent management of the PSBR.

6.57 pm

Mr. Clive Betts (Sheffield, Attercliffe): The Government have presented the Bill because they feared that they could not get PFI schemes off the ground in the health service, as the banks and other private sector organisations would not enter into liabilities which they were not sure would be picked up by trusts that might not exist in 20—or, indeed, 70—years from now.

The Secretary of State for Health told the Select Committee on the Treasury about a lacuna in the legislation. That was his word, not mine, and I was not sure what "lacuna" meant, until I looked it up in the dictionary. The Secretary of State obviously uses the word frequently to describe his problems.

He said that the problem had been around since the 1940s, and that it was everyone's responsibility. That is not true, because in the past, borrowing for the public funding of projects in the health service has meant that trusts and hospital boards have not had any difficulties. The PFI scheme has raised difficulties because of the different way in which such schemes are entered into compared with borrowing through the old mechanisms.

To underline that point, while we finally got it out of Secretary of State in the Treasury Select Committee that trusts are free to borrow, he went on to say that they are not free to pledge assets. That is why there has not been such a problem in that past. By and large, financial organisations have been willing to lend to trusts only if the loans are backed by the security of the property on which they are lending. That security has always depended on the say-so of the Secretary of State. That is the fundamental difference, and the reason for the Bill. It shows that a control mechanism exists for borrowing through the traditional route that is not there for borrowing through the PFI.

While the Government hope that the obstacle will be removed to allow projects to go ahead, in fact the system presents obstacles all over the place to the setting up and construction of new hospitals and additions to hospitals. Much administrative time is spent on comparisons between PFI and public schemes.

Ask the chief executive of Royal Hallamshire hospital, Sheffield about what happens. He got the go-ahead for its Stone Grove project to replace a rundown mother-and-baby and gynaecological service in 1993. Not only has not a single brick been laid—not even an accountant's pen has been put to a contract for the scheme, because it is still being assessed three years after the original project was given the go-ahead.

If the PFI is cheaper, we must ask why. Again, evidence to the Treasury Select Committee showed that interest charges on private borrowing are 2 to 4 per cent. higher. The Government talk about risk transfer, but if the private sector takes on the risk, it will want the public sector to pay for it. That is right. It will want its risks in the project covered.

The Government will not tackle my worry that any savings from private sector projects will be produced in the same way as they have been with compulsory competitive tendering in local government, where 70 per cent. of savings result from cuts in wages and conditions of the lowest paid workers. That is why cleaning, building maintenance and management and other such activities will be part of the projects. The Government can deny that if they want, but that is the evidence from the Audit Commission on CCT in local government. I fear that the same savings will be made and be called efficiency savings, when they are cuts in pay and conditions.

The Government say that, if private sector funding is cheaper, we should go down that route, but there is a question mark over what would happen if public funding were cheaper. Is the public funding there? Royal Hallamshire hospital has asked me what would happen if its assessment showed that the public sector was cheaper.

There is no guarantee—the hospital thought there was, but it is beginning to change its mind—that there will be public sector funding, because the Government cut £2 billion from the budget estimates for capital infrastructure projects in November last year. A large amount of that £2 billion was taken from the health service. Even if the public sector route was cheaper, the hospital may not be built, because there would be no public funding. It is like a football match where the rules allow only one goal for a side to score in. Only one side could win. The Government have not tackled that.

It comes back to the fact that the Government have retreated from their initial position that the PFI means additional rather than substitutional spending. The game was given away by the Financial Secretary, when, in his final muddled words to the Treasury Select Committee, he said that the money was additional at the time that it was spent. In other words, PFI money is additional to the Government's £2 billion cut. Those are weasel words to disguise what they are doing.

From the delays in bureaucracy, it is clear that there are no controls over the system. It was accepted that there is no control system in the Treasury or Departments. There is only voluntary registration by trusts of schemes into which they have entered. That is not an effective control mechanism for money that has been committed for 70 years—or for most schemes, 20 or 30 years—into the future.

The Minister said in an earlier debate that the PFI would be controlled by the external financing limit, but that is not true. It is true for publicly funded projects, because the capital charges are up front in the first year in which they are committed. They are not in PFI schemes, which involve charging for the provision of a service or the design or construction of a building over the years in which the service is delivered.

Often, when the commitment is made to enter into the contract, there is almost no expenditure in the first two or three years. In the years for which there is an EFL agreed by the House and promoted by the Government, there is no commitment. The commitment is made for years when there is no agreed EFL. It does not act as an effective control and monitoring mechanism. I should like the Minister to reply on that. He made that comment in a previous debate, but the controls are not there. We are committing money for years ahead, without democratic control or accountability.

There is a different sort of control over borrowing, in that organisations are usually prepared to lend only where there is a guarantee against a building. Trusts cannot at present pledge assets against borrowing. That control mechanism may not be very effective, but it is better than anything that exists for the PFI projects that the Government promote.

Sir Christopher Bland, the new chairman of the Private Finance Panel, admitted in evidence to the Treasury Select Committee that there was a built-in incentive to use the PFI route precisely because there are no financial control mechanisms in the first two or three years. There is no disincentive to use that route, because there is no control of over-expenditure in those years.

There are delays and lack of controls, and no additional funding is being provided, but in some ways the most serious problem is the impact on the choice of schemes that will go ahead. Because there is no guarantee of public funding to underpin the schemes, and because of the incentive to use the PFI that I have explained, we are effectively transferring the choice about which hospital projects go ahead from a public process done by democratic representatives to one where the private sector picks and chooses the projects that it wants to fund, design and build.

Some projects will not go ahead, not because of a public choice of priorities but because of a private sector choice. That is a complete handover of political responsibility to the private sector. It is disgraceful that a Government who talk about political sovereignty and role of Parliament should be prepared to hand such power to the private sector.

The privatisation goes further. Ministers must accept that, irrespective of what they say about clinical services not being privatised, that is precisely what is happening. It is happening to Royal Hallamshire hospital in Sheffield, according to its chief executive's evidence to the Treasury Select Committee. I do not know whether the Minister read it, but it frightened me. He said that the distinctions that the Government wanted to draw could not be drawn. Housekeeping teams are composed of people with clinical and non-clinical responsibilities. Management cannot be in the public sector for one and in the private sector for the other. That does not work in a hospital context.

Non-clinical people are being trained to do jobs such as taking blood samples. The trust is trying to enrich people's jobs and pass them more responsibility, under proper clinical training. What should be done with those people? Should we take away those responsibilities—or, when their jobs are privatised, is the totality of their work, including the clinical elements, privatised? Those questions have not been answered.

Further, services at Royal Hallamshire hospital, such as pathology and diagnostic images, are being transferred. Why are hospitals going to the private sector to fund such services? The chief executive's evidence to the Treasury Select Committee was clear. He said that it was because there is no longer any public funding to replace such equipment. He said that there was no choice but to privatise them, because clapped-out equipment could not otherwise be replaced. That is privatisation by the back door of clinical and non-clinical services.

The Bill is designed to remove an obstacle to the financing of PFI schemes but in doing so, it creates crucial problems for the NHS because of fundamental problems with the PFI. It will create delays in the construction of buildings and the provision of services. There will be a lack of democratic control. The choice of which projects go ahead will be transferred from political representatives to the private sector. The fact that resources are not available from the public sector to underpin those choices means that some projects simply will not go ahead when the private sector does not want to fund them.

That is all for a scheme that is substitutional, not additional. It brings no extra resources into play in providing health services. According to health professionals, regardless of what Ministers say, the scheme is privatisation of clinical services by the back door. Those are major concerns. If the Government allow the process to go ahead without at least imposing proper political and democratic control over it, it will be a complete dereliction of their duty to the country.

7.9 pm

Mr. Stephen Timms (Newham, North–East): I apologise for being absent for much of the opening speeches. I was attending a meeting of the Treasury Committee. Indeed, I want to refer to evidence that it took on the private finance initiative in the health service. The debate on the Bill has revealed very deep confusion about the funding of the health service, not least on the part of Ministers responsible for it.

The Secretary of State gave evidence to the Treasury Committee on 4 March, to which reference has been made. My hon. Friend the Member for Hackney, South and Shoreditch (Mr. Sedgemore) said to the Secretary of State:

"Can you tell me, the trusts have the power to borrow, do they not?"

The Secretary of State said:

"No, that is incorrect."

My hon. Friend then asked:

"The trusts do not have the power to borrow?"

The Secretary of State replied:

"The trusts do not have the power to borrow."

My hon. Friend then read to the Secretary of State the schedule to the National Health Service and Community Care Act 1990, which confers that power on trusts. The Secretary of State said:

"I am open to correction"

and accepted that trusts did indeed have the power to borrow.

In a later exchange at the same meeting, we talked about the extent to which it would be possible for the Government to control trusts' borrowing, given the fact that, under the Bill, the whole strength of the public sector will stand behind the trusts in their activities. The Secretary of State said:

"The trusts' power to borrow will be constrained by their external finance limit in the same way that it is now and it will be constrained for the same reason that it is now, namely in order to control the capacity of the pace at which trusts take on liabilities which the taxpayer stands behind."

He then talked a little more about the external financing limits. I asked him where the power to set those limits was set out in the National Health Service and Community Care Act. He said that he was not sure and that he would send the Committee a memorandum to explain the position.

[Mr. Stephen Timms]

The external financing limits came up again in the debate on the Bill last week, when the Minister said:

"there are the external financing limits, which are agreed at the beginning of the year and monitored . . . quarterly. If anything is going wrong, it will be spotted quickly by the NHS executive. That is the effective managerial control that is in place, and it is backed by statute."—[*Official Report*, 24 April 1996; Vol. 276, c. 548.]

Today, I re-read the memorandum that the Department of Health sent to the Treasury Committee in response to the Secretary of State's commitment. It refers to guidance in the NHS trusts finance manual, and says that the trusts have three core financial obligations. First, trusts have

"to achieve an annual financial target of a real pre-interest return of six percent on their average relevant net assets".

That is fine. Secondly, it says that trusts have

"to break even on an Income and Expenditure basis".

That is also fine. The third core obligation is

"to meet, or come within agreed limits of flexibility, the External Financing Limit set by the NHS Executive",

to which the Minister and the Secretary of State have referred.

The memorandum goes on to say of those core obligations—the third being the external financing limit—that

"The second of these has statutory force, while the other two do not."

That is the confusion that has arisen in the debate. What exactly is the status of the external financing limit? Is it statutory or not? If, as the memorandum to the Treasury Committee said, it is not, how is the public purse safeguarded when trusts take on the new powers?

The problem is particularly severe because of the way in which the health service has been fragmented in recent years. In my area of east London, there has been a dispute—it has finished in the past few days—between East London and the City health authority and Newham Healthcare NHS trust. Both bodies were established by the Government, and all their members are appointed by the Secretary of State. The dispute was about funding and resulted in my constituents being sent away from Newham general hospital and being told that they could not be given dates for their operations. Given the autonomy of such bodies and the fact that there do not appear to be the necessary statutory controls to monitor their performance, great anxieties arise in the Bill about the risks being taken with the public purse in order to allow those large PFI hospital construction projects to take place.

We can understand the Government's anxiety to get the Bill in place, but the level of risk in what they are doing is very high. They are putting the public purse in jeopardy. I hope that there will be further, long and cool reflection—and indeed amendment—before the Bill passes into law.

7.15 pm

Mr. Horam: I commented during the speech made by the hon. Member for Strathkelvin and Bearsden (Mr. Galbraith), who I am glad to see back in the Chamber, that if he thought it sensible not to carry on his career as a medical man when he left the House, he might take up a career in finance. I withdraw those remarks in the light of what he said later. His failure to understand the simple principles behind the Bill was fairly stupendous. I overrated what he had to say. The Bill simply makes it necessary for the NHS to honour its debts, whereas at the moment, it need not do so.

Ms Armstrong *rose—*

Mr. Horam: I shall not give way to the hon. Lady because I am replying to the hon. Member for Strathkelvin and Bearsden.

The hon. Member for Southwark and Bermondsey (Mr. Hughes) said, in a rather interesting speech, that the Bill was not theologically wrong and might be a good idea. I am glad to have that rather qualified support. He also said that there was not much accountability in it, but he forgot the role of community health councils, which are important. *[Interruption.]* They are important. When any major change takes place in local health provision, it has to be referred to the CHC, and, indeed, other representative bodies. The hon. Gentleman cannot therefore ignore all that.

Mr. Simon Hughes *rose—*

Mr. Horam: I have given way to the hon. Gentleman about five times. What I have said should be taken into account when one considers consultation and accountability.

The hon. Members for Blyth Valley (Mr. Campbell) and for North–West Durham (Ms Armstrong) made very understandable points about their local hospitals, which I shall read when I look at *Hansard*. In many ways, they were very fair points. They were both in essence saying that they wanted schemes to go ahead—there was no doubt about that—but with public sector cash. The hon. Member for Blyth Valley said precisely that. He hoped that there would be a Labour Government and that schemes would then go ahead with public sector cash.

The hon. Member for Sheffield, Attercliffe (Mr. Betts) will be surprised to know that, in some technical respects, he was actually quite correct, and I agree with him. *[Interruption.]* They were technical points. I am glad that he agreed with me on the fundamental point about savings being available through things such as compulsory competitive tendering and market testing in the health service. He may well know, since he is a student of those matters, that we have saved more than £1 billion through market testing in the NHS since we introduced it. In objecting to that process, the hon. Gentleman must realise that that gap would have to be filled by public sector cash.

The hon. Member for Rother Valley (Mr. Barron) made the point in his initial speech—at some length—that, in the final analysis, this is about the financing of hospitals and hospital improvements. The Government are bringing in private sector cash not only to build new hospitals, but to deliver better value for money. Labour certainly admits that it wants more hospitals, but if it does not use private sector cash to provide them, its only recourse is to use more public sector cash. That is the fundamental point that Labour must face, but it never faces up to it—it is a tax-and-spend party.

Labour's only alternative to the way in which we are providing funds via the private sector is to bring in public sector funding. It must increase public sector expenditure

even more and raise taxes to fund that increase, or it will not be able to build hospitals. That is the fact of the matter. Labour is fundamentally ashamed of its past, and silent about this matter. Its opposition to the Bill is wholly bogus.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Licensing (Amendment) (Scotland) Bill

As amended (in the Special Standing Committee), considered.

Clause 1

LICENSING CONDITIONS FOR CERTAIN EVENTS

7.22 pm

The Minister of State, Scottish Office (Lord James Douglas-Hamilton): I beg to move amendment No. 9, in page 1, line 7, leave out 'section' and insert 'sections'.

Madam Speaker: With this, it will be convenient to discuss the following: Government amendment No. 15, in line 38, at end insert—

'Conditions for existing licences

18B.—(1) This section applies to premises in respect of which a licence has been granted, whether before or after the coming into force of this section, under section 17 of this Act where no conditions have been attached to the licence in pursuance of section 18A of this Act.

(2) Where it appears to a licensing board that an event to which section 18A of this Act applies may be held on premises to which this section applies, the board shall convene a meeting for the purpose of attaching to the licence the conditions specified in subsection (1) of that section.

(3) The clerk to the licensing board shall, not later than 21 days before the date of the meeting to be held under subsection (2) above, serve on the holder of the licence and send to the chief constable a notice of—

(a) the meeting;

(b) where the Secretary of State has prescribed the terms of any prescribed conditions, such terms;

(c) in the case of any other prescribed conditions, the terms proposed by the board; and

(d) where the board proposes to attach any other conditions to the licence, the terms of such conditions.

(4) At the meeting held under subsection (2) above, unless the holder of the licence satisfies the board that no event to which section 18A of this Act applies will be held on the premises, the board shall attach to the licence the prescribed conditions and such other conditions as it considers necessary in the terms determined in accordance with subsection (5) below.

(5) In determining—

(a) whether the board is satisfied as mentioned in subsection (4) above; or

(b) what conditions (other than prescribed conditions) to attach to a licence or the terms (other than such terms as are prescribed) of such conditions,

the board shall have regard to any observations submitted by the chief constable and any other person or body mentioned in section 16(1) of this Act.

(6) Subsections (2) to (4) of section 16 of this Act shall apply in relation to any observations made under subsection (5) above as they apply in relation to any objection made under that section; and for the purposes of such application any reference in the said subsections (2) to (4)—

(a) to an application shall be construed as a reference to conditions proposed to be attached to the licence;

(b) to the applicant shall be construed as a reference to the holder of the licence;

(c) to an objection shall be construed as a reference to an observation;

(d) to the proper address of the applicant shall be construed as a reference to the address at which notice is served on the holder of the licence under subsection (3) above,

and cognate expressions shall be construed accordingly.

(7) The terms of conditions to be attached to the licence in pursuance of subsection (4) above are—

(a) in the case of the prescribed conditions—

(i) where the terms of any condition have been prescribed, such terms;

(ii) where the description of any condition has been prescribed, such terms as the board considers appropriate;

(b) in the case of any other condition notified under subsection (3)(d) above, such terms as the board consider appropriate; and

(c) in the case of any condition not so notified, such terms as are agreed with the holder of the licence.

(8) Subsections (4) to (9) of section 18A of this Act shall apply to conditions attached to a licence under subsection (4) above as they apply to conditions attached to a licence under section 18A(1) of this Act.

(9) The clerk to the licensing board shall forthwith intimate to the holder of the licence—

(a) where the board is satisfied that no event to which section 18A of this Act will be held on the premises, that fact; and

(b) where the board attaches conditions to the licence, such conditions by sending to the holder of the licence a copy of the licence with the conditions attached.

(10) In this section "prescribed conditions" has the same meaning as in section 18A of this Act.'.

Amendment (a) to the Government amendment, in subsection (4), after the first 'licence', insert 'or his representative'.

Amendment (b), in subsection (9), leave out 'forthwith' and insert

', no later than fourteen days after the meeting held under subsection (2) above,'.

Government amendments Nos. 11 and 12.

Lord James Douglas-Hamilton: I welcome the all-party support for this Bill and the helpful suggestions made by Opposition Members, many of which are incorporated in the Bill. We wish to consider amendment (a) to Government amendment No. 15 further, because it may give rise to consequential amendments to other legislation. I therefore wish to take away that amendment with a view to considering whether it can be accepted without causing difficulty to other legislation. We are very sympathetic to the aims of the amendment, and we shall do our best to achieve a satisfactory outcome.

Hon. Members who were present will recall that I said in Committee that I intended to bring forward an amendment on Report that would give licensing boards the power to attach conditions to existing licences in the same way as the boards would be able to attach conditions on the grant or renewal of a licence. Licences granted under the Licensing (Scotland) Act 1976 usually last for three years, and it would in no small degree frustrate the object of the Bill if boards had to wait that long before being able to attach conditions to relevant licences, to protect the health and safety of young people.

Amendment No. 15, along with three consequential amendments, will make certain that licensing boards do not have to await the renewal of licences before attaching conditions. The amendment introduces new section 18B into the 1976 Act, which enables a board to attach conditions to an existing licence. Where a board proposes to attach conditions to an existing licence, it must convene a meeting and serve a notice on the licence holder.

We have taken account of the essence of concerns raised by hon. Members about the wording of the earlier version of the amendment. It was suggested that the licensing board might not provide enough information to the licence holder about when and where the meeting was to be held. New section 18B(3)(a) has been drafted in terms already used in the 1976 Act which, I hope, will assuage any concerns that hon. Members may have had about the information to be notified to the licence holder. The holder of a licence has the same rights of appeal to a sheriff in respect of conditions attached to an existing licence as are provided in relation to conditions attached on the grant or renewal of a licence.

I hope that hon. Members will appreciate the good sense of amendment No. 15, and the consequential amendments Nos. 9, 11 and 12, noting that we have taken on board their point mentioned in Committee about the notification of the meeting. I therefore commend them to the House.

While it may not be appropriate for me to refer to Opposition amendments other than the one that I have agreed to take away and consider, I might assist the hon. Member for Dumbarton (Mr. McFall) by saying that, although I am sympathetic to the aim of amendment (b), we would seek to cover that matter in guidance. It is not necessary to legislate. I hope that that assists the hon. Gentleman.

Mr. John McFall (Dumbarton): First, I thank the Minister for his co-operation during the evidence sessions on the Bill. It has been a co-operative and a listening exercise, and the Bill has gained from that. The Minister and the Government made considerable concessions after hearing the evidence. I accept that Government amendments Nos. 9, 11 and 12 are consequential, and that Government amendment No. 9 in particular is a paving amendment for amendments (a) and (b).

The reasoning behind the amendments is as follows. A meeting of the licensing board, as defined in new section 18A, will be held for the purpose of putting conditions on the licence. The licensing board will be required to give notification of those conditions and of the meeting date and location. Our amendments cover that, and make more specific the date and location of the meeting.

The amendments further provide for the licence holder or his representative, as laid out in the 1976 Act, to make representations, and deal with the word "forthwith". The Bill contains no qualification of "forthwith", and I was trying to make it more specific by referring to 14 days. But even at this late stage, I am happy for the Minister to take the amendments away and see what can be done.

Lord James Douglas-Hamilton: On amendment (b), I confirm that the word "forthwith" means as quickly as possible. We shall seek to confirm in guidance that "forthwith" means what it says, and that it should be well within 14 days. We accept the spirit of the hon. Gentleman's comments.

Mr. James Wallace (Orkney and Shetland): New section 18B(2), in amendment No. 15, states:

"Where it appears to a licensing board that an event to which section 18A of this Act applies".

The licensing boards are bodies. How does the Minister envisage something appearing to them? Does he envisage a procedure to enable people to make objections to the board or to draw matters to its attention? How will the board come by the knowledge to set this worthwhile procedure in train?

Lord James Douglas-Hamilton: The requirement is that the decision of the licensing board must be intimated to the licence holder forthwith. The hon. Gentleman is raising a different point, which I think we shall come to in discussing another amendment. I might return to the matter then.

Amendment agreed to.

Mr. McFall: I beg to move amendment No. 13, in page 1, line 10, leave out 'or'.

Mr. Deputy Speaker (Sir Geoffrey Lofthouse): With this, it will be convenient to discuss amendment No. 14, in page 1, line 12, at end insert

'; or

(d) a regular or occasional extension under section 64 of this Act.'.

Mr. McFall: Amendment No. 13 is a paving amendment for amendment No. 14, the effect of which would be to ensure that the provisions of new section 18A of the Licensing (Scotland) Act 1976 applied to all licence extensions. The reason for it is that the provisions of new section 18A apply currently to licences, occasional licences and occasional permissions under the 1976 Act. Regular extensions and occasional extensions are omitted, and there seems no logical reason for that.

Accordingly, the amendment remedies that, because we could find a licensing board giving an occasional extension to premises for a 21st birthday party, and the premises getting that extension for up to one month. There is flexibility in the amendment, and I hope that the Minister will consider it seriously.

Lord James Douglas-Hamilton: With respect, I do not think that the amendments are strictly necessary and indeed, if introduced, they might cause confusion for the licensing boards, because they would create inconsistency between the new arrangements and existing procedures covered in the 1976 Act. I welcome the opportunity to explain the position.

The types of licence or permission to which the provisions of clause 1 will apply are listed in the new subsection. As the hon. Gentleman mentioned, the purpose of the amendments is to add regular or occasional extensions granted under the provisions in the 1976 Act, which enable alcohol to be sold outwith the statutory core hours, to the list in new subsection (1). That implies that conditions attached to the licence fly off during any occasional or regular extension of permitted hours granted in relation to the licence. I am glad to confirm that that is not the case. A licence holder would be required to observe the conditions attached to his licence, not only during the normal permitted hours, but where he or she has authority to extend the sale of alcohol beyond the normal permitted hours during such extensions.

In view of that explanation, I hope that the hon. Member for Dumbarton (Mr. McFall) can agree that the matter is amply provided for and will withdraw the amendment.

7.30 pm

Mr. Menzies Campbell (Fife, North-East): The Minister seems properly to have stated the position. The foundation for any regular or occasional extension under section 64 of the 1976 Act arises only once a licence has been granted under section 17. Therefore, if a condition attaches to the original grant of licence, it inevitably follows that the condition must attach to any regular or occasional extension of that licence. Therefore, on this occasion, perhaps much to the Minister's surprise, I find myself in agreement with him. His analysis of the effect of the amendment is entirely correct and I join him in suggesting to the hon. Member for Dumbarton (Mr. McFall) that it be withdrawn.

Mr. McFall: The forces of the law are closing in on me. I take the advice that has been given to heart and I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Lord James Douglas-Hamilton: I beg to move amendment No. 1, in page 1, line 16, leave out 'conditions' and insert

'the prescribed conditions and such other conditions as the board considers necessary'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 20, in page 1, line 19, after 'attach', insert

'the prescribed conditions and such other necessary'.

Government amendment No. 2, in page 2, line 4, at end insert

'(3A) The Secretary of State may, by order, prescribe the conditions which are to be attached to a licence or permission under this section, and an order made under this subsection may prescribe—

(a) the terms of any such condition; or

(b) the description of any such condition, the terms of which shall be specified by the licensing board, and such an order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.'.

Amendment (a) to the Government amendment, in subsection (3A), after 'Secretary of State' leave out 'may' and insert 'shall'.

Amendment (b), in subsection (3A), after 'subsection' leave out 'may' and insert 'shall'.

Government amendment No. 3.

Amendment No. 23, in page 2, line 13, at end insert—

'(4A) The conditions referred to in subsection (3A) above shall without prejudice to any other provisions which the Secretary of State may consider necessary include the following—

(a) the number of persons who may attend the event;

(b) the number of stewards who shall attend the event;

(c) the training and qualifications of the stewards who shall attend the event;

(d) the number, training and qualifications of medically qualified persons who shall attend the event;

(e) that the premises should have a soundproofed, ventilated area not used for dancing; or

(f) that the licence holder should provide without charge fresh drinking water to those attending the event.'.

Government amendment No. 5.

Amendment No. 27, in page 2, line 31, after 'music', insert

' "medically qualified person" includes any person qualified as a doctor, nurse or paramedic;'.

Government amendments Nos. 7 and 8.

Lord James Douglas-Hamilton: This group of Government amendments deal with the proposed introduction of a power to enable the Secretary of State to prescribe conditions which licensing boards must attach to licences in relation to premises at which relevant events are to be held. The amendments fulfil undertakings that we gave in Committee to bring forward on Report the changes required to provide for this.

The amendments address concerns raised in debate that boards might not implement the provisions in the Bill with the same consistency or rigour. We are of course committed to issuing guidance on the nature and form of conditions that may be attached to licences.

We cannot guarantee that that guidance will be followed consistently by each board. As hon. Members who were present recognised when we debated this issue in Committee, the health and safety of the young and vulnerable are important enough to require certain minimum standards to be applied across the country as a whole. We therefore agreed that the Secretary of State should have available a power which he can exercise, if required, to prescribe minimum conditions which boards must attach to relevant licences. That will ensure that the basic policy underlying clause 1, which has received support from all sides, will not be undermined through inconsistency of approach.

Amendment No. 2 introduces the necessary order-making power and amendment No. 1 imposes the duty on boards to adhere to the terms of any order made by the Secretary of State under it.

As the intention of the amendments is to ensure that there is, if necessary, a core of minimum conditions to protect young people attending relevant events, amendment No. 5 provides that the attachment of the Secretary of State's prescribed conditions to a licence may not be appealed by the licence holder. However, the terms of the conditions imposed by the board, where the Secretary of State has simply described the type of condition which must be applied, will be subject to an appeal to the sheriff in the same way as any other condition imposed at the board's discretion.

Amendment No. 8 ensures that "prescribed conditions" are defined for the purposes of the Bill. The other amendments, Nos. 3 and 7, are consequential drafting amendments.

I hope that hon Members will welcome the amendments which introduce a mechanism, arising out of representations in Committee, whereby minimum conditions can, if it proves necessary, be set for the whole of Scotland.

I commend the amendments to the House.

Mr. McFall: I thank the Minister for that explanation. I accept his arguments on Government amendments Nos. 7 and 8.

With regard to Government amendment No. 5, the Minister said that the right of appeal to the sheriff cannot apply when the Secretary of State has made his decision. That is why consultation on the Secretary of State's conditions is paramount. The Bill removes the right of appeal on the Secretary of State's conditions. We need the agreement of all parties regarding the tenor of those prescribed conditions. I seek the Minister's further comment on that.

The Opposition's amendment No. 20 takes into account the effect of the Government's amendments. Amendment No. 20 corrects a Government error. The Bill currently refers to:

"The duty of the licensing board under subsection (1)"

with regard to the conditions of a licence. The Government's amendment of that in their amendment No. 2 should contain a reference to the prescribed conditions in new subsection 18A(2).

Perhaps the most important Opposition amendment in the group is amendment No. 23, which states that the Secretary of State shall prescribe conditions. We remember back to the Civic Government (Scotland) Act 1982 when local authorities were allowed the power to prescribe byelaws. If I am correct, only 44 out of 57 local authorities undertook that. Therefore, it is important that there is an obligation on local authorities to have the conditions. The Minister kindly sent me a copy of the model licence conditions which have gone out to local authorities, but I still feel that there must be an obligatory element.

The Government are not laying down in concrete exactly what will apply in each and every area. They should be setting the outcomes so that there is a consistency of approach throughout Scotland and throughout different local authorities. On Second Reading, a number of right hon. and hon. Members said that such lack of consistency in the original Bill was a matter for concern. I should like the Minister to consider that issue closely.

Amendment No. 23 suggests that the Secretary of State may consider it necessary to include

"the number of persons who may attend the event".

Under the Civic Government (Scotland) Act 1982 a number of authorities prescribed conditions at dances and, as we had, raves. I should like to see that adopted throughout Scotland. I think that the authorities were Stirling, in the Secretary of State's constituency, and West Lothian. The number of persons who may attend an event is extremely important. When we look back to the Hangar 13 incident, we find from police statements that the number of young people at the event exceeded the desirable number.

There is also the issue of stewarding. We have had representations from a number of local authorities—for example, in Glasgow—for stewards to be properly qualified. The training and qualifications of stewards who attend such events is extremely important. We have quite a distance to go yet to ensure that we have that standardisation of approach to training and qualifications.

The Opposition have also sought to define a medically qualified person. The Government have attempted that in another area, but it is important specifically to determine a medically qualified person and the number of such people who should be at these events. If individuals or organisations put on the events, they have certain obligations, and it is important to have in the Bill exactly what those obligations are.

I do not think that there is any disagreement, other than perhaps from the Glasgow licensing board, that the holder of the event should provide, without charge, fresh drinking water for those attending the event. That is a commonsense approach to a contemporary situation in which society finds itself. The Opposition have always gone along with the Government on that issue. However, we would like it to be more specific and to be obligatory.

Although the model guidelines issued by the Scottish Office are comprehensive in their approach, without that obligatory element, there could be variation between areas which would defeat the purpose of the Bill for which there has been almost unanimous approval. Will the Minister consider that?

Mr. Phil Gallie (Ayr): I thank my hon. Friend the Minister for the way in which he has responded to some of the points made in Committee. I fully endorse the amendments and welcome the fact that he sent to us his suggestions for model licensing conditions. In Committee we used the word "flexibility" a great deal with respect to applications in different parts of the country. The amendments allow for that flexibility.

Having said that, there are one or two words in the model licensing guidelines to which I take great exception. It is unfortunate that the phrase "chill-out areas" has been used, because it is associated with the world of drugs. As we said in Committee, the licensing conditions apply to venues that could be, and hopefully are, drug-free, but there is still a need for quiet areas and cool areas. Perhaps my hon. Friend the Minister will consider that when he puts together the final draft of the guidelines.

Mrs. Irene Adams (Paisley, North): Like the hon. Member for Ayr (Mr. Gallie) I believe that the Minister has incorporated into the guidelines most of the things that we asked for in Committee. I am a little concerned that there are a few loose ends that need to be tied up. There must be some obligation to ensure that the conditions are laid down stringently.

I am concerned particularly about stewarding and the lack of a definition of what constitutes a steward. What sort of person will be employed as a steward? Will it be someone whom the licence holder will draft in for the night or will it be someone who is permanently employed? There does not seem to be any need for accreditation. Training is referred to in the model guidelines, but it is very loose in-house training. I would have preferred to see the stewards checked out and accredited by the police. All too often in the past, some of those doing the stewarding seem to be bigger thugs than those whom they were trying to escort from the premises.

We would not get into a taxi if the driver did not have a licence to carry passengers, but we often put our young people into the hands of stewards who have no expertise and who are just drafted in and paid by the night. We owe it to the young people attending these raves to ensure that the stewards are properly qualified.

We also have to apply that principle to whoever is in charge of providing medical attention. Again, we need to lay down more stringent guidelines. I know that some of the licence holders who came to see us talked about getting in paramedics on a regular basis, but we must tighten that up a little bit.

Mr. Sam Galbraith (Strathkelvin and Bearsden): I should like to reiterate the points made by my hon. Friend the Member for Paisley, North (Mrs. Adams) about stewarding and the need to set guidelines. I know that there are some proposals from the CU Jimmy university to offer a degree in bouncing which may be helpful. I believe that one can obtain a degree in most things there. *[Interruption.]* Caledonian university is known in Tom Shiel's diary as the CU Jimmy university. I think— *[Interruption.]* The hon. and learned Member for Fife, North–East (Mr. Campbell) just accused me of academic snobbery. That is a shocking accusation since we went to the same university.

We cannot leave this completely unregulated. This is an important method by which we will regulate what goes on. As my hon. Friend the Member for Paisley, North said, we would not let anyone drive a taxi without some form of licence and we stipulate various regulations for the person offering medical attention. Yet, for the bouncer, there is nothing to be done. The Minister should take that away and look at it.

7.45 pm

Having said that, I welcome the amendment and what it is trying to do. I understand that part of the reason for it is the position taken by the Glasgow licensing board, which said that it would not lay down stipulations, for various reasons. That is wrong. The licensing authorities are not there as our moral guardians—that is a position for us to adopt—but they are there to regulate public order. They must not let their personal views interfere with the conditions necessary for good public order.

It is important to try to maintain some rational debate. I will take this opportunity to support the director of social work in Glasgow, Mary Hartnell, who tried to lay out the facts. We might not agree with some of the conclusions, but we should not dispute the facts. I do not blame those who condemned her because I know what it is like. Representatives from the press phone up and say, "So and so has said this." One gives a short, outraged, how can it possibly be, end-of-the-world-is-nigh response, only to find out that the person did not say anything in the first place.

It is important that there is uniformity across the country. We cannot have conditions in one area which mean that the problems shift elsewhere. In that respect, public opinion and other pressures might, of necessity, force licensing bodies to adopt some sort of uniformity because, if an area is lax, the raves will simply move in. The days of variation in regulations are over.

I remember when Glasgow and other councils had the right to ban certain films. It is preposterous that they should have been allowed to make such moral judgments. I remember that Glasgow banned a couple of films and we trooped down to the constituency of my hon. Friend the Member for Paisley, North to watch them. That was great business for Paisley, but we cannot have that.

[Mr. Sam Galbraith]

I hope that the Minister will take on board the amendment tabled by my hon. Friend the Member for Dumbarton (Mr. McFall), which ensures that there is an obligatory aspect.

There should not be too much variation; absolute conditions should be laid down and rigorously enforced. In particular, I refer to the availability of drinking water and to the cups for drinking it. I can envisage a situation where a rave party takes place in a hangar, hundreds of people attend and the plastic cups run out—I suspect that they may be used for other things. These conditions have to be rigorously enforced. That brings me back to the licensing of stewards. If the conditions are not enforced, the stewards may have their licences withdrawn. With those caveats, I welcome the amendment.

Mr. Ian Davidson (Glasgow, Govan): I support the amendment of the hon. Member for Dumbarton (Mr. McFall), particularly with reference to changing "may" to "shall". The House must clearly show that it wants to introduce the model licensing conditions that the Minister has circulated. I am particularly interested in chill-out areas, notwithstanding the argument of the hon. Member for Ayr (Mr. Gallie) with whom I agree on this point. I am also interested in the availability of drinking water.

I believe that there will be a financial temptation for people who run these social events to let the water run out and to have no cups available. Young people will then be obliged to buy drinks at exorbitant prices. Quite often, they have only a limited amount of money and they will choose to do without. For medical reasons, it is essential that they continue to take in fluids in considerable quantities.

Clearly question of public safety will operate in direct contradiction to the financial interests of the operators of the centres. In those circumstances, the local authority—which will come under great pressure from the licence holders—should not have the discretion to waive the facilities that we believe should be provided. Therefore, a "shall" rather than a "may" would be a much clearer way of stating the opinion of the House in this matter.

Mr. Menzies Campbell: As I understand the purpose of the amendments moved by the Minister, they are to ensure that a common set of standards apply to events that are held in Scotland and covered by the Bill. With the creation of that common set of standards, the Secretary of State will have the discretion to lay down the standards. It leaves a substantial amount of discretion to the Secretary of State, and I do not normally encourage that, because I think discretion can be abused as easily as it can be properly implemented.

Against that, the amendment of the hon. Member for Dumbarton (Mr. McFall) would prescribe certain provisions that the Secretary of State has to incorporate willy-nilly in the guidance that he issues. I am not persuaded that that is the appropriate way to proceed. I believe that leaving this matter to the common sense of the Secretary of State is a much more effective way to realise some of the objectives that hon. Members are anxious to achieve.

I understand the enthusiasm for prescribing the number of persons, the number of stewards and their training and qualifications, the number of medically qualified persons, the soundproof ventilated area not used for dancing—a soundproof ventilated area in the Chamber might be of some assistance to us from time to time—and the fresh drinking water. The latter issue came up when the Bill had its Second Reading in the Scottish Grand Committee. Some hon. Members expressed doubt as to whether a provision of that kind could be introduced by a Bill dealing with safety. We had an interesting debate as to whether health and safety was necessary in order to provide a proper statutory foundation.

All those are highly desirable objectives, and I understand the motives of the hon. Members who wish to have them on the face of the Bill. However, I am not convinced that it is necessary in this case. There is a strong argument for leaving this to the discretion of the Secretary of State. For the second consecutive occasion, I find myself agreeing with the Minister. For the moment, I am not convinced that amendment No. 23 is necessary to bring about the entirely laudable objectives that hon. Members who spoke in support of it clearly wish to achieve.

Lord James Douglas-Hamilton: I agree with the hon. Member for Dumbarton (Mr. McFall) that there should be consultation before any order is made. It is important for us to have a consistent policy that is applied throughout Scotland.

My hon. Friend the Member for Ayr (Mr. Gallie) raised the issue of the model licensing conditions and mentioned certain drafting improvements that can be made. We shall look at the improvements, as the guidelines have not been finally approved.

We shall look at the guidelines in relation to what the hon. Member for Paisley, North (Mrs. Adams) said and revise them as appropriate. At this stage, the guidelines merely give an idea of the conditions that may apply—they will not be finalised until we have consulted widely.

The hon. Members for Paisley, North and for Dumbarton raised the issue of stewards and training. The power that licensing boards will be given to set conditions can well accommodate a requirement for adequately trained door stewards. Indeed, we would expect the boards to consider such a condition as one of the minimum requirements, and it will be highlighted as such in the model conditions. A new Scottish vocational qualification in door supervision will soon be available. This has been prepared in partnership with the security industry training organisations. Such training initiatives should have a positive effect in improving the standards and the public image of door stewards.

I am grateful to hon. Members for their comments about the conditions being obligatory. We should try to get the provisions right, and I believe that we have done so. We were concerned—Opposition Members shared our concern—that some licensing boards might not apply the requirement to impose the conditions properly. Therefore, we felt it necessary to put down the Government amendments as a precautionary step. At present, we have reason to believe that licensing boards will act responsibly and implement the policy fully. That is surely the correct basis on which to proceed.

We shall monitor practices closely, and if that does not happen, the Secretary of State can step in. We should not pre-empt the decision making of local licensing boards at this stage, as it would be undesirable to undermine their

responsibility. However, if difficulties arise, we shall be in a position to do something about it. In view of the strength of feeling expressed, I am willing to reconsider our attitude on this subject.

I shall give an example of why we have dealt with the matter in that way. I refer to the issue of numbers. We believe that a certain amount of local discretion is appropriate in determining the numbers. It is difficult for the Secretary of State to prescribe an obligation on numbers. We shall review the matter closely in the light of what happens and take further action if necessary. At the moment, we believe that the other amendments are not necessary. The Government amendments are necessary to give the Secretary of State the necessary powers. I am grateful for the support of the hon. and learned Member for Fife, North–East (Mr. Campbell).

Mr. McFall: It was worth waiting to hear about the Government's initiatives in higher education—a certificate in door supervision. I look forward to the Minister presenting the certificates. I refer to the empirical evidence. The City of Glasgow Licensing Board recently wrote to me in relation to training staff and stewards. The letter stated:

"Glasgow Licensing Board considers that it has been at the forefront of promoting the responsible management of licensed entertainment premises by licenceholders within its jurisdiction."

The board's experience has led it to the conclusion that the training of staff and stewards employed in licensed premises is an extremely important factor in providing a well-run and trouble-free environment. The board has already introduced its own initiatives in regard to training. More recently, in a well-publicised move, it introduced a five-point plan intended to eradicate drugs in licensed entertainment venues.

The board states:

"To a large extent . . . these initiatives are supported by the licensed trade",

but concludes that

"the licensing of stewards employed in licensed premises is an issue which the Scottish Office should take on board. However, to date the Scottish Office have resisted the Board's repeated requests in that regard."

I hope that the Minister will pay attention to evidence from a licensing board that has had daily experience of the present circumstances.

8 pm

The hon. Member for Ayr (Mr. Gallie) and my hon. Friend the Member for Paisley, North (Mrs. Adams) mentioned chill-out areas. The Glasgow licensing board has said that it has spoken to the Scottish Drugs Forum about the issue, and that the forum considers the term unfortunate. The concept of a quiet lounge area outwith the discotheque environment, already in place in many establishments, is apparently what was intended by the reference. The Scottish Drugs Forum seems to be content to withdraw the term "chill-out area". I ask the Minister to consider the issues involved.

We speak of model licensing conditions. We do not want a missive to be sent from St Andrew's house saying exactly how many individuals should be allowed into a venue at any one time; that can be prescribed locally. The people concerned should be obliged to take the necessary action, however. The filling in can be done at local level—discretion can be given for that—but the Scottish Office should issue an order for that to be done. That would provide some consistency.

Lord James Douglas–Hamilton: I shall be happy to examine the matters that the hon. Gentleman has raised.

Mr. McFall: I beg to ask leave to withdraw the amendment.

Mr. Deputy Speaker: Unfortunately, it is a Government amendment.

Amendment agreed to.

Mr. McFall: I beg to move amendment No. 17, in page 1, line 16, after 'of', insert '(i)'.

Mr. Deputy Speaker: With this, it will be convenient to discuss also the following amendments: No. 18, in page 1, line 17, after 'health', insert ', welfare'.

No. 19, in page 1, line 17, after 'event', insert

'; and

(ii) promoting knowledge among such persons about the effects of the misuse of alcohol and drugs.'.

Mr. McFall: Amendment No. 17 is consequential: it is a paving amendment for amendments Nos. 18 and 19. We consider that the conditions that the licensing board is obliged to provide under new section 18A should safeguard the health and safety of those attending raves; but health and safety are not the only matters with which the board should be concerned: it should also be concerned about the welfare of individuals. That might not include all types of provision that a licensing board can make, however. The welfare category could include the hours during which such an event takes place, the physical environment and, perhaps, the volume of the music.

Amendment No. 19 imposes a new obligation on licensing boards to promote knowledge of the effects of misuse of alcohol and drugs. The duty on licensing boards in respect of promoting the health and safety of those attending raves needs to be tempered by information that allows people to make informed decisions about their health. The Minister will note that we have included alcohol as well as drugs in the amendment. We think it important to educate people about that. We welcomed the all-party approach to drugs adopted by the Government and the Opposition parties in Scotland, but people must be educated at local level. Licence holders organising such events should be obliged to disseminate information about the misuse of alcohol and drugs.

As the Minister knows, many young people are abusing alcohol to an unacceptable extent. Some brewers and other companies have produced "alcopop", which I believe is aimed specifically at very young people. A local educational programme should be provided to counter that. Yes, we are placing an obligation on licence holders, but they are dealing with young people who may be vulnerable, and it is important for them to have obligations.

Mr. Galbraith: I support amendment No. 19 in particular: I am in favour of the concept of continuing education. I do not intend at this stage to deal with the

[Mr. Galbraith]

question of how to prevent people from taking drugs, which is wide and difficult, but I am encouraged by the fact that the amendment refers to alcohol as well as drugs. There is some equivalence between the two.

We often forget that alcohol is a drug, in the sense that many other substances are drugs. We should not seek to distinguish the different kinds of drug for historical or social reasons. I am only disappointed that the amendment does not include tobacco. People who find that they have to smoke are addicted to nicotine: they are nicotine drug addicts, and in that sense they are no different from any other addict, although it is socially less acceptable to admit. Those who indulge in tobacco do not want to admit that they are physically dependent.

When we consider the number of people who die as a result of drug taking, we tend to go by the generic terms. We think of heroin and cocaine, for instance. In 1994, 247 people in Scotland died as a result of using drugs defined in that way. More people—335—died of illnesses directly related to the ingestion of the drug alcohol, while 3,000 died from diseases associated with alcohol.

In 1991, 10,600 people died as a result of using the drug nicotine, obtained through nicotine. Let us keep the figures in proportion. A total of 247 people died as a result of what are commonly and popularly known as drugs; 10,600 people died as a result of the drug nicotine. That does not excuse the use of any of the other drugs, but it does mean that we should see the matter in perspective.

I welcome the amendment, and hope that the Minister will take it on board. If he does, I hope that, by whatever method, he will include nicotine in its provisions.

Mr. Wallace: I share the sentiments and good intentions behind the amendments, but I am afraid that I cannot support them, because I do not honestly think that they are capable of being translated into action by licensing boards. Although matters such as health and safety may be susceptible of an objective approach when a licensing board attaches conditions, to impose responsibility regarding welfare is to impose a duty that is so wide that I am not sure how the board could, in all conscience, discharge it. Welfare may differ considerably from one person to another, and, given such large crowds, it would be very difficult to discharge such a responsibility.

Amendment No.19 speaks of

"promoting knowledge among such persons about the effects of the misuse of alcohol and drugs."

Again, we do not object to that idea—much more should be done generally to promote knowledge of those effect—but how is a licensing board to discharge that responsibility? What will be required? Must adverts be placed or must there be a period during the evening when a lecture is given or do leaflets have to be distributed? If leaflets have to be distributed, I think that all hon. Members would agree that how one promotes information and explains the effects of such actions can often be a matter of debate and dispute.

During our debate on an earlier group of amendments, the hon. Member for Strathkelvin and Bearsden (Mr. Galbraith) mentioned the furore sparked off by the remarks of the director of social work in Glasgow. I shall not go into the merits of what was said, but the incident illustrated the number of differing views that can be held on the subject. A person who is granted a licence may distribute leaflets seeking to promote knowledge, but others might say that the leaflets do nothing of the sort and, indeed, encourage such actions. When criminal sanctions are attached to a breach of the licensing conditions, it is incumbent on the board to be precise so that the person who has to comply with the conditions knows exactly what he is required to do. I do not think that that is possible.

There is an important task to be done in promoting knowledge. The Liberal Democrats have supported the all-party initiative, Scotland against Drugs, and we shall be taking to the buses on Tuesday to take the message around Scotland. We must not stop there; we must promote information through our schools and through health education. As the hon. Member for Strathkelvin and Bearsden rightly said, the message must also include alcohol as well as drugs and nicotine. I do not believe that the responsibility can adequately be discharged by he licensing boards when dealing with such applications.

Mrs. Adams: I support the amendment moved by my hon. Friend the Member for Dumbarton (Mr. McFall). While I recognise that it would be difficult to put the provision into practice, it would be remiss of us to miss the opportunity at least to try to promote some of the health messages that we have heard from the hon. Member for Strathkelvin and Bearsden (Mr. Galbraith).

In the midst of our discussions, we may have lost the message of the dangers of alcohol and nicotine. We are aware of the dangers of drugs. All hon. Members have desperately tried to promote the message that drugs are exceptionally dangerous. We must not lose sight of the fact that many people are dying of alcohol and alcohol-related diseases, and of nicotine-related diseases. No end of organisations are willing to come to venues such as raves and clubs to promote good health practices and to mix with young people. Whether leaflets are used or information is circulated via anti-drugs and anti-alcohol organisations, we must try to put some of the measures into practice, not simply leave it to chance. If we do not take the amendments on board, we shall be missing an opportunity.

8.15 pm

Lord James Douglas-Hamilton: New section 18A spells out the purpose for which boards, having concluded that an event is a relevant one, attach conditions to the liquor licence. Following debates in Committee, that purpose was extended to safeguarding the health and safety of people attending relevant events. The change was warmly accepted by hon. Members.

As the hon. Member for Paisley, North (Mrs. Adams) said, amendment No. 18 would extend that purpose still further. That would be a praiseworthy aim if it achieved any further benefit. However, like the hon. Member for Orkney and Shetland (Mr. Wallace), I do not believe that it does. Protecting the health and safety of young people is an all-embracing objective that must reasonably imply the inclusion of welfare, so a specific reference is unnecessary.

Amendment No. 19 would introduce a second purpose for attracting conditions to licences. While I agree with the essence of the point, the change is unnecessary.

Of course alcohol and drug misuse is detrimental to health and safety. Under new section 18A, a board is empowered to attach appropriate conditions to a licence to achieve the objective. A board is surely best placed to gauge how to achieve that aim in any particular circumstances, which is why it should be provided for as a condition.

The terms and conditions that boards should attach to licences will be fully covered in the guidance to be issued by the Scottish Office following consultation. Boards will be fully aware that informing people about the dangers of drug misuse is part of the Bill's purpose. As we have already debated and confirmed, if boards do not attach appropriate conditions to licences, the Secretary of State will have the power to prescribe the conditions that boards will have to attach.

Amendment No. 17 is simply consequential on the other two amendments. I trust that I have explained why the amendments are unnecessary, although their purpose is praiseworthy. The terms of the Bill cover the points raised.

Mr. McFall: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. McFall: I beg to move amendment No. 22, in page 2, line 1, leave out

'at which it appears to the board'

and insert

'in respect of which the board has received specific information'.

The amendment is concerned with specificity rather than vagueness. The Bill states that the appearance of the possibility of the misuse of drugs at events is a sufficient basis for a licensing board to act. The amendment requires the board to have specific intelligence that offences may be committed. The Minister knows that we have raised the issue with him before. I believe that he has said that the Government consulted the Convention of Scottish Local Authorities and it was content with the provision, but it is important to specify what the licensing board has to know.

Under the Bill, the so-called information could be a rumour—one member of the board could hear it and decide to act. That member may have listened to a chief constable or another person's competitor. The wording is too vague, and it would be better if it were stated in the Bill that the board had received specific information.

I am aware that, if a chief constable gives information, it could be confidential. The amendment allows for that information to remain confidential, but it must be specific. The amendment is aimed at tying down the information to being specific rather than vague. The Minister is aware of our concerns.

Ms Roseanna Cunningham (Perth and Kinross): I support the amendment. I am uncertain about its precise wording, but the tenor is right. I have been concerned that this part of the Bill has insufficient legal clarity and that licensing boards will be laid open to challenges if they take decisions on the basis of how matters appear to them, without having anything much to back up their decisions.

I understand the Government's position—they do not want to narrow the board's flexibility too much and introduce a standard with which, until now, they have not had to deal. If the Bill is to proceed, it would be useful if the Government could take on board our concerns, which are partly echoed by the police.

I have contacted my local police force on the subject and they expressed a little concern about the wide way in which the provision is drawn. It was said that, if the police were asked to advise, it would be difficult for them to envisage an event about which they could say that it fell outside the criteria, but they could think of many events at which it would be unlikely that offences would take place. Including a tighter definition of what should appear before the board when it makes its decision would be helpful in the longer term.

Mr. Menzies Campbell: The hon. Member for Dumbarton (Mr. McFall) has done us a service by introducing the amendment, as it allows the opportunity for some consideration of the language to which the amendment is directed. The Bill says that the new section applies to any event

"at which it appears to the board"

that offences may be committed.

The difficulty is that the scope of those words is extremely wide. As the Minister will be well aware, licensing boards are not bound by the strict rules of evidence. They are entitled to have regard to hearsay evidence, and they often proceed on the basis not of formal, evidence but of ex parte statements. That has been the custom of the licensing board in Glasgow from time immemorial.

As that is the standard of evidence that licensing boards are entitled to adopt, when one produces a statutory provision that is drawn in such wide terms as the present provision, one allows for the possibility of vague rumour or an unsubstantiated attempt by a competitor to do down the business of someone who is a commercial success and is causing envy or detracting from other commercial opportunities. Although the hon. Gentleman's amendment, which refers to specific information, may not be correct in its precise phrasing, he is right to argue for greater precision as to what a board is entitled to rely on.

As the hon. Gentleman was speaking, it occurred to me that it might be possible to insert some reference to those who are entitled to object to the awarding of a licence—for example, a chief constable, a community council or a person owning an adjacent or neighbouring property. Such people are provided with a statutory right of objection when any application is made for what might be called in this context a full licence. I think that that would be more specific than what presently appears to be an opportunity for the board to hoover up scraps of information from anywhere in order to justify a decision.

The difficulty is that the words

"at which it appears to the board"

give a quite extraordinary discretion to the board, which it would be very difficult to challenge on the ground that the discretion was exercised unreasonably. Therefore, the hon. Gentleman's amendment points to a part of the Bill where the lack of precision of language is a substantial defect.

Lord James Douglas-Hamilton: The hon. and learned Member for Fife, North-East (Mr. Campbell) speaks from considerable experience in handling such cases. However, I remind him of the right of appeal to which reference is made in the Bill a few paragraphs later.

[Lord James Douglas-Hamilton]

I am grateful to the hon. Member for Dumbarton (Mr. McFall) for explaining the purpose of the amendment. In Committee, we debated the pros and cons of the wording of the present characteristic. One of the purposes of the Bill is to provide a framework within which licensing boards will be able to make their own definition of relevant events. That is achieved by setting out certain characteristics that provide local authorities with the flexibility to address a problem whose nature may change over time.

The hon. Member for Perth and Kinross (Ms Cunningham) is correct in thinking that we did not want to narrow that flexibility too much. A change was proposed in Committee that we felt was too restrictive and would have fettered the board's discretion. However, I promised to consult the Convention of Scottish Local Authorities on the matter, and it responded with concern. It made clear its strong opposition to the amendment tabled in Committee. It felt that it would not assist boards in any way and would prevent their discharging their functions properly. We listened to the advice from the practitioners, which effectively confirmed our original belief.

Dr. Norman A. Godman (Greenock and Port Glasgow): What guidance can an objector secure? I speak not of a chief constable but of someone who lives nearby and does not have the means to obtain legal advice. Are there any guidelines for such objectors?

Lord James Douglas-Hamilton: No. However, the hon. Gentleman may submit proposals to cover that issue in the guidance. I sent a copy of the guidance to all members of the Committee. The hon. Gentleman escaped serving on the Committee on this occasion, so I shall send him a copy. It is not too late for him to propose any amendments or drafting changes if he so wishes. We shall look carefully at any suggestions that he makes.

Mr. Wallace: In replying to my hon. and learned Friend the Member for Fife, North-East (Mr. Campbell) earlier, the Minister said that someone who was affected by the amendment would have the right of appeal. Does he agree that the right of appeal as set out in new subsection (5) relates to the terms of any condition that might be imposed under a subsection? The amendment addresses the definition of an event to which conditions might apply. It addresses not the terms of the condition but whether any conditions should apply at all. In that case, what legal remedy would be available to someone who feels that the licensing board has taken account of unsubstantiated tittle-tattle?

Lord James Douglas-Hamilton: The right of appeal refers also to the refusal of consent under subsection (4)(a). We consider that to be an important safeguard for the individuals concerned.

Amendment No. 22 is far less flexible than the reasonable suspicion test which was proposed in Committee. It also begs a number of questions: from whom will the specified information come, what form will it take, what evidence will be required to support it, what must be revealed to the licence holder, and so on? There is no question that, when considering whether to apply the relevant characteristic, a board could not have regard to hard information provided by a reputable source such as the police.

As drafted, the provision allows the board to take account of other issues, such as local experience, which the amendment would prevent. I understand that hon. Members are concerned that boards may exercise their discretion too freely and that their decisions may have important consequences for licence holders. We believe that the present wording allows boards to take note of their own or other parties' apprehensions that drugs offences may be committed at events held on premises in respect of which a licence application has been made. On the basis of that explanation, I hope that the hon. Member for Dumbarton will withdraw the amendment.

Mr. McFall: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: No. 2, in page 2, line 4, at end insert—

'(3A) The Secretary of State may, by order, prescribe the conditions which are to be attached to a licence or permission under this section, and an order made under this subsection may prescribe—

(a) the terms of any such condition; or

(b) the description of any such condition, the terms of which shall be specified by the licensing board,

and such an order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.'.

No. 3, in page 2, line 6, after 'above', insert

'or to the power of the Secretary of State to prescribe terms or descriptions of conditions under subsection (3A) above'.—*[Lord James Douglas-Hamilton.]*

Lord James Douglas-Hamilton: I beg to move amendment No. 4, in page 2, line 10, leave out from 'board' to end of line 13.

Mr. Deputy Speaker: With this, it will be convenient to discuss also Government amendment No. 6.

Lord James Douglas-Hamilton: Clause 1 allows licensing boards to sub-delegate some of their powers to set conditions to third parties. The hon. Member for Dumbarton (Mr. McFall) tabled an amendment in Committee to remove the power of sub-delegation from the Bill, because it was felt that, as licensing boards were now being given a wide power to impose conditions directly under licence as opposed to using the byelaws route proposed originally, they should retain sole responsibility for their action.

I undertook to consult the Convention of Scottish Local Authorities on the matter and to return to it when I had the convention's views. COSLA does not object to the retention of the provision, but it feels that a board's ability to operate the requirements of clause 1 properly would not be affected adversely if it were removed. In light of COSLA's response and the general feeling that the boards should be solely responsible for the matter, I accept that the reference to sub-delegation should be removed from the Bill. The hon. Gentleman will recall that that was his proposal in Standing Committee. Amendment No. 4

achieves that objective and, in so doing, I hope answers the question raised by the hon. Gentleman. Amendment No. 6 is a consequential drafting amendment. I commend the amendments to the House.

Mr. McFall: I thank the Minister for taking on board those concerns. We are satisfied with both the amendments.

Mr. Menzies Campbell: One practical matter arising out of the fact that there is to be no delegation of responsibility is that the board will have to meet formally to deal with such cases. Some consideration may have to be given to the fact that the board may have to meet at short notice and that may have administrative consequences for the licensing boards. Although I accept the amendment and the basis on which it has been proposed, boards may have to overcome some consequential administrative difficulties to fulfil their responsibilities which are incapable of delegation.

Amendment agreed to.

Amendments made: No. 5, in page 2, line 16, after 'condition', insert

'(other than the terms of any condition prescribed under subsection (3A) above)'.

No. 6, in page 2, line 18, leave out '(4)(a)' and insert '(4)'.—*[Lord James Douglas-Hamilton.]*

8.30 pm

Mr. McFall: I beg to move amendment No. 25, in page 2, line 24, leave out 'all reasonable' and insert 'such'.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 26, in page 2, line 25, after 'steps', insert

'as appear reasonable to him'.

Mr. McFall: Amendment No. 25 affects clause 1(7) in which the Bill sets too high a standard and is not sufficiently subjective. That is a matter for debate, but I would like the Government to consider it.

Amendments Nos. 25 and 26 would ensure that the defence of reasonable compliance relates only to such steps as are reasonable to the licence holder, the employee or the agent. Under the Bill as drafted, the individual would need to take "all reasonable steps". I would ask the Minister whether it is reasonable to expect people to take every reasonable step. One can only expect people to take the steps that seem reasonable to them. Amendment No. 26 would inject some subjectivity into the test, instead of the absolute requirement that appears to be in the Bill.

Lord James Douglas-Hamilton: We looked at the subsection quite hard. New section 18A(6) provides that a licence holder, his employee or agent shall be shall be guilty of an offence if he contravenes any condition attached to the licence or permission under new subsection (1).

To preserve fairness, new subsection (7) provides for a defence. As drafted, the defence consists of an objective test whereby the person charged has to prove that he took all reasonable steps to comply with the condition. That is a common requirement in law and is mirrored elsewhere in the Licensing (Scotland) Act 1976. The court will judge whether each person charged took all reasonable steps.

Amendments Nos. 25 and 26 would introduce a different defence—that a person took such steps as appeared reasonable to him to comply with the condition. That is a subjective test. One person may consider that a token effort to comply with the condition is reasonable, while another might consider it reasonable to go to a considerable effort to comply with a similar condition. Such a defence would lead to inconsistency and unfairness and would undermine the criminal sanctions in the new section 18A. I hope that the hon. Gentleman will take note of the argument and withdraw the amendment.

Mr. Wallace: I support the Minister's comments. Amendments Nos. 25 and 26 would weaken an otherwise reasonable test, if I may use that word. At the end of the day, it must be for a sheriff or a jury to decide whether any steps taken were reasonable.

Mr. McFall: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: No. 7, in page 2, line 31, leave out 'and'.

No. 8, in page 2, line 34, at end insert 'and

"prescribed conditions" means the conditions prescribed by the Secretary of State under subsection (3A) above.'.

No. 15, in page 2, line 38, at end insert—

'Conditions for existing licences

18B.—(1) This section applies to premises in respect of which a licence has been granted, whether before or after the coming into force of this section, under section 17 of this Act where no conditions have been attached to the licence in pursuance of section 18A of this Act.

(2) Where it appears to a licensing board that an event to which section 18A of this Act applies may be held on premises to which this section applies, the board shall convene a meeting for the purpose of attaching to the licence the conditions specified in subsection (1) of that section.

(3) The clerk to the licensing board shall, not later than 21 days before the date of the meeting to be held under subsection (2) above, serve on the holder of the licence and send to the chief constable a notice of—

(a) the meeting;

(b) where the Secretary of State has prescribed the terms of any prescribed conditions, such terms;

(c) in the case of any other prescribed conditions, the terms proposed by the board; and

(d) where the board proposes to attach any other conditions to the licence, the terms of such conditions.

(4) At the meeting held under subsection (2) above, unless the holder of the licence satisfies the board that no event to which section 18A of this Act applies will be held on the premises, the board shall attach to the licence the prescribed conditions and such other conditions as it considers necessary in the terms determined in accordance with subsection (5) below.

(5) In determining—

(a) whether the board is satisfied as mentioned in subsection (4) above; or

(b) what conditions (other than prescribed conditions) to attach to a licence or the terms (other than such terms as are prescribed) of such conditions,

the board shall have regard to any observations submitted by the chief constable and any other person or body mentioned in section 16(1) of this Act.

(6) Subsections (2) to (4) of section 16 of this Act shall apply in relation to any observations made under subsection (5) above as they apply in relation to any objection made under that section; and for the purposes of such application any reference in the said subsections (2) to (4)—

(a) to an application shall be construed as a reference to conditions proposed to be attached to the licence;

(b) to the applicant shall be construed as a reference to the holder of the licence;

(c) to an objection shall be construed as a reference to an observation;

(d) to the proper address of the applicant shall be construed as a reference to the address at which notice is served on the holder of the licence under subsection (3) above,

and cognate expressions shall be construed accordingly.

(7) The terms of conditions to be attached to the licence in pursuance of subsection (4) above are—

(a) in the case of the prescribed conditions—

(i) where the terms of any condition have been prescribed, such terms;

(ii) where the description of any condition has been prescribed, such terms as the board considers appropriate;

(b) in the case of any other condition notified under subsection (3)(d) above, such terms as the board consider appropriate; and

(c) in the case of any condition not so notified, such terms as are agreed with the holder of the licence.

(8) Subsections (4) to (9) of section 18A of this Act shall apply to conditions attached to a licence under subsection (4) above as they apply to conditions attached to a licence under section 18A(1) of this Act.

(9) The clerk to the licensing board shall forthwith intimate to the holder of the licence—

(a) where the board is satisfied that no event to which section 18A of this Act will be held on the premises, that fact; and

(b) where the board attaches conditions to the licence, such conditions by sending to the holder of the licence a copy of the licence with the conditions attached.

(10) In this section "prescribed conditions" has the same meaning as in section 18A of this Act.'.

No. 11, in page 2, line 42, after '18A(1)', insert 'or 18B(4)'.

No. 12, in page 2, line 46, after '18A(1)', insert 'or 18B(4)'.—*[Lord James Douglas–Hamilton.]*

Order for Third Reading read.

8.33 pm

Lord James Douglas–Hamilton: I beg to move, That the Bill be now read the Third time.

I shall speak briefly and mention only one or two key points. The Special Standing Committee heard evidence from interested parties at sessions in Stirling, Ayr and Inverness. The hearings were a considerable success and made the future progress of the Bill more satisfactory.

The parties included such organisations as the Convention of Scottish Local Authorities, the Association of Chief Police Officers in Scotland, Sheriff Neil Gow, the Law Society of Scotland, medical, health and education experts and the owners of venues for raves.

We listened to the concerns expressed in Special Standing Committee and decided to give licensing boards a free-standing power with a requirement to apply conditions where appropriate. Other changes followed the Special Standing Committee evidence, including a significant amendment enabling the Secretary of State to ensure consistency in practice throughout the country.

I believe that the Bill will make a valuable contribution to liquor licensing practice in Scotland. I have always said that it is a relatively limited measure, but it flags up our resolve to deal with the evil of drugs, to protect young people and to take every measure that is necessary in that process, of which this is merely one.

8.34 pm

Mr. Galbraith: In continuation of the spirit of which the Minister spoke—

Dr. Godman: My hon. Friend will be brief.

Mr. Galbraith: As my hon. Friend always says, I shall be brief. However, my hon. Friend normally follows that phrase with a 45-minute speech. I shall not do that.

Let me once again commend the procedure in the Special Standing Committee. I served on the Special Standing Committee considering the Children Bill, as did the Minister, and its scrutiny greatly helped that measure. This Bill was almost rewritten as a result of the same procedure and that is to be commended.

I also commend the speed with which the Bill has been introduced to deal with an identified problem. In many ways, legislation reflects the failure of society, as we have not been able to do the right thing without it. However, when it is necessary, we should introduce it quickly and make it short. The Bill is a model of that process.

Let me emphasise a point that I tried to make time and again on Second Reading. The Bill is not a drug prevention measure. On Second Reading, the Minister attempted to link it with drug prevention schemes in Scotland. It is a health and safety Bill involving raves. It is not a drug prevention Bill and the Minister demeans it if he persists with that idea.

Finally, I should like to address the criticism that we cannot have chill-out areas and various other facilities as that assumes that we are in favour of people taking drugs. As my hon. Friend the Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes) said, the fact that we have fire extinguishers in halls does not mean that we are in favour of fire and the fact that our hospitals have facilities for dealing with people who have been stabbed does not mean that we are in favour of people being stabbed.

Legislation has to consider the real world and not moralise about it. We must produce legislation not for the world as we would like it to be, but for the world as it exists, the Bill certainly does that. I welcome it, and commend it to the House.

8.37 pm

Mr. Menzies Campbell: In the calm, rational and consensual atmosphere in which we have discussed the Bill this evening, it is easy to forget the tragic events that prompted it. Those tragic events caused great suffering to families, raised great apprehension in the minds of many people and created considerable public concern. The Bill would meet the difficulties that gave rise to that public concern.

One cannot always be 100 per cent. confident that a measure passed through the House will meet the problem for which it is designed, but it is clear from the spirit

that has characterised not only the Second Reading debate before the Grand Committee—that was something of an historical first—but this evening's proceedings and the Grand Committee, on which I did not have the privilege to serve.

The Bill comes through proceedings with a considerable good will attached and a strong belief among those who had any responsibility for its passage through the House that it will meet the problem for which it was originally designed. I am happy to support the Bill on Third Reading; the sooner it is enacted, the better.

8.38 pm

Mrs. Adams: I, too, am happy to support the Third Reading. It has been a good Bill, a model of how to pass necessary legislation. By and large, we have been in agreement and we have tried hard to come up with answers where none existed before we began. As my hon. Friend the Member for Strathkelvin and Bearsden (Mr. Galbraith) said, this is primarily a health and safety Bill. If it saves just one life in Scotland, it will have been a success.

Over the past couple of years, we have all been confronted with worries about young people going to raves and places of great danger. I hope that the Bill has removed that danger, and that from now on young people will be able to spend time dancing without fear of losing their lives.

I know that some have expressed concern about the words "chill out". I am not too worried about chill-out areas—perhaps parents are more worried about them than children are, though. Young people know better what they are than we do: we are just not accustomed to the term. I sometimes think that a chill-out area in the House would not be a bad thing; it might help to pass legislation such as this in good order.

8.40 pm

Mr. Gallie: The term "ice hockey cooler" might also be useful in this context.

I too welcome the passage of the Bill. The hon. and learned Member for Fife, North–East (Mr. Campbell) referred to the tragedies that lay behind the Bill, which is what brought me to my feet. Many people thought that the impetus for the Bill came from the tragic events at Hangar 13, where there were three deaths. Sheriff Neil Gow's contribution, in the public hearing on the deaths that he held at Ayr, certainly influenced many people to think about a Bill such as this.

As for Hangar 13, I honestly believe that young people in my constituency would not have been deprived of their dancing facility if the Bill had been on the statute book before hand. It would have provided reasonable guidelines enabling the licensing board to stipulate the conditions for dancing to be allowed at Hangar 13. That would have been valuable indeed. Had there been controls on stewarding, paramedics and supervision inside the dance hall at an earlier stage, the closure might have been prevented.

I welcome the Bill and commend the Minister of State on the manner in which he has taken it through its various stages. I also commend all hon. Members who have participated in the debates.

8.42 pm

Ms Roseanna Cunningham: I too support the Third Reading of the Bill. It is a useful example of legislation arising out of specific circumstances and being designed to deal with them.

It is important to restate the fact that the Bill does not condone drug use. As I am sure all hon. Members agree, we should refute any suggestion that that is what it is designed to do. It is unfortunate that such suggestions have emanated from people such as whose who served on the former Glasgow licensing board. The position that the board adopted flew in the face of reality. The Bill is about dealing with real life—it is important that legislation should do that.

I recall Crew 2000 giving evidence to the Committee about Ecstasy-related deaths, pointing out that most of them resulted from the way the drug was used, not from the drug itself—an important distinction, which is acknowledged in the conditions laid down by the Bill. If it transpires that disparities arise across Scotland, from board to board, I hope that there will be an attempt to monitor and deal with them.

The Bill is a specific one, designed to deal with a specific problem. Were it designed to deal with the wider problem of drug misuse, it would be a very different kind of Bill, because drugs are used far more widely than just in clubs. A recent survey conducted by Britain's top selling teenage magazine, *Sugar Magazine*, came up with some startling percentages. Members may be surprised to hear that cannabis is used by 40 per cent. of teenagers, 3 per cent. more than use tobacco. It appears that it is more popular among teenagers than tobacco. Neither statistic is to be welcomed, and I certainly hope that the campaign against tobacco will not be won only at the expense of increasing cannabis use. The survey just goes to show that drug taking is now endemic among certain groups of teenagers.

This legislation cannot begin to tackle that problem, but I commend it for achieving what it attempts to do.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Northern Ireland (Elections)

[Relevant document: The Memorandum relating to this Order contained in the Eighteenth Report from the Joint Committee on Statutory Instruments, House of Commons Paper No. 34-xviii.]

8.45 pm

The Minister of State, Northern Ireland Office (Mr. Michael Ancram): I beg to move,

That the draft Elections (Northern Ireland) Order 1996, which was laid before this House on 29th April, be approved.

The draft order fills out the details of the mechanism by which the forthcoming elections in Northern Ireland are to be held. It fixes the date of the election at 30 May, in line with the Prime Minister's announcement of 21 March. Like the elections provisions of the Northern Ireland (Entry to Negotiations, etc) Act under which it is made, it is for use at a single election only; thereafter, it will be spent.

All the most significant features of the framework for the election were embodied in the Act which was approved by this House and another place last week. Briefly, the voters in the election will be all who are entitled to participate in local elections in Northern Ireland. The election will be based on a constituency list system, and five delegates will be returned in respect of the participating parties from each of the 18 parliamentary constituencies in Northern Ireland.

In addition, a further 20 delegates will be returned at regional level—two in respect of each of the 10 parties gaining most votes on aggregate across Northern Ireland which have submitted regional lists. From those delegates will be chosen teams to participate in the negotiations, in accordance with section 2 of the Act; and they will together constitute the forum set up by section 3.

That is the structure of the Act which this order now has to fill out. For convenience, we have as far as possible sought to apply existing legislation with which those involved in electoral matters in Northern Ireland will be familiar. Thus, the order applies broadly the existing law relating to parliamentary elections, with only those modifications that we believe necessary to accommodate them to the electoral system set out in the Act. We believe that proceeding in this way makes the legislation simpler to understand and apply, and more manageable than trying to set out a comprehensive new code.

The part of the order which I know to be of particular interest to the participating parties in the election concerns the arrangements for nominating representatives to hand in their lists of candidates. The draft order originally provided that party lists should be submitted at the chief electoral officer's headquarters in Belfast. That has been changed in this order, so that they may be submitted to any of his offices, thereby introducing a local element to the procedure. He will be required by the legislation to give notice of precisely where and by when constituency and regional lists should be submitted. I am sure that nominating representatives from all parties will make the most of this opportunity.

We have also borne in mind the fact that this is a novel system of election, and that the electorate will need to be sufficiently well prepared to play as full a part as possible. We have therefore arranged for two leaflet drops to all of Northern Ireland's 590,000 households. The first leaflet alerted people to the possible need for an absent vote, explained the franchise and included a reminder of the need for a specified document to be presented at a polling station. The second leaflet, which will be delivered shortly, repeats the information about the franchise and specified documents, and explains how to vote and how the vote works. In addition, we have arranged a series of television and radio advertisements to encourage people to participate. These we will put out during the campaign.

The broadcasting media are an important part of modern elections, and it is important that their coverage serves the interests of voters. With that in mind, the Government have decided that, exceptionally for the elections, the provisions of section 93 of the Representation of the People Act 1983, relating to broadcasting, shall not apply. The unusual nature of the elections, involving votes for parties rather than individual candidates, means that the application of section 93 might cause problems in distinguishing the campaign in a particular constituency from that across Northern Ireland as a whole. We want to avoid potential for disputes between the parties and the broadcasters, with the consequences that that could have for electoral coverage.

The Government have presumed that broadcasters will share the view that the forthcoming important elections should be given balanced and fair coverage. That would reflect the inclusive nature of the approach that we have taken.

Mindful of the financial constraints on some of the smaller parties, we have made provision for unaddressed postal communications, which also need not state the name of the constituency. Nominating representatives and their parties will note that we have also applied provisions relating to electoral expenses for the election. I am sure that hon. Members will agree with me that limiting election expenses is an important part of our democracy, ensuring as it tries to do that an element of parity governs the electoral contest.

We could not simply apply the provisions as they stand for parliamentary elections, as those provisions relate solely to candidates. We have sought instead to apply an aggregate limit, the limit for each party being the limit for one candidate at a parliamentary election multiplied by the number of constituencies that it is contesting. We believe that that formula manages to preserve the principle of applying limits, while at the same time breaking the link with the individual constituency spending that has applied at other elections, by recognising that parties may wish, for example, to spend regionally rather than locally.

Mr. William Ross (East Londonderry): Will the Minister assist the parties in Northern Ireland by stating what the total would be if a party decided to run five candidates in each constituency?

Mr. Ancram: If I have the leave of the House, I shall reply to the debate. It may be that I can give the hon. Gentleman the figures that will apply per party per constituency at that stage, and then allow him to arrive at the aggregate. His arithmetic may be every bit as good as mine.

We have tried to respond to some of the concerns that have been expressed by the parties. One example is the listing of the individual candidates who compose the constituency and regional lists. It would have been

impracticable to include those names on the ballot paper, not least because it would have made it too large to fit on the shelf of a polling booth.

Instead, we have made provision, as I said during the passage of what became the Northern Ireland (Entry to Negotiations, etc) Act 1996, for lists of the names on the parties' constituency and regional lists to be displayed in every polling booth in every polling station in Northern Ireland.

The House may be interested to hear what provisions have been applied for the count. Hon. Members will be only too familiar from their own experience of the rules that allow us and our partners, together with all other candidates and their partners, to attend a count. The rules will be no different in this election. Of course, there could be a far greater number of candidates wishing to attend the count at this election than is usual, given that a maximum of 155 candidates could, in theory, contest one constituency alone.

We gave serious thought to the practical problems that admitting such numbers may pose. We concluded, however, that it would not be realistic to seek to exclude candidates from such a key process. They will therefore be admitted to the count proceedings, with party agents or sub-agents. We shall leave it to the parties to respond responsibly.

Mr. John D. Taylor (Strangford): Does that mean that all 2,000 candidates will be allowed to attend the count?

Mr. Ancram: The counts will take place on a constituency basis, where the allocation of delegates from the constituency lists will be made. As I have said, in our view that gives a maximum at worst of 155 candidates in one constituency alone. We are leaving matters to the responsibility of those concerned to ensure that attendance at the counts is conducted responsibly.

Mr. Peter Robinson (Belfast, East): When will the votes be counted? Will the count be conducted the next day, or on the evening of the election?

Mr. Ancram: In due course, I shall give the hon. Gentleman the reference in the order. They will be counted the next day. The count will start the following morning. It is right, in the circumstances, that it should be done in that way.

To return to the question of the hon. Member for East Londonderry (Mr. Ross), if a party stands in five constituencies, the limit will depend on the constituencies in question. The amount that would normally go to each candidate in a parliamentary election will be allowable for each party standing in any constituency. The important feature is that that money does not have to be spent in any one constituency by the party. The party might decide to have a more regionally based campaign, and use the resources in that way. That degree of flexibility is an important part of the process.

Mr. William Ross: If a party is standing in all 18 constituencies, it seems that the total expenditure could be well over £100,000.

Mr. Ancram: I shall give the hon. Gentleman the relevant amount, and he can make his own calculation. It is a similar amount to that which would be available to any candidate at an election. I think that the calculation was last made in 1994. Any party could receive only that amount times 18 if it stood in every constituency in Northern Ireland.

It is important that we proceed in this way. For example, the hon. Gentleman's party might decide that it wished to spend not the full allowance within each constituency but less in one constituency and more in another. It seems right that that flexibility should be allowed. For that reason—to create what we hope is a flexible system on behalf of the parties—we decided to operate in the way that I have outlined.

Mr. Eddie McGrady (South Down): Paragraph 76(2A)(a) and (b) give the block figures—£4,642 for a county constituency or a borough constituency, with an additional 5.2p for a county constituency and 3.9p for a borough constituency. We are not asking the Minister to engage in any mathematics. Do these figures apply per candidate or per party per constituency?

Mr. Ancram: They apply per party per constituency. What is entered in each constituency is a party list. The hon. Member for East Londonderry, who is an accountant, could make the calculations in his head far more quickly than myself. It is right that we allow flexibility, to ensure that the money can be spent regionally as opposed to merely locally. We have tried to allow parties the maximum flexibility in conducting their campaigns.

I have presented the scheme and some of the detail of the draft order. Much of the order recreates existing legislation. There are some technical terminological changes to address the particulars of the elections that we shall see take place on 30 May.

Dr. Norman Godman (Greenock and Port Glasgow): The Minister mentioned the role to be played by both television and radio. What of newspapers?

Mr. Ancram: Obviously newspapers have an important role to play, but, as the hon. Gentleman will know, there were no restrictions on the way in which newspapers conduct themselves during election campaigns. I was referring to the removal of the provision which is normally applied in elections, because of the nature of this election. We look to the broadcasters to operate responsibly in the interests of fair coverage during the election.

The order represents the most reasonable approach to adopt, in the complex and technical body of electoral law, to the requirements of the forthcoming election. I commend it to the House.

8.58 pm

Mr. Tony Worthington (Clydebank and Milngavie): I am grateful to the Minister for his introduction. I judge from the way in which we have started that the debate will liven up as people get into their mathematics. I was confused immediately, but, as people become clearer on the issue, there will be more coherent questions.

Let us not pretend that we will give the order the scrutiny it deserves, or that the way we are dealing with it is in any way satisfactory. I started considering the order at the earliest possible moment late on Monday afternoon.

[Mr. Tony Worthington]

I know that many other hon. Members will have had considerably less time to consider it and will not have been able to scrutinise it adequately, as I have not been able to do.

The order is important, because we hope that, against all the odds, successful all-party talks will take place following the election. If those talks are successful, the lives of all people in Northern Ireland will be transformed, but if some of the order is wrong, the only people who will be benefit from it are those who are not trying hard for a full peace and a broad constitutional settlement.

I raise those points because it is better to anticipate them now than for them to be used to upset or to cause controversy at the election—although I realise that we cannot amend the order, so the choice is whether to vote for or against it. We know that, were we successfully to vote against it, we would derail the elections, so it is not much of a choice.

This is a difficult order, because it is a mongrel election—it is unlike any others. In some respects, it is like a local election—the electorate is a local government electorate. In relation to the rules that are being followed, such as, for example, those on free post, it is like a general election. It also attempts something for the first time in Northern Ireland: a party list system, with a party rather than an individual as the candidate.

The Government said that they went about this in the simplest possible way: by not attempting to bring in major, new and substantive legislation. It is an incredibly difficult order, because it is possible to make sense of it only by reference to large parts of other legislation that are not in the Bill. It is impossible to make sense of the order without looking up 1983 and 1985 Acts. Whatever the outcome, however, we should congratulate the parliamentary draftsmen, who have had to struggle with a beast not of their own making. If, having produced the order, they are now brain-dead, I would sympathise with them.

Mr. Ancram: They have been stimulated.

Mr. Worthington: They have been stimulated by the production of the order, but it has had less than a stimulating effect on me. I suspect that some of the parliamentary draftsmen may be sleeping for several weeks after producing it.

Let me go through some of the points that have occurred to me in reading the legislation. On page 2, paragraph (6), will the Minister explain why he has taken his decision on overseas electors, and what is meant by "overseas electors" in this context? Is it simply people from Northern who are temporarily away from home, or is it long-gone expatriates? In the case of some interpretations of overseas electors, it would not be too serious, but if it is genuine Northern Ireland residents, members of the forces or others, it is an unfortunate decision, if I have read that correctly.

We have talked about election expenses. Again, I am by no means certain that I have read this correctly, but the point is important. The parties that are represented here will want to understand it, and to have it explained clearly by the Minister.

As the Minister will know, in a general election, there are tight restrictions on what candidates can spend in their constituencies, but no restriction on what is spent nationally—whatever "nationally" means in this context—by the parties. In the Bill, we see the familiar restrictions on constituency expenditure, but this election is different, because the candidate is the party, not an individual. Is it real to impose those limits in relation to constituencies, because the literature and propaganda for the whole of Northern Ireland are likely to be the same as for a part? The issue is the same in every constituency.

I know that that is an academic question for most parties, because they simply do not have enough money, but there may be parties with a lot of money to spend. Is it the case that there is no limit on the amount that can be spent on the election by those who have the money? There seems to be no restriction on expenses. A large amount can be spent Provincewide or UKwide, and the only limit on expenditure is the amount that people can raise. Perhaps the Minister will explain that.

The order contains no reference to rules about broadcasting. It is unfortunate that it was only in his speech and not before it that the Minister referred to the suspension of section 93, which deals with the rules that broadcasters have to follow.

I understand that their public service role, which places an obligation upon them in elections to give even-handed coverage to all parties, has been suspended. I suspect that public service broadcasters may still want to fulfil that role, but did the Minister means that there is no duty upon broadcasters to be even-handed to all parties, as happens in other elections? I should welcome some clarification.

I hesitate to return to the subject of party names, on which the Government made such a mess.

Mr. William Ross: Given that some moves are afoot in various parties in the House to have PR elections, should not this aspect of the legislation put down a marker of which everyone should take note? If there is a multiplicity of parties, which occurs under PR, section 93 would have to be suspended in all future elections in the United Kingdom.

Mr. Worthington: I am sure that the hon. Gentleman's point is valid, but I have enough difficulty learning for the present without trying to learn for the future. I hope that we shall all learn from this. Above all, I hope that the talks are successful.

As I say, I hesitate to return to the subject of party names, because the issue caused considerable contention in Committee. Schedule 1 (ii) allows some individual names on the ballot paper but not others, and that has been the cause of contention. I and may others cannot see the logic of it. In Committee, the Government said that the names could appear on the ballot paper only in the way that is set out in the schedule, but, of course, the law is only what appears in the Bill, and I cannot see where the Government get their authority for that in the legislation.

The law simply states that the Secretary of State shall cause to be published in the *Belfast Gazette* an initial list of the nominating representatives of the parties that are listed in the schedule. The Bill has been to the other place, and I assume that it has received Royal Assent and is now the law, but it does not state that the schedule contains

the only way to describe these parties. There is no prohibition in the schedule or in the relevant clause on the use of other names.

Rule 6(1) states:

"A constituency or regional list submitted to the Chief Electoral Officer"

shall state

"(a) . . . the name of the constituency;

(b) . . . in the case of a regional list, that it is such a list;

(c) . . . in the case of any list—

(i) . . . the name of the party".

There follow instructions about the address and so on.

Rule 12 states that a list

"shall be deemed to be valid unless and until the Chief Electoral Officer decides that it is invalid."

It says that the chief electoral officer may hold a list invalid only if the particulars of a party or candidates

"are not as required in rule 6(2) above"

or

"that the party is not a party listed in part II of Schedule 1 to the 1996 Act".

For the sake of argument, what would the electoral officer do if a party described itself as the Democratic Unionist Party (Ian Paisley)? It is undeniably the same party as the one listed as Democratic Unionist—DUP in the schedule. On what statutory basis would the electoral officer be able to deny its candidacy or change the way in which it is described? There may be a simple answer to that, but I raise it because the legislation is not clear.

We know what was said in Committee, but it is not clear in the legislation that a party cannot use some minor or major variation on its name as listed in the schedule. All that matters is that

"the Chief Electoral Officer is entitled to hold a list invalid"

only on the grounds that

"a party is not a party listed in part II of Schedule 1 to the 1996 Act".

That is very different from saying that a party has to use exactly the same words. For whatever reason, a party might put its name forward in a different way. It would be a bold electoral officer who rejected the party on that basis, or sought to change the name by which the party described itself. I am open to explanation by the Minister. The Government made their intention clear during the debate in Committee, but I query whether they have been made explicit in the Bill.

Finally, there has been some controversy about the postal ballot arrangements, which were being centralised. Will it be possible to make postal ballot arrangements on a local, rather than a Northern Ireland, basis?

As I said at the outset, I have gone through the order in a short time and raised the questions that occurred to me. It is unfortunate that we are dealing with it in this way, because we will be denied the immense wisdom of lawyers outside Parliament and other people who know electoral law, who could have pointed out other discrepancies. I look forward to the Minister's response to my points.

9.12 pm

Mr. William Ross (East Londonderry): We are confronted this evening with the Elections (Northern Ireland) Order, which consists of no fewer than 30 pages of tightly packed amendments. The hon. Member for Clydebank and Milngavie (Mr. Worthington) has done a good job in wading through it in the time at his disposal. He and the House know that they have had a chance only to scratch the surface of the order. Much more needs to be said.

I deeply resent the fact that names are not to be included on the ballot paper. Like it or not, the names of individual candidates have a bearing on whether a party gains votes in a particular area. Leaving names off is much to be regretted and bitterly resented.

The issue has been raised of the sums that can be spent in the elections. Several parties in Northern Ireland have no difficulty in raising money. They go along with a balaclava and a gun and ask for it. I suspect that one or two parties will have enough money to fight the election and spend the full sum.

This process is regarded by people in Northern Ireland as another step along the road to meeting the IRA deadline of 10 June. The Government are trying to create a body that will be powerless. Thanks be to God, though, the people of Northern Ireland, like people elsewhere in the United Kingdom, value their freedom and the electoral process, and are intent on making full use of it. I have no doubt that, whenever the forum is elected, the Minister will find considerable difficulty in trying to restrict what it says. It will, like all elected bodies, slowly but steadily acquire power.

We are faced with a order of 30 pages of amendments to the Northern Ireland (Entry to Negotiations, etc) Act 1996, the Representation of the People Act 1983, the Representation of the People Act 1985, the Elected Authorities (Northern Ireland) Act 1989—four Acts of Parliament, three of which deal purely with representation of the people, and the latest Act, which was, of course, passed by the House last week—plus the Representation of the People (Northern Ireland) Regulations 1986, the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 and the Election Petition Rules 1964. The order amends four Acts of Parliament, two sets of regulations and one set of rules.

Every one of those bodies of legislation is complex enough in itself and very difficult for the ordinary citizen, coming face to face with it for the first time, to understand. They all set out penalties for transgression, up to and including the disqualification of candidates and persons elected. The correct procedures for the elections can be determined only by reading the list of changes in those 30 pages across the previous Acts, regulations, and so forth, to which they refer.

As it happens, the order was considered at yesterday's meeting of the Joint Committee on Statutory Instruments, of which I am a member. I should like to apologise on his behalf for the absence of the hon. Member for Denton and Reddish (Mr. Bennett), the Chairman of the Committee, who is unavoidably absent from this debate. I think that he would have been very happy to say some of the things that I am saying.

We were advised that the procedure being used to make the changes was simple. As a Member, I am the first to accept the logic of that advice. The procedure is simple and easy for us in this place and those who concoct amendments to Bills to understand. It is presumably also easy for lawyers to understand. Indeed, the field is a paradise for lawyers, so I do not see how anyone in the

[Mr. William Ross]

time available could have gone through the order in the detail that is necessary to be certain that everything is absolutely correct, as is essential in such orders.

The elections in Northern Ireland are not all going to be run by lawyers. They will be run by ordinary men and women, who will have to run elections for their party, or, occasionally, for themselves or for a friend who is standing as an independent candidate. If one is, say, a lay member of the population in Northern Ireland, without any legal training or qualifications, one might be lucky because at least one would have an excuse when acting as an election agent.

A trained lawyer will not have that excuse. Such trained lawyers will find that they are supposed to have a total grasp of the huge and complex body of legislation and the effect that each and every one of the 30 pages of amendments have on it. Yesterday, the Committee took the view that such a procedure was simply not good enough. The Committee said that the legislation and the rules should be plain and easy to understand. This is, after all, legislation dealing with the electoral process and the basic right of democracy—the right of people to vote.

The Committee also noted that very few people would have all the necessary Acts, rules and regulations. I inquired for them at the Vote Office this morning, but they were not there, and they are not there yet. The reason is that such documents dating from 1964 are not held in this place. One must ask how hon. Members were to start the cross-referencing work, even if we had the time to do it this week. How were we to get the documents? They were not available. One would have to go to the Library to get the file copies and sit down with a couple of wet towels and ice around one's head while one waded through the whole thing.

Mr. Robert McCartney (North Down): Recently, I was the senior counsel for the hon. Member for Belfast, West (Dr. Hendron) when he was faced with an electoral petition, and I therefore had cause to peruse in great detail the electoral provisions as they then stood. I can endorse entirely everything that the hon. Member for East Londonderry (Mr. Ross) has just said.

It is not just a question of it being difficult for a layman: I can assure the House that, for a senior counsel of 20 years' standing, the problems then presented by the representation of the people legislation were immense. Now that this new batch of legislation has been added, those problems will be far beyond the ken of any layman, and will strain the resources of many trained lawyers.

Mr. Ross: We have just heard one of the most eminent barristers in Northern Ireland—a man who has acted in the courts on this very issue—explaining how difficult it is for lawyers. I would say to the hon. and learned Member for North Down (Mr. McCartney)—meaning no harm to his general profession—that the only defence that any defendant in such a case could have now is the fact that he is not a lawyer. He might plead ignorance, which, although it is no real defence, might make the judge look more kindly upon him.

No civil servants—either from the Home Office or the Northern Ireland Office—were present at the Committee last night to answer questions, and the Committee did not take kindly to that. I hope that the House will realise that the Committee members were in some difficulty, because we knew that the legislation was necessary, and that the elections could not be held without it.

We therefore adopted the device of publishing immediately an extract from the Committee's 18th report, which sets out our opinion. This has been available in the Vote Office today. The Committee members point out in the extract their regret that a full text of this legislation has not been published so that people could see the whole electoral law for this election set out in a single and cohesive structure. Even at this late stage, the Government should go down that road.

The Committee says in its paper that it does not wish to draw the attention of both Houses to the instrument. But the object of having the paper in the Vote Office is to draw the attention of this House and the other place to the failings that we find in the legislation. I therefore hope that the Minister will take on board the views of the Committee, and no doubt we will hear more about this later.

As an annexe to the paper, the Northern Ireland Office memorandum of 26 April has been published. It is labelled in the paper in the Vote Office as a memorandum from the Home Office, but that is a humbug that we are prepared to put up with in this place sometimes to give information to hon. Members and to the world outside.

The Committee's view was that there should be a full text for the benefit of those who have to operate within the legislative framework created by the original legislation, as modified by the order. That is not so much a view as a vital necessity if we are to avoid the possible consequences of getting the whole process wrong.

Even when the order has been sorted out, the problems will not be over. The timetable for elections is always tight, even in an election where the rules have long been in existence and are well understood by those participating in and organising it, and by the lawyers who usually deal with any thorny problems that come up. But on this occasion, we do not have that advantage of time.

This stuff appeared only within the last few days. We simply do not know what will be acceptable. If we wind up in the courts, we could find, far too late, that a whole party has been disqualified. People could be chucked out if they get it wrong—I do not think that I am going too far in saying that. That is a possibility. I hope that the Government have taken that on board, or perhaps they are deliberately refusing to do so. This is a serious matter.

We also have all the hullabaloo about application forms for postal votes. They are to be available only to the individual applying to a central point. Why should that be so? That has never been the case before. It was possible for someone to go along to the electoral office to get a form for themselves and their neighbours.

The application form is not a postal vote; it is only an application form. It is up to the chief electoral officer for Northern Ireland, formidable man that he is, and his assistants, to determine whether an application is correct and should be granted. It has been the practice to give a number of forms to the parties and the candidates. People should find it easy to vote. Surely it is part and parcel of our democratic standards and procedures that we should not try to make it difficult to vote.

But in Northern Ireland during the past 20 years, there has been the hullabaloo about getting the forms, the problem of identification whenever we arrive at polling stations, and the difficulty sometimes of getting to polling stations because of security arrangements. Voting has been made incredibly difficult for people. It is all right for those of us who run elections and are being elected—we know what we can and cannot do—but the ordinary citizen votes once every four or five years, and, if they are refused a vote because they do not have the correct documentation, they go away and do not come back.

During the Bill's passage last week, I asked the Government to take on board the necessity of keeping a record of the people who were refused a ballot paper, and the reasons for it. I fear that that has not been taken on board. Why are the chief electoral officer and his officials so anxious not to get the facts? This is a matter about which we have complained in this place and in Northern Ireland for years, but no one wants to know.

No one wants to know why fewer people vote in Northern Ireland. The answer is simple, and glaringly obvious. Sometimes it is hard to lay one's hands on the necessary document. Some people do not have any acceptable document.

My right hon. Friend the Member for Lagan Valley (Sir J. Molyneaux) pointed out this evening that this election takes place at the end of the month. The old-age pensioner will be trotting along with her pension book. If it has no valid payment order, it will not be good enough. That might be the only document that thousands of people have. There will certainly be some who will not have a valid pension book, and that may be the means by which they are denied the right to cast their vote. That is not acceptable. It is about time that the Government got their finger out and found out how many people are refused.

Above all, it is about time that the Government got their finger out and had a single document, such as a proper identity card, with a photograph on it in Northern Ireland. If there was a photograph, even of the standard that one sees on passports and driving licences, it would at least give some idea. Photographic machinery has improved enormously and most of us recognise ourselves even if we are not too pretty. If we had that, everyone would know that they had to take it with them, and everyone would know that, if they presented it, they would be given their ballot paper.

We know that there are those who practise intimidation and others who have been stealing the document known as the medical card, which we were told by the hon. Member for Belfast, West (Dr. Hendron) is so easy to forge. All that would disappear. There seems to be no desire to make life difficult for the evildoer, only for the law-abiding.

In his opening remarks, the Minister said that the nominations for candidates would be submitted at different places. He did not make it clear, at least not to me, whether the nominating member from each party had to be present, or whether an agent, the candidates or somebody else could hand in the paper on his behalf. What we have seen so far is not good enough.

Will the Government, even at this late stage, do a full print of the legislation, so that we know a little more about where we are and so that those involved can work through the legislation and keep within the law and proper procedures rather than go through what I believe will turn into chaos as a result of this incomprehensible order.

9.31 pm

Mr. Eddie McGrady (South Down): This is the third time in as many weeks that we have dealt with the election in Northern Ireland. The only motivation driving my party in that respect is the hope that we shall have a full complement at the all-party negotiating table. We knew that an election was unnecessary to enable parties and groups to come to the table, but because of certain requirements and self-imposed obstacles of other parties, we are in this position.

We have an ad hoc position, an ad hoc proposal, ad hoc legislation and now an ad hoc order. Like many hon. Members who have already spoken, I believe that it would be dishonest to pretend that we have had anything other than a superficial look at the document—superficial not only in terms of what is before us, but in terms of what is not before us. As has been said, it would need several constitutional and electoral lawyers to give us any idea about the quagmire in front of us.

It is in that context and with tongue in cheek that I tell the House that I obtained a copy of the order yesterday and tried to pick out one or two things that were perhaps obvious, but I am sure that there are many subversives in it that will not surface until they hit us hard during the election campaign.

I must refer to the order by page numbers because it is difficult to know what section we are talking about. On page 13, there is a reference to section 144(2C) of the Representation of the People Act 1983, which deals with the validity of an election. It states:

"Where the election court determines that the election of a delegate or delegates of a particular party was void but that the election as a whole in the constituency to which the petition relates was not void, the return of delegates under paragraph 14 . . . shall be calculated again and the votes given for that party in that constituency shall be disregarded."

I am not sure that I understand that. I understand what it says, but I am almost frightened of its implications.

It appears to be saying that, if a nominee of a party in any constituency for some reason transgresses the complexity of this and other legislation—ignorance of the law being no excuse for good or for evil—and he is declared a void delegate, the entire party in that constituency is declared void. His colleagues will be deemed not to be delegates because of his illegal act, even though they have not committed a wrongful act. Is that the right interpretation of the order? It seems to be confirmed in section 157(2B), which states:

"Where the election court determines that the election of a delegate or delegates of a particular party was void but that the election as a whole in the constituency to which the petition relates was not void, the court shall not order a fresh election."

The party groupings will be dependent on the absolute integrity and validity of every candidate in every election. This is a huge and complex document and it has huge ramifications. Perhaps the Minister can answer that point in his reply.

I refer to rule 1 and to the timetable. The nomination papers will be submitted to the chief electoral officer—he is required to validate nominations within one hour for other elections. Is rule 1 telling us that, if we allow for

[Mr. Eddie McGrady]

various bank holidays and the like, two days are to elapse before the candidate or series of candidates will know whether they are validly nominated?

The hon. Member for East Londonderry (Mr. Ross) said that there is some concern about the practicality of the administration of the election and the centralisation of almost everything to the chief electoral officer. There is no hint that the normal devolution of authority will take place through the deputy electoral officer and other officers. It appears to me that the validation of postal applications—as well as the issuing and researching of them—will be centralised. That is totally at variance with our normal practice. It is administratively clumsy and will lead to all sorts of complications and challenges.

Rule 29, on page 20, relates to the information that will be given at polling stations. During consideration of the Northern Ireland (Entry to Negotiations, etc) Bill the Minister said that there would be a simple electoral process for the voter—that he or she simply had to put an X on the ballot paper. He then succumbed to pressure that a lot more information would be required regarding all the candidates and parties, both for the constituencies and for the regional listings. It was decided that the booth, as opposed to the polling station, should contain that information.

Can hon. Members envisage a voter going into a booth—which is usually a small, square box—and having a number of posters around him with up to 135 names on them? Would it not be simpler to have that information in the polling station, in a much more legible form than could possibly be contained in a polling booth? The Minister made the distinction between a booth and a station. I should like that to be clarified. Will he emphasise the party aspect of the electoral process rather than the candidature of the various persons?

I should also like clarification of rule 32, which relates to the candidate and/or his agent having access to the polling stations. Will the Minister explain, in simple terms, how many agents would be appropriate in a constituency, according to the legislation? Would it be one for each party, or one or more for each named person on the party list?

Rule 57 is simple: it refers to the layout of the ballot paper, and the possibility of vertical columns. At this point, however, the mind begins to boggle—the mind, that is, of the straightforward, honest-to-God voter coming in to put an X on the ballot paper. Throughout his voting life, he has been used to reading a list and then putting an X against the name of the appropriate person or place. Now he is to be confronted unexpectedly and, I think, unnecessarily—that is my point—with a columnar ballot paper. That may be all right for the sophisticated, but I do not think that it is all right for many people who make a great effort, and a great sacrifice, to go to the polls and do their best according to their conscience. I ask the Minister to reconsider. Such complexity should not be brought into play, especially in constituencies in which only five or six parties, not 30 or 31, will participate.

Page 24 of the order deals with amendments to section 7 of the Elections (Northern Ireland) Act 1985. Much is made of the requirements of postal votes; there are a good many minor amendments. Let me tell the Minister that, even at this early stage—perhaps in anticipation of the order—applications are being made for postal votes in cases of absence and sickness, and votes by proxy, on the basis of the existing format of the forms. The Minister is now changing that format unnecessarily. Will the changing of the word "the" to "a", or the other way round, invalidate applications that have already been made, or, indeed, invalidate the electoral officer's entire stock of application forms?

The important aspect of the elections is the simplification of the apparent over-complication of the 1985 Act. As I have said, the act of voting is straightforward: it involves putting an X on a piece of paper. We must be careful not to confuse the voter unnecessarily. There must be a balance between full information, presented clearly and well, and information presented in such a complicated form that it makes it difficult or impossible for the ordinary man, woman or youth to vote logically.

Rev. Martin Smyth (Belfast, South): The hon. Gentleman referred to applications for postal votes. People throughout Northern Ireland have already received letters about that. Could not the ambiguity that is obviously not apparent in electoral offices—where people have been told that they cannot take copies of the original forms—lead to confusion in the minds of others? If applications are turned down now, a person receiving another application form may wonder what is going on, and perhaps forget to send it back.

Mr. McGrady: The hon. Gentleman has made my point about postal votes rather better than I did. Applications have already been made, and the attitude of the chief electoral officer is that no one can make an application without obtaining an application form from him. According to the legislation, that is entirely incorrect.

Mr. Ancram: This is an important point. The chief electoral officer will accept the information needed for a postal vote application and is not worried about the form.

Mr. McGrady: I thank the Minister for that important clarification, which will be welcome to the activists on the ground in Northern Ireland who are already engaged in the election.

Rev. Martin Smyth: We appreciate the guidance that the Minister has just given, but can he assure us that the officials in the various electoral offices have been given that information, because no later than this morning they were saying something entirely different? It is important that there is consistency among the electoral offices.

Mr. McGrady: I thank the hon. Gentleman for his intervention. Unfortunately, it is not within my power to reply on the Minister's behalf—as yet. No doubt I shall be glad to do so at some future venue on some future date.

The issue of identification was raised on Third Reading of the Northern Ireland (Entry to Negotiations, etc) Bill in the small hours of last Wednesday morning. We attached importance to the problem of impersonation, particularly in certain areas. In response to a colleague, my hon. Friend the Member for Belfast, West (Dr. Hendron), the Minister suggested that he would give further consideration to the subject of the eradication of

impersonation—multiple impersonations. When he winds up, will the Minister address that problem?

We must all admit that this is an unsatisfactory way in which to deal with the situation. But we shall all do our best to run with it because the prize is beyond price. If the negotiating talks take place on 10 June, the prize of peace and stability in Northern Ireland will be worth all the heartbreak, despair and annoyance that we have suffered over the electoral process. My party would like to give it as fair a wind as possible, to enable the people to be represented—in the broadest sense—at that negotiating table.

9.47 pm

Mr. Peter Robinson (Belfast, East): I can certainly follow from where the hon. Member for South Down (Mr. McGrady) left off in terms of saying that the provision is unsatisfactory. The hon. Gentleman considerably understates the case—the measure is a grotesque affront to the democratic process; it is a contempt of the House; it is a most disgraceful way for a Government to behave. If one was looking for an example of bad practice, the Minister of State, Northern Ireland Office has provided it with the legislation.

I listened to the hon. Member for Clydebank and Milngavie (Mr. Worthington), who spoke on behalf of the official Opposition. He suggested that he first laid eyes on the legislation some time on Monday afternoon. He is one of the less favoured ones—some people saw it before then. Would the Minister like to intervene and give us the full list of those he favoured with a draft copy of the legislation last week? Did he send it to the leader of the Provisional IRA-Sinn Fein organisation? Did he send it to the loyalist paramilitary organisations of the Progressive Unionist party and the Ulster Democratic party? Did he send it to other parties that are not represented in the House?

Mr. Ancram: It is important to make it clear that, in light of the short time scale, I thought that it was proper that the party leaders of Northern Ireland parties represented in the House should have an advance copy of what was then an incomplete draft—those who received it know that it contained some hieroglyphics. Copies were sent to the party leaders of all parties from Northern Ireland represented in the House, including the leader of the Democratic Unionist party, the hon. Member for Redcar (Ms Mowlam), who speaks for the Opposition on the subject, and the Liberal spokesman.

Mr. Robinson: The Minister confirms that a draft was available last week and that he was prepared to ignore the existence of hon. Members who represent Northern Ireland constituencies in this House by refusing to make it available upon request—even when hon. Members said that they would be leading for their parties in the debate.

We are supposed to have an intelligent debate about a complex measure at short notice. It was made clear to the Minister that, although he had sent a copy to my hon. Friend the Member for North Antrim (Rev. I. Paisley), I would not see my hon. Friend before I left for the United States. Therefore, I sought a copy before I left the country and the Minister refused to allow his staff to fax one to me. I did not receive a copy of the measure before today, so any remarks that I make tonight have the degree of preciseness that one would expect to gain from a cursory glance at 30 pages of legislation.

The legislation cannot be read in isolation. One must refer to a stack of other legislation, as each part of the schedule refers to a section or a clause from some other legislation. When I sought to obtain the associated legislation from the Vote Office today, I was told that it was not available to hon. Members. I had to go to great lengths to secure it.

The hon. Member for South Down described the election as an unnecessary creation of the Unionist parties. Of course, political parties do not need to hold an election in order to sit down and participate in negotiations. If constitutional parties in Northern Ireland had wanted to engage in negotiations, they could have done so. But that is not what is proposed by this process. The hon. Gentleman hopes that those who are not members of constitutional political parties and those who do not have an electoral mandate will be brought into the process. Clearly, if people have no electoral mandate, there is no justification for their presence, other than allowing them an opportunity to secure such a mandate. At least the election gives people that opportunity.

The scrutiny of the measure is limited not only by the short period that hon. Members may debate it in this House, but by the type of debate that we are having. We are considering it as an Order in Council on a "take it or leave it" basis. Of course, we know that it is the latter as the Government will trundle the measure through the House as they did with the rest of the legislation—without any opportunity to put forward amendments or to test the validity of the many complex issues in this instrument.

I do not share the faith that the Minister and some other hon. Members have in our broadcasting media. I do not believe that the broadcasting media will make valiant efforts to be fair-minded, balanced and even-handed in reporting the election. If they do, it will be the first time without a legislative requirement. Hon. Members know that the media will undoubtedly allow representatives of the IRA to appear on programmes with those of other political parties as though the IRA were a normal political party. While the Government will not sit down with the Provisional IRA, because of the legislation, parties in Northern Ireland will be required either to sit down with the IRA or to opt out of the opportunity of speaking on television programmes.

Mr. William Ross: The mere fact that the Government do not appear to sit down with the IRA does not prevent them from sending other members of their party to do it for them.

Mr. Robinson: No.—particularly when it is someone who has flown kites for the Government on a number of issues. I shall not test your patience, Madam Deputy Speaker, by going off at a tangent on that issue; however, many people may consider that the Government had greater knowledge of such contacts than they would like people to believe.

Mr. Roy Beggs (East Antrim): I am sure that the hon. Gentleman will agree that there will be a greater demand for engraved watches in the near future.

Mr. Robinson: Yes—no matter what the inscription may be.

[Mr. Robinson]

To be honest with the hon. Member for Clydebank and Milngavie, there is no reason why political parties will find it difficult to operate within the limits that are laid down in the order. Indeed, when the system is applied to the whole of Northern Ireland, costs will be reduced considerably as the larger political parties will send out the same literature in South Down, North Down and other constituencies unless, as the Ulster Unionists appear to do, they want to concentrate on local candidates. However, there is absolutely no reason why there should not be considerable savings on printing costs, which are a major expense in an election campaign.

I have no difficulty with the amounts that are specified, but nor will any political party that wants to go beyond those limits. Provided that they hire the right lawyer, they will be able spend whatever they want. The hon. Member for Belfast, West (Dr. Hendron) has already raced a coach and horses through that legislation. Anyone who feels that the figures are a wee bit tight should not be too concerned. They will simply have to spend an extra few thousand pounds on a proper defence thereafter.

The Minister would be disappointed if I did not raise the matter of party names. As I understand the Northern Ireland (Entry to Negotiations etc.) Act and the list in schedule 1 to that Act, it states that the only parties entitled to stand in an election are those on the list. It contains no requirement—I shall be interested if the Minister can draw my attention to one—for nomination papers to refer to political parties by the names that are listed in the schedule to the Act.

I shall be interested if the Minister tells me that I am wrong, but if I am right, neither the Act nor the elections order specifies how parties should present themselves. It specifies the parties that are on the list, but it does not state that they have to present themselves under those names.

There is precedent for that. I am a member of the Ulster Democratic Unionist party. That is the official title of my party, but I have never stood as an Ulster Democratic Unionist party candidate. I have never put that name on the ballot paper. I have stood as a Democratic Unionist candidate, a DUP candidate, or even as a Democratic Unionist-DUP candidate, but I have never stood as an Ulster Democratic Unionist party candidate.

Under past procedures, there was never a requirement to put alongside my name on the nomination form the official name of my party. Nor do I see in the election order any requirement for me to specify my party in the terms that it is in the schedule to the entries and negotiations measure. Again I look to the Minister for advice, as he may be aware that this matter is likely to be tested.

If parties are not prepared to stand for election under names other than the ones that they present to the chief electoral officer, what powers does he have to change their names or to remove them if they are clearly the parties included in the schedule to the Act? I see no such power given to the chief electoral office in this order. The Minister therefore needs to turn his mind to the problem. He should not assume that what he says in the House becomes the law. The established law allows political parties to describe themselves in whatever form they wish—the precedent for that is clear. If the Minister does not sort out this question, there wil be considerable difficulties with the nominating process.

It would seem, moreover, that the tossing of a coin will decide which candidates are selected in some cases. Besides the other farce of the whole system, if there is a tie for votes, the outcome will be decided—what could be fairer?—by the drawing of lots, the tossing of a coin or the drawing of straws. I do not have a clue what the Minister was thinking of, but surely he could have found a more scientifically based system. If he is short of ideas, might I suggest that the party that has contested the smallest number of constituencies should be entitled to the disputed seat? We can presume that a party with a candidate in another area might at least have received one vote—

Mr. William Ross: I am sorry to interrupt remarks with which I agree, but does the hon. Gentleman recall that, if there was a tie in a parliamentary election, it was decided by counting the pink ballot papers in the box?

Mr. Robinson: Yes, those are the papers given when someone has stolen his vote. That would certainly cast the whole system into considerable doubt. Another idea would be to lock the two candidates in a room and see which one came out. The Minister must have a better idea than casting lots. Imagine arriving at the forum and bumping into another delegate who stated that he was elected because he called tails. It is farcical to choose people to enter a mature forum so as to take part in serious negotiations in this way. The Government could surely have done better.

The hon. Member for South Down mentioned vertical and horizontal ballot papers. The Government have provided for something akin to a Littlewoods football coupon, on which people can choose numbers across the paper or down the paper, or across and down. I can think of nothing more likely to lead to confusion for the voter. Northern Ireland's voters have had single transferable vote elections, first-past-the-post elections and European-style elections with the whole Province involved; but they have never been faced with a ballot paper that goes across as well as down. I would not like to represent the party stuck somewhere in the middle of the paper, rather than at the top left or top right. A distinct advantage would be attached to the placing of a party on the paper if it were different from a standard ballot paper on which the parties are listed one below the other.

No matter how long the ballot paper—it could be the length of a toilet roll—Northern Ireland's voters have always been used to the names of the parties appearing one under the other; and the chief electoral officer would be greatly mistaken if he produced a different ballot paper that led to confusion and advantaged some parties at the expense of others.

I say that in the context of someone who has an alphabetical disadvantage. My surname starts with the letter R, and usually places me fairly close to the bottom of the list. I am never at the very top of the ballot paper, as some Members have the good fortune to be. I would rather be towards the bottom of the ballot paper, however, where there is one continuous list, than somewhere in the middle if names are to go across the page as well. I hope that the Minister will think twice and give advice to the chief electoral officer not to take that route.

We have an election that was set to meet an IRA deadline. We have a system that was rigged to ensure that certain gunmen would get to the negotiating table. We have a ballot paper that the Minister tried to determine to the advantage of some and the disadvantage of others in terms of the names that would be permitted on the ballot paper. In addition to all that, we have a system that is nothing short of a farce in its operation. The best that I can say to the Minister is that the parties in Northern Ireland will contest the election in the hope of producing a satisfactory result, not with the Government's help but in spite of the Government.

10.6 pm

Mr. Ancram: With the leave of the House, I shall reply.

I am sorry that the hon. Member for Belfast, East (Mr. Robinson) is upset that I was not able to make available to him an early draft of the order. I felt that it was an important courtesy to allow the party leaders to have sight of an early draft. It was an exceptional step to do that. I thought that it would help. The normal procedure would have been to wait until the order was published, which was on Monday. I am sorry that what was intended to help the parties, including the party which the hon. Member for Belfast, East represents, has caused him such distress.

For all the remarks of the hon. Member for Belfast, East, the drawing of lots is a normal procedure for both parliamentary and European elections in the context in which we are discussing the order. In my experience, it has been used. It is for the returning officer to decide on the method to be used.

Mr. William Ross: What about the pink ballot papers? Is it not laid down in legislation that they are to be used as the determining factor?

Mr. Ancram: I am saying that the drawing of lots is the system used in both parliamentary and European elections. In the context of the election that we are discussing, which will involve party lists, we felt that it was the best system to use. I believe that that is the position where there is a parity of votes.

Mr. Ross: Surely the system, whatever it may be—I object to what the Minister has been saying—would apply only to the last seat and not to any of the first four.

Mr. Ancram: The context in which it is applied is in relation to the aggregating of votes. I think that that is dealt with in paragraph 6. It applies where the aggregated votes are equal. The process will be used to decide whether they are in the top 10 and, therefore, get the two top-up seats. Lots will be drawn. It is proper that that should be done in those circumstances.

Several hon. Members have talked about party names on ballot papers. The point was raised originally by the hon. Member for Clydebank and Milngavie (Mr. Worthington). It is an important matter and I would not wish there to be any misunderstanding. The Act determines how party names appear on the ballot paper. Paragraph 7(2) of part I of the schedule prescribes that the ballot paper will show the names of the relevant parties for each constituency. I am informed that the effect of the legislation is that the names will be as set out in part II of the schedule.

As for the consequent effect of that provision, if a list is submitted in the name of a party where the designation is different, the chief electoral officer must reject that list under rule 12(2)(c) of the election rules on page 18, which refers to the breach of requirement in paragraph 6 in part I of the schedule. He could also make a rejection under paragraph 12(2)(b) on the ground

"that the party is not a party listed in Part II of Schedule 1 to the 1996 Act".

I want to make this clear in case there are any efforts to produce different names. That is the effect of the legislation and the chief electoral officer will act accordingly. I hope, therefore, that there is no doubt about that, because it is an important point in terms of the way in which the elections are to be conducted. I would not want any party to find that its lists were rejected because of a misunderstanding on that point.

Mr. Worthington: This is a serious point. Both the hon. Member for Belfast, East (Mr. Robinson) and I read that and I think anyone else reading it would not draw the inference that the Minister has drawn about the naming of parties. Does that mean, that, if the Green party, instead of putting down "Green party" puts down "The Green party", or if Independent MacCaffer puts down "Independent Ignatius MacCaffer", their names will be ruled out? The law does not state what the Minister says it states.

Mr. Ancram: During the previous debates on the Northern Ireland (Entry to Negotiations, etc.) Act 1996, I have stated its intention. I have confirmed today that I am reliably informed that that is the effect of the legislation. A constituency or regional list must state the name of the party under rule 6(2)(c), on page 18 of the order. If the party is not a party listed in part II, schedule 1 of the Act, the list must be rejected under rule 12(2)(b). I make that very clear. The hon. Gentleman recognises that this is an important and serious point and I wish there to be no misunderstanding. That is why we spent some time on the issue during the passage of the legislation.

Mr. Peter Robinson: Will the Minister give way?

Mr. Ancram: I give way, but it is at the expense of being able to answer other questions.

Mr. Robinson: The Minister and a court could not judge that the "Democratic Unionist party (DUP—Rev. Ian Paisley)" is not the same party as the one in the schedule. We are talking not about whether the party is the same, but how it will be described on the ballot paper. Nothing in the legislation would disallow the party from putting down the name that it chooses.

Mr. Ancram: All I can say is that I have made clear what I understand to be the legislation's effect and what I am reliably informed is the effect. I hope that that is clear to all the people who will be submitting party lists for the election.

A number of other points were raised. Obviously, in the time available, I will not be able to cover them all. On broadcasting, section 93 of the Act deals with

[Mr. Ancram]

broadcasting related to constituencies or electoral areas. In this election, as with a general election, broadcasters must ensure that their coverage of the campaign generally—national or regional—reflects their obligation for balanced and fair coverage. It is only the difficulty of distinguishing constituency coverage in this election that has led us to decide not to apply section 93. It is sensible in that context.

A number of questions were raised in relation to election expenses. Of course, normally, limits apply to candidates and not parties, but this election creates unique circumstances. We saw no reason why the principle of limits should not apply to this election too. It is fair to say that we should agree that the principle of limiting expenditure is a fundamental part of our democracy.

We wanted to retain the limits for the election, but we decided to apply them on an aggregate basis to the parties contesting the election. The current limits apply for candidates in a constituency at a parliamentary election. Those will apply to a party in a constituency and, if a party chooses to contest six constituencies, it will have six times the limit.

As I have said, we envisage that the spending will not be necessarily tied to any particular constituency, which is why we have made provision for an aggregate limit. That limit allows for more flexibility and means that there will not be parties that, because they have vast resources outside, can exceed those limits. Generally, we have come to a balanced view in terms of the legislation.

I say to the hon. Member for East Londonderry (Mr. Ross) that I realise that this is complex legislation. I noted what he said about the order, but the procedure is not unusual. The Representation of the People (Northern Ireland) Regulations 1986 for the European Parliamentary elections were produced in exactly the same format as the order. As I say, it is a complicated matter, but, if the hon Gentleman goes through the measure as I have done, he will find that many of the provisions suggest no modifications and that much of the existing electoral law with which the hon. Gentleman is as familiar as I am, will still apply. I hope that in practice the outcome will not be as complex as he thinks. I ask the House to approve the order.

Question put and agreed to.

Resolved,

That the draft Elections (Northern Ireland) Order 1996, which was laid before this House on 29th April, be approved.

Northern Ireland (Deregulation and Contracting Out)

10.15 pm

The Minister of State, Northern Ireland Office (Sir John Wheeler): I beg to move,

That the draft Deregulation and Contracting Out (Northern Ireland) Order 1996, which was laid before this House on 7th March, be approved.

The order has two clear objectives: to introduce deregulatory measures that will remove burdens on business, and to remove statutory obstacles to contracting out. In so doing, the order follows and builds on the general thrust of the Deregulation and Contracting Out Act 1994. In Northern Ireland, we have already launched a programme of deregulation and contracting out. Much has been achieved and much more can be achieved. I shall later touch on that.

The Government have sought to release British business from the shackles of unnecessary rules and regulations. Our aim is to work towards fewer, better and simpler regulations—both new and existing. Small firms in particular stand to benefit from such moves. Excessive paperwork and unjustified interference burden and harm management, taking it away from running businesses. It costs managers time and money and stops them employing people. Surveys carried out in Northern Ireland by the Northern Ireland Small Business Institute have identified regulations and associated paperwork as ranking among the top four problems facing small business.

The Government's competing for quality policy is focused on improving the quality and value for money of our public services. Contracting out is a keystone of that policy, but there are some areas of Government business where the opportunity to test whether a function can be done more efficiently or effectively is being denied by some small but significant legal obstacles.

The order will bring an element of consistency between Northern Ireland and Great Britain. Its measures are reasonable and sensible, and the evidence of that is the small but valuable response to our consultation exercise, which was open to all members of the public. Comments were specifically invited from 300 individuals or bodies with a particular interest in the order and 18 responses were received. Each was carefully considered and individually addressed, but no amendments were considered necessary.

I thank hon. Members for their written comments. In particular, I am grateful to the hon. and learned Member for North Down (Mr. McCartney) for his correspondence on the handling of Northern Ireland legislation. I trust that, from the responses that he has received from my noble Friend Baroness Denton, he appreciates that his comments have been given lengthy and careful consideration. I shall later draw attention to our stance on the use of enabling powers in the order.

The House may find it helpful if I deal with the subjects in the measure in the order in which they arise, starting with deregulation. As I said earlier, good progress is being made. Through the deregulation initiative, businesses in Northern Ireland and throughout the United Kingdom are already benefiting. For example, 500,000 of the smallest businesses no longer need to have their accounts audited.

Taxation and national insurance systems are being streamlined—one important example is that there is now a single point of registration for VAT, national insurance contributions and pay-as-you-earn. Some 30 sets of health and safety regulations have been repealed as part of a programme to cut the rulebook by 40 per cent.

I know that the deregulation policy may give rise to some misapprehensions, so I emphasise that deregulation does not mean the reduction or removal of necessary safeguards. Our priority is always the proper protection of the public interest. Building on the 13 specific deregulatory changes benefiting businesses in both Great Britain and Northern Ireland in the 1994 Act, the order adds a further six deregulation provisions that will be of particular benefit to Northern Ireland business.

Three articles introduce further deregulatory change to Northern Ireland legislation in line with the 1994 Act or deregulation orders made under it. Article 4 removes statutory constraints on measuring a pint of beer. The Government believe that the consumer is quite able to determine what a pint of beer is. Article 6 removes restrictions on Sunday sporting activities. Article 7 removes constraints on totaliser operators in relation to deductions from stakes. That provision follows a Great Britain order made under the 1994 Act's enabling powers.

The remaining three provisions are unique to Northern Ireland. Article 3 removes the requirement to license premises used for horticultural processing. Article 5 removes redundant controls on local auctions. Article 8 removes the requirement for taxi drivers to sit a separate driving test to obtain a taxi driver's licence, while safety continues to be assured through the good conduct and character check tests.

The other side of the matter is how the measures are to be enforced. Businesses complain that they often incur unnecessary costs to meet the demands of overzealous enforcement officers. They also suggest that they should be able to challenge enforcement officers' decisions at an early stage and that when a formal decision has been made, their rights of appeal should be clarified and the appeal procedure should be speedy and inexpensive. The Government recognise those concerns. We believe in ensuring that the manner of enforcement is as fair, transparent and consistent as possible. That is stated in article 9.

Article 10 sets out powers to introduce model appeal provisions that will provide a clear procedure to help businesses to appeal enforcement decisions.

Mr. Anthony Steen (South Hams): I am listening to my right hon. Friend with considerable interest because this is a matter of great importance to Conservative Members. In England, when we dealt with appeals, several Conservative Members suggested a local mechanism using the magistrates courts, so that, if an over-zealous official, as in the Lanarkshire blue cheese case in Scotland, got it wrong, the case would not to go on and on through various appeal courts but be dealt with locally by the local magistrates. Is he aware that, although the matter was raised two years ago, it has not been resolved and that the Minister responsible in England has proposed a statutory instrument that is no more than a discussion document on whether the appeal system should be local or national? Could he assure the House that in Northern Ireland, we will not go down the same bureaucratic road where nothing happens except talk about local appeal mechanisms?

Sir John Wheeler: I am grateful to my hon. Friend. He is something of a renowned expert in such matters and devotes a good deal of his remarkable zeal and energy in testing out such procedures and assumptions. I am not personally familiar with the Lanarkshire blue cheese case, and as far as I know, we do not have a similar problem in Northern Ireland. I think that I can assure him, however, that the procedures that I hope that we shall be pursuing in Northern Ireland will entirely fulfil his expectations of expedition and simplicity. That is perhaps one of the benefits of Northern Ireland being able to pursue its own administrative arrangements in the way that I am describing.

The other part of the order relates to contracting out. Contracting out is a major component of the Government's policy on competing for quality. The policy is set out in the White Paper "Competing for Quality", which was published in 1991 as a companion document to the citizens charter White Paper. Together, those important policy documents had a single aim: the safeguarding and improvement of our public services, for the benefit of the people who use them, at a cost which the taxpayer can afford.

The competing for quality programme has been the main driving force in delivering the very real benefits of competition within government. The evidence is clear. In just three years, from 1992 to 1995, of a total of £2.6 billion of UK activities reviewed, annual cost savings of £540 million were found. In Northern Ireland, £58 million-worth of services have been reviewed, achieving total savings of about £9 million a year. That is a substantial achievement, yet savings have not led to poorer service or lower quality—quite the reverse. Users have benefited from higher quality, backed by specific contract conditions and innovation in the way in which services are delivered. The savings produced are re-channelled, either to enhance services for the same spend or to provide more services overall.

One example of the benefits to be had from competition can be found in the contracting out of the computer bureau service that the Department of Finance and Personnel provided to Northern Ireland Departments. The value of the service was £6.25 million, and £1.77 million-worth of savings were produced a year.

Another example is the Department of Agriculture's market testing of an inspection service related to the payment of subsidies. The market test was won in-house, making savings of more than £250,000 in 1995-96 from a total service cost of £1.3 million—a saving of a little more than 22 per cent.

With so much to gain, it is important not to let the on-going process of opening up competition be obstructed by unnecessary statutory obstacles. The order does not impose contracting out, it merely allows it. It will be up to central Departments, district councils and non-departmental public bodies to choose whether to use the freedom that the order provides to enable contracting out to take place. I would welcome a move to competition, and I feel that the public bodies concerned will wish to do so in their own interest and those of the taxpayer, but the order will enable, not compel.

[Sir John Wheeler]

Measures in the order such as articles 11 and 12 are simply common-sense amendments. They enable the Official Receiver and Registrar of Companies to delegate functions to their own staff, in so far as they do not already have power to do so. They will also enable the registrar and the Official Receiver to contract out certain functions, such as the incorporation of companies, receipt of company documents and statements of affairs in cases of bankruptcy and insolvency.

The provisions in articles 13 to 15 deal with the important areas of accountability and contract conditions and make it clear that the accountability of Ministers is not diminished if a service is contracted out. Nor will contracting out affect the responsibilities of office holders or Departments in relation to services affected by the order. It is the work that is delegated, not the responsibility.

Confidentiality is also a matter about which concern has been expressed about the contracting-out process. Article 16 gives effect to schedule 4, which contains provisions modifying certain restrictions on the disclosure of information to contractors. The measures provide that restricted information may be disclosed to authorised contractors where this is necessary to enable the contract to be performed. They also ensure that contractors are subject to the same safeguards and sanctions in relation to confidentiality as is the contracting body.

Article 18 and schedule 5 of the order remove specific statutory obstacles in relation to the agricultural census and dog control services provided by district councils and the administration—but not adjudication of entitlement—to housing benefit. Most of those reforms follow the practice in Great Britain, but there are two departures in the order from the approach taken in the 1994 Act, the first on the Sunday betting provisions. Those provisions were subject to an extensive public consultation exercise, and the results showed that a substantial body of public opinion in Northern Ireland was opposed to any relaxation of the present legal position. The Government have listened, and a policy decision has been made not to include the provisions in the order.

Secondly—this is the enabling powers issue to which I referred earlier—the Government have decided not to include a general order-making power similar to the 1994 Act. We have taken into account the legislative implications and potential loss of parliamentary scrutiny. Such a general power would have enabled Northern Ireland Orders in Council to be amended by subordinate legislation without reference to Parliament, where the aim is to effect deregulatory change or to remove an obstacle to contracting out.

That situation would have been substantially at odds with that in Great Britain, where an effective system of parliamentary checks has been put in place. Again, we have listened to concerns and responded by making it the rule not to include a general order-making power. Hon Members will be right to surmise that every rule has exceptions, and article 17 is that exception. This refers to a special order-making power for social security legislation alone. Its inclusion recognises the need—out of fairness—to provide for parity of treatment for social security provision between Great Britain and Northern Ireland.

Not to include such a provision would delay the start of Northern Ireland businesses enjoying the benefits enjoyed by their Great Britain counterparts in an area where it is policy and practice that concurrent action is the norm. In addition, without the power, should changes be introduced under the order-making powers in the 1994 Act which impact on claimants, differential treatment for Great Britain and Northern Ireland claimants could result.

In conclusion, the Government believe the order to be sensible and reasonable. Its intention is to add to the considerable progress already made in the UK and to remove obstacles within Northern Ireland that stand in the way of the proven benefits of deregulation and contracting out. The order is entirely consistent with the Government's on-going desire to reduce the regulatory burden on business, to enable our companies to compete more effectively and to help boost economic prosperity to the benefit of all the people of Great Britain and Northern Ireland.

I commend the order to the House.

10.34 pm

Mr. Jim Dowd (Lewisham, West): As the Minister said, large parts of the order replicate for Northern Ireland much, although by no means all, of the parallel legislation for the rest of Great Britain, the Deregulation and Contracting Out Act 1994. The objections that the Opposition raised to that legislation still apply.

When the then President of the Board of Trade, the right hon. Member for Henley (Mr. Heseltine), introduced that measure, he said:

> "No advanced society can manage itself outside a regulatory framework. Indeed, it is impossible to contemplate the sophisticated assumptions on which we conduct our everyday lives without the underpinning of regulation."—[*Official Report*, 8 February 1994; Vol. 237, c. 147.]

We agree with that.

Furthermore, we would go on to say that regulation, of itself, is neither good nor bad. It has no intrinsic merit and it is not necessarily harmful. Regulations have to be effective and responsive. There are good and bad regulations. When it comes to the burden of regulation, the Government certainly know how to regulate, but they seem to be unable to tell the difference between good and poor regulation.

The cost of dogmatic deregulation can, most topically, be clearly seen in the case of the deregulation of the rendering and animal feed industry. That has led directly to the spread of scrapie and bovine spongiform encephalopathy, with potential consequences for human health because of the link to Creutzfeldt-Jakob disease, putting lives and an entire industry at risk, with who knows what cost to the taxpayer.

Mr. Roy Beggs (East Antrim): Does the hon. Gentleman agree that this is not the time for the Government to be considering contracting out tuberculin testing, which has traditionally been carried out by veterinary surgeons? Does he further agree that consumer confidence throughout the United Kingdom, which must be built up, is very much dependent on tuberculin testing being carried out by qualified veterinary surgeons, not contracted out to lay persons?

Mr. Dowd: I share the hon. Gentleman's concern in large measure. We have recently seen the difficulties that

the Government and the Ministry of Agriculture, Fisheries and Food have run into with our European partners because their yardstick of what are reasonable actions do not correspond with that of our partners. That has led to our current difficulties. That impacts on the Government's approach to many things. They approach things in a dogmatic fashion and are pulled up short only by events and experience.

As far back as June 1989, the Government's consultative committee on research into spongiform encephalopathy, the Tyrrell committee, published a report which called for a survey of the brains of cattle routinely sent for slaughter in order to monitor the incidence of unrecognised infections. Despite repeated calls from the Opposition, the Government have ignored the advice of their scientists.

The Government also rejected Labour amendments to the Criminal Justice and Public Order Act 1994 for the banning of advertisements for dangerous knives and weapons for which there is no conceivable legitimate use. They did so on the ground that the Advertising Standards Authority had power to deal with the problem.

When my hon. Friend the Member for Blackburn (Mr. Straw), the shadow Home Secretary, brought to the attention of the ASA some specific advertisements for horrific weapons such as the Rambo short sword and the SAS shoulder holster knife, the chairman of the ASA, Lord Rodgers, stated that the authority had no powers to ban such advertising. The Government's reliance on that secondary measure was proved to be not only ill founded but completely untrue.

The Children Act 1989 stipulated the need to ensure that all those providing out-of-school activities were registered. This impacts on what I said earlier to the hon. Member for East Antrim (Mr. Beggs) about the Government's efforts being overtaken by events. The Government were right to introduce such a measure then and to relax the regulations covering the vetting of staff working with children in playgroups and other similar out-of-school activities would be little more than a perverts charter. Parents throughout the country would be horrified that the Government were even thinking of removing that protection from their young children. It was only the recent tragic and desperately horrific events in Dunblane that prompted that reconsideration of the Government's proposals.

The Minister mentioned removing the burden on business. In 1979, "Butterworth's Company Law", the almanac of company law, consisted of just under 500 pages. Its annexe described 80 different forms that a company may be called upon to fill in. The most recent edition of that textbook—I believe that the print size is identical—runs to more than 4,000 pages and the annexe contains 265 different forms that a company may be called upon to fill in.

To confirm the difficulties that small firms have over filling in too many forms, there is the example of a service sector firm with 25 employees which responded to the Association of British Chambers of Commerce small firms survey and said:

"Please can we have less paper/form filling/regulations! We have been in business since 1982 and the amount of time taken out of management time to reply to letters/forms etc. has probably quadrupled."

I draw the attention of the House to the fact that the Conservative party has been in office throughout that firm's lifetime. The quadrupling of time and effort put into meeting regulations has taken place entirely under this Government. That helps us to learn much more about the Government's approach to deregulation. They have been responsible for much of the regulatory burden placed on small businesses.

The Department of Trade and Industry's deregulation task force identified 3,500 regulations that could do with significant amendment or abolition. More than 70 per cent. of those have been introduced since the Conservative party took office. This measure is truly a cure for a disease that is largely of the Government's making. There is a clear inability to recognise regulations that need to be lifted and those that are required, as the right hon. Member for Henley, then the President of the Board of Trade said, for our "advanced society".

The Government have made great play of how the private finance initiative will come to the aid of the public purse. The biggest potential area for partnerships between the public and private sectors is in local government. To be sure about the legality of deals with local authorities, potential private sector partners have to seek legal advice on parts IV and V of the Local Government and Housing Act 1989, 17 different sets of regulations and orders dealing the local authority capital finance and local authority companies and 15 sets of regulations dealing with the detail of capital finance. It is no surprise that the private finance initiative is languishing in such a manner.

Small firms have grappled with the uniform business rating system. Many firms thought that the idea of a uniform rate was a good one, but they have been put off by the system that the Government have created. Current legislation is contained in two statutes and 140 statutory instruments, many of them amending pre-existing regulations. Steve Cherry, British Telecom's head of rating and valuation, who represents the Confederation of British Industry on the Royal Institution of Chartered Surveyors national committee, said:

"The rate demand on a property used to be easy to understand . . . The business community wishes to see a system which is clearer to operate."

The Government have responded by blaming Brussels for the increase, certainly in recent years, in the amount of regulation going on to the statute book. In fact, fewer regulations come from Brussels than come from Whitehall.

The Internal Market Commissioner, Mr. Bangemann, has singled out the United Kingdom for being over-zealous in adopting too many national regulations to implement the single market programme. The Republic of Ireland has felt it necessary to enact only six pieces of legislation to enforce 415 European laws, while the United Kingdom has felt it necessary to enact 235 pieces of legislation. The Institute of Directors has called this process gold plating.

In March, a dairy farmer in Hampshire was forced to close because he could not afford to install new bottling equipment to meet the requirements of the 1992 European directive on dairy products. However, the Commission disclaimed all responsibility by pointing out that the law in question allowed the member state flexibility when interpreting the directive. Neither the local authority nor the Ministry of Agriculture, will take the blame.

Mr. Steen: The hon. Gentleman is quite right to question the principle of gold plating. The Government

[Mr. Steen]

have recognised that officials, quite wrongly, have added to directives from Brussels to pander to their own interests and for convenience. The Government are now acting on that. I shall tell the hon. Gentleman something about which he will be much more concerned—

Madam Deputy Speaker (Dame Janet Fookes): Order. The hon. Gentleman will have to tell the House later, as his intervention is too long.

Mr. Steen: With respect, I am just getting to the point that I want to raise.

Madam Deputy Speaker: I am sorry, but the hon. Gentleman has passed the point.

Mr. Steen: On a point of order, Madam Deputy Speaker. I had merely introduced my question with a statement. I was about to come to my question. With respect, my introduction was only three or four sentences long. I ask to be able to complete my question.

Madam Deputy Speaker: The hon. Gentleman cannot complete his question. He obviously needs to make his point in a speech. Interventions, by their nature, should be short.

Mr. Dowd: I will not respond to the hon. Member for South Hams (Mr. Steen), except to say that I believe that the Procedure Select Committee is looking at the changes that are needed in this regard. At the moment, we have the odd spectacle where the Ministry is claiming one thing but permitting an entirely different thing. Clearly, there would be worries for Northern Ireland legislation in the same way.

Mr. Steen: Does the hon. Gentleman agree that the problem with Europe is not so much the directives as the way that rules get around the European Parliament and the Council of Ministers? Up to 4,000 rules are coming into Britain and are being put into law without Parliament even seeing them.

Mr. Dowd: There is a problem, but, as I outlined earlier when contrasting the approach of the Government of the Republic of Ireland with our Government, Britain is developing a reputation for being the most officious in the way that it introduces many of the changes that our European partners have no difficulty in accommodating. I refer to the recent example of the change to metric weights for foodstuffs. The European regulation became more complicated than it actually was because of the way in which Whitehall interpreted it. I shall make a few more points before I—

Madam Deputy Speaker: Order. I hope that the points of the hon. Gentleman relate to the order. He seems to be straying.

Mr. Dowd: The Minister outlined the general purpose of deregulatory legislation, and I am merely picking up on his points.

The deregulatory measures are a curious assortment of makeweights. Of the six that are mentioned by name, three were introduced by this Government; one was introduced by a previous Conservative Government in 1957; one was introduced by a Labour Government; and one was introduced in 1695—I do not know which Government were in power then.

I refer to the horticultural produce provisions that state that the Food Safety (Northern Ireland) Order 1991 can safely deal with this issue. When that order was advanced in 1991, why was the relevant section of the horticultural produce provisions not repealed at the same time if it was performing the same purpose? The Weights and Measures (Northern Ireland) Order 1981 allows brewers to get their pay-off. I have seen figures that show that it would cost an additional 7p to ensure that all customers get a full pint—which is, after all, what they order. Whether we believe that or not, if it is taken at face value it suggests that the brewers are currently conning every customer in the pub out of 7p for each pint that is sold.

I draw the Minister's attention to the proposal for review of the Repeal of Auctions (Local Control) Act (Northern Ireland) 1957. He will know—especially in his capacity as a constituency Member—that Westminster in particular and, to a lesser extent, Camden have had considerable difficulties with bogus auctions in and around the Oxford street area. Members of the public, particularly tourists, are being rooked right, left and centre, and local trading standards officers believe that the current legislation is inadequate for them to protect visitors and residents.

Article 9 of the order provides for a considerable extension of powers. The Minister sought to downplay that, saying that it related merely to the enforcement regime, but article 9 extends powers not just to Ministers but to Departments. Elsewhere in the order, a Department is defined as

"the Head of such a Department".

Powers are being transferred to civil servants as well as to Ministers.

The Minister said that the arrangements were different from the legislation in Great Britain. Legislation governing the rest of the United Kingdom provides that before any deregulation order is made, the Minister must

"consult such organisations as appear to him to be representative of interests substantially affected by his proposals".

There is no equivalent in the order, although, as it contains deregulatory measures, I imagine that taxi drivers, for example, must have been consulted. I hope that the Minister will tell us whether those consultations will continue, or will take place if they have not yet occurred.

Article 10 explains how the provisions with respect of appeals will be prescribed. This relates to points made by other hon. Members. I seek an assurance that the provisions will not be used to undermine either employment protection or equality legislation—I shall return to that shortly. The part of the order dealing with contracting out is resented and opposed—or, at least, its implications are opposed—by many people throughout Northern Ireland. I admit that the Minister said that this was enabling legislation that would not necessarily make the arrangements compulsory, but I suspect that everyone realises that contracting out and the privatisation of many of the functions concerned will follow as night follows day.

The order also has implications for fair employment, policy appraisal and fair treatment guidelines and, in particular, women's employment. The background is

significantly different from the background to regulations in Great Britain. The Minister will be aware of a report by the Equal Opportunities Commission for Northern Ireland, which highlighted the disproportionately disadvantageous effect that contracting out in the health and education boards has had on female employment in particular. So disproportionate has that effect been that the commission called for the whole process of contracting out and privatisation to be suspended until the problem had been properly dealt with.

We are told:

"It is difficult to see how compulsory competitive tendering could have been introduced in the way it was if a PAFT"—

policy appraisal and fair treatment—

"analysis had been made of its potential impact. PAFT offers us a way by which government departments can work together with different constituencies at community level to assess policies and ensure that they will undermine rather than compound inequalities in the labour market."

Government activity is now clearly aimed at regulations, the bulk of which they have introduced themselves. That has not gone unnoticed in Northern Ireland, as elsewhere. I was intrigued to note that, at a recent dinner, Mr. Howard Hastings, the chairman of the Northern Ireland division of the Institute of Directors, slammed the contracting out of public sector services. I believe that the Minister's colleague, Baroness Denton, was present at the dinner when Mr. Hastings criticised the Department's performance, and said:

"Unfortunately, ministers cannot treat policies like Pepsi Cola, for changing the colour of the can will not make unworkable policies any more palatable . . . The public sector has been subjected to everything from Next-Steps Agencies to devolution and delayering . . . We have now reached the point in some agencies where the logo has become the more important than the logic."

As the Government continue their pursuit of the structure of a minimalist state, we see them repeating the "Animal Farm" mantra of "Public sector bad; private sector good". They should demonstrate an objective commitment to improving public services, not an insensitive ideological determination to undermine them, which the order represents.

10.55 pm

Mr. William Ross (East Londonderry): We come to the second order of the evening, in which we have some interest, not least because, on 21 January 1994, my right hon. Friend the Member for Lagan Valley (Sir J. Molyneaux), speaking in a debate, said:

"We must not be stalled by those who decline to move with the times. We should not ignore the stimulus contained in this week's Deregulation and Contracting Out Bill, which applies to Northern Ireland and bears the name of the Secretary of State. The powers to repeal and amend in the first four clauses could provide a solid launching pad for a campaign to open doors and gates that have remained closed for far too long."—[*Official Report*, 21 January 1994; Vol. 235, c. 1165.]

The Bill applies to Northern Ireland, but we find ourselves, two years later, removing some obstacles to the Bill's full implementation that should surely have been noticed and dealt with in the schedules to the original Bill. I hope that the Minister of State, Northern Ireland Office, who is to reply to the debate, will explain why it is necessary to deal with the matters in this way, and why it has taken two full years to catch up with the situation in the rest of the United Kingdom.

I have with me the 13 reports of the Select Committee on Deregulation, of which I am a member. I can also say for the second time this evening that I am also a member of the Joint Committee on Statutory Instruments. The Chairman of the Deregulation Committee, the hon. Member for Isle of Wight (Mr. Field), has written a number of letters to various Ministers asking why Northern Ireland was not included whenever something was deregulated. There is no good reason why that should not be so. I have raised that point several times during meetings of the Committee, and I have not been given a totally satisfactory answer.

We have been told on the Floor of the House over the years that it was necessary in order to preserve the Northern Ireland statute book. We have been told that it was necessary because the Northern Ireland statute book had to be preserved intact for the day when there would be a parliamentary legislative structure in Northern Ireland.

As that dream slowly fades, the Government should step closer to the real world and recognise the changes that have overtaken the issue of a devolved administrative structure for Northern Ireland over the past 25 years. They should not be so anxious to preserve that statute book; it could simply be brought back into being if a future legislative Assembly, should it ever come into existence, wished to do so.

I believe that it is not necessary, for that reason. I believe also that the sort of delay represented by this order will be a hindrance to Northern Ireland and will keep it lagging behind Great Britain—not only in terms of the measures mentioned this evening, but in other areas also. If would often be easy to include Northern Ireland in the deregulation orders affecting the rest of the United Kingdom.

Rev. Martin Smyth (Belfast, South): Does my hon. Friend accept that most people in Northern Ireland agree with his argument—particularly about measures that improve the quality of life? However, there are those who would question whether we should always rush along the materialistic road down which the Government have taken us at times. We want to uphold some spiritual values in Northern Ireland, rather than joining the Gadarene swine.

Mr. Ross: I accept that my hon. Friend speaks from a theological position, but I ask him to be an evangelist in this instance. We should try to export to the rest of the United Kingdom the spiritual values that we in the Province hold dear. It would not be the first time that evangelists from the island of Ireland have converted the English. We shall try our best to do so again if we are given the opportunity.

Despite my hon. Friend's comments, I am in favour of keeping Northern Ireland in line with Great Britain. We should determine a United Kingdom position, which hopefully embodies the spiritual values of Northern Ireland. I hope that that will become general practice—it will certainly save the time of the House in many instances.

We must remember that all the items being deregulated this evening were included in the legislation that created them for a very good reason. In other words, they were created in order to avoid or to prevent an evil consequence or to correct an existing evil. Whenever we consider deregulation of any sort, we should ask ourselves why the original evil that we intended to avoid is now redundant.

[Mr. Ross]

That is the point of the Deregulation Committee. Hon. Members from all major political parties are represented on the Committee, and they probe, ask questions, request information and examine witnesses. Before anything is deregulated, it is explored more thoroughly in that Committee than is possible in a debate such as this, when several items are being dealt with together. I hope that the Minister will take my comments on board, and examine how we can integrate our deregulation procedures with those of the United Kingdom and the House as a whole.

We are told that the Horticulture Act (Northern Ireland) 1966 was chosen for deregulation because it has been overtaken by other legislation. But surely those who framed that legislation—which is also listed—could have repealed the Act at that time. In other words, there was a slip-up, and the Act was passed over. That should not happen.

We are told that article 4, which refers to the gas in foam on beer, brings Northern Ireland into line with Great Britain. There has been a row about that in the Common Market, but we now seem to have reached a fairly sensible conclusion.

Article 5 refers to the Auctions (Local Control) Act (Northern Ireland) 1957. The hon. Member for Lewisham, West (Mr. Dowd) made the point that there is a problem with auctions in some parts of London. Are we repealing a power that was not widely used because those who would transgress knew about it? If so, we should think carefully before we remove that power. Sometimes the passive existence of a power is sufficient to stop an evil, and the law accomplishes its purpose without taking people to court.

Article 6 represents a further erosion of the Sunday quiet that we have enjoyed hitherto. That takes me back to the point raised by my hon. Friend the Member for Belfast, South (Rev. Martin Smyth). I believe that Northern Ireland is wrong to move towards making Sunday into just another day of commercial activity. The matter was debated in the House, but unfortunately the Government carried the legislation into practice. Although we were not in favour of it, it is now the law of the land.

I think that it was a mistake, and that, in future years, it will be seen as such and we shall have to repeal it. Such a change does not create freedom; it simply promotes a licence that is misused by many people for many different purposes.

Turning to article 7, the same general point could be made about the Betting, Gaming, Lotteries and Amusements Order 1985. Those matters are being dealt with in the Deregulation Committee.

In respect of article 8, I am curious as to why a taxi driver should be treated in the same way as any other driver. A taxi is a public service vehicle taking citizens and non-citizens around on their lawful business. I believe that people need the full protection of very high-quality drivers. That has been the case hitherto. It helps to keep cowboys off the streets and should not be abandoned lightly.

Rev. Martin Smyth: Does that mean that the volunteers who drive people to and from hospitals are no longer required to get public service vehicle certificates, or does that requirement still exist?

Mr. Ross: My hon. Friend makes a valid point, which I hope the Minister will cover in his reply to the debate.

Article 9 permits Northern Ireland Departments to amend Northern Ireland legislation to include good practice procedures. We shall have to wait and see how that works out in practice.

Article 10 again permits certain changes in the Department of Economic Development, and gives it additional powers.

All those questions require answers. We cannot probe matters in the same way as the Deregulation Committee. The Minister may promise to answer our questions in writing, but that reply, with which we have become so familiar in appropriation debates, fails the test of public awareness. An answer is sent to an individual Member. It not on the record of the House or on the public record, and I hope the Minister will take that on board.

The contracting out part of the order brings Northern Ireland into line with Great Britain. There is much I could say about it, but I know that other hon. Members wish to speak. I have a problem with some of its provisions. The change to the dogs order is welcome, but there is a problem with the agricultural census order, and a particular problem with the social security administration order.

As for housing benefit, in Northern Ireland many citizens would prefer certain elements of confidential information to remain in the hands of Government rather than be transferred to private organisations. The safety of some people, such as members of the Royal Irish Rangers and police reservists, is paramount, and it is not beyond the realms of possibility for information to go astray once it passes out of the public domain and into private hands. Having said that, I give way to other hon. Members who wish to speak.

11.4 pm

Mr. Anthony Steen (South Hams): I have no problem with the contracting-out part of the order, but I have problems with the deregulation provisions. I always welcome measures that promote deregulation, and it was a pleasure to hear my right hon. Friend the Minister of State introduce the order in his normal inimitable way, which has been accentuated by the fact that it is his birthday today. What better way could there be of spending one's birthday than introducing such a measure?

I speak tonight because the people of Northern Ireland need to be warned: they must not have high expectations of the order. Our experience of the Deregulation and Contracting Out Act 1994 shows that little has happened since in the United Kingdom. That Act took 16 hours and 11 minutes on the Floor of the House, and another 92 hours 56 minutes in Standing Committee. One would have expected that to produce an outstanding Act of Parliament.

In fact, the Act established the Select Committee on which the hon. Member for East Londonderry (Mr. Ross) has had the privilege and honour of serving. It has not really been much of a privilege and honour, because the Committee has sat 34 times, each time for one and a half hours, and has considered only 24 deregulation orders. That must have been a galling experience.

The orders that the hon. Gentleman has considered with the Committee are to do with greyhound racing, parking equipment, and gaming machines; there have also been the long pull order, the length of the school day order,

salmon fisheries orders, special hours certificates and the gun barrel proving order. I can understand the hon. Gentleman's frustration at serving on the Select Committee. He would certainly not want the same to happen following enactment of this order.

Apart from four of the orders, the rest of them combined save business £628,000. The gun barrel proving order saves just £200, but cost £9,500 to draft. The Committee itself has created a new tier of bureaucracy. It has four full-time staff, it spends £31,000 on printing its reports, and it introduces a whole new parliamentary procedure. I am sure that the hon. Gentleman would not want Northern Ireland to follow that example.

Deregulation in the United Kingdom is a new growth industry. It is one of the fastest growing industries we have, in fact. I congratulate the Government on privatising this new form of industry. Even *The House Magazine* is organising a conference on how the system of deregulation works.

On the one hand, we are repealing irrelevant regulations to do with tattooing and casinos, saving business virtually nothing; on the other, we still churn out domestic and European legislation with heavier compliance costs than all the savings made in the name of deregulation.

Another problem is that Opposition private Members use their time to introduce Bills that cost private commercial businesses a great deal of money. The new legislation on activity centres is a case in point; it will cost businesses £10 million to enforce the relevant regulations. I therefore hope that Northern Ireland will learn from our experience and not go down the same track.

Worse than all this is the rise and rise in the number of statutory instruments. Since Lord Sainsbury's task force report, which suggested repealing 605 regulations, we have passed 7,839 new statutory instruments. I hope that this order will not achieve the same in Northern Ireland. There is no point in repealing regulations if we pass more than 12 times as many new regulations at the same time.

If the Government really want to deregulate, they will have to halt the flow of new statutory instruments. Another solution—I do not know if it is included in the order—is to cut the number of officials. If we reduce their numbers by 50 per cent., they will not be able to enforce the regulations. That is probably the most effective way of dealing with deregulation.

In short, the 1994 Act has failed to help the small business man. I mentioned in my intervention—I know it was far too long, but I did my best—the model appeal system. That system was designed to help the small business man to appeal against an over-zealous official. Over-zealous officialdom is certainly one of the problems. Surely the way to deal with such officials is by way of a local procedure; and what better way than the local magistrates court?

Mr. William Ross: Surely one of the best ways to deal with over-zealous public officials is to ensure that they are liable for costs, unlike the case that he mentioned in Scotland.

Mr. Steen: Absolutely—the hon. Gentleman is right. The trouble is that, where the local authority is penalised, the individuals who in turn are penalised are council tax payers, not individual councillors. That is the problem.

We do not have a model appeal system that works, and we need one. All we have is a consultative draft statutory instrument for a model appeal system. Nothing has been done.

Deregulation is, of course, right. We all support it. My right hon. Friend the Prime Minister, on the Floor of the House, said to me in answer to a question on 25 May 1995 that deregulation is at the heart of our economic strategy. He was absolutely right. Unfortunately, it is not working.

There seems to be no willingness to tackle the real issues, which are health and safety legislation, fire regulations, food hygiene and employment law. No official and no Minister will take the risk of repealing any legislation involving safety, security or hygiene, in case something goes wrong.

It is understandable that officials cannot recommend to a Minister that he should repeal something that bears on hygiene, safety or security in the event that things might go wrong. An official's job would be on the line, as would the Minister's. All the way up the ministerial ranks, and all the way down Whitehall, more and more rules and regulations are being introduced on health and safety, fire controls, food hygiene and employment law. At least those involved feel safer doing that.

I am anxious that the order before us does not lead Northern Ireland on the route that I have described. I am trying to give Northern Ireland a warning that what happened in England might happen there.

I am all for deregulation—it is a tremendous idea—but it needs to work better. I hope that Members who represent Northern Ireland, who are in the Chamber in great force, will ensure that the Government do not introduce an order that they cannot implement.

11.18 pm

Mr. Eddie McGrady (South Down): The hon. Member for South Hams (Mr. Steen) has reinforced my opposition to the consequences of the order. There is considerable and justified opposition to many of its provisions among the community in Northern Ireland. The order is at variance with the wishes of many local groupings and interests.

In introducing the order, the Minister said that he had received 18 representations. He did not say—perhaps he will correct me if I am wrong—that only four were in favour of it. The other 14 were opposed. That is a fairly strong indictment of the course of action proposed.

The consequences of this form of legislation and the continuing process of privatisation, agentisation, or what is now called, euphemistically, in Northern Ireland "externalisation", are diminutions of democratic accountability within the present system. That seems to be at variance with the exhortations of the Secretary of State for Northern Ireland and other Ministers that we should be trying to enhance democratic accountability. The order flies in the face of all that.

There are differences of requirement in the society of Northern Ireland when set against requirements in Great Britain. I listened to the arguments in favour of harmonisation, but there are many instances where the system does not lend itself to literal translation of GB to NI. Health and education are only two examples of that.

[Mr. Eddie McGrady]

The introduction to the deregulation section refers to necessary protection for consumers, employers and the environment.

A most startling omission is employees. It is mainly employees who will suffer when protection is removed. It is significant that employees are not mentioned at all in the introduction, and we may therefore conclude that they are being ignored. Additionally, part of the order's purpose is to remove consumer protection at a time when such protection needs to be enhanced, especially in horticultural food processing.

The deregulation provisions are of particular interest. I am no expert on the subtext of heads on pints of beer. The only thing I can conclude is that I do know what happens when several beers produce a head, which I carefully avoid. I am also confused by the fact that a legal duty to provide good measure has been totally removed. It is left simply, shall we say, to the good graces of the innkeeper or proprietor to provide not too much gas and a much greater property of liquid. I do not know how the innkeeper will respond to that, but I suspect that he will take a close look at what is gas and what is liquid.

Sport on Sunday is a contentious issue in Northern Ireland. The provision on that seems to have been just thrown in, without much consultation with the people and parties of Northern Ireland. I will probably be sat upon at home for hinting a warning about this. The Downpatrick race club, the oldest race club in Ireland, is anxious to be able to facilitate racing on a Sunday, so perhaps I am doing that community a disservice, but, in general terms, circumscription regarding keeping Sunday a separate day is not well removed without greater consultation.

Moving on quickly to taxi drivers, I simply repeat what was said. I cannot for the life of me see why people in charge of other people's lives in a public service vehicle should not have a more meaningful and exhaustive test than is provided by the order, which removes the current requirement.

The Minister made much of the cost savings that would occur in many of the order's sectors. The model appeal mechanism has been referred to. The hon. Member for South Hams said that a bureaucracy and costing system would be created by the necessity to police, as it were, the procedures on behalf of the offended parties. I doubt whether there will be any real saving, because other sectors will have to be brought into play.

Some of the Minister's examples on the contracting-out section were selective. He referred mainly to high technology and computerisation. Certainly, it was widely known in Northern Ireland in particular that many civil servants did not have a clue how to introduce computerisation into Departments, and should have had expert advice from outside before they engaged in it, so there is bound to have been considerable saving as they did not know how to do it in the first place.

On the contracting-out section, I am surprised to find that, in relation to the incorporation of companies, I think the Minister said, and to insolvencies, the registrar of companies and the insolvency agencies could be contracted out. In any commercial terms, those are sensitive areas. Until, for instance, incorporation is complete, contracting out would be extremely dangerous. The commercial sector will be wary of the fact that the details, the capital involvement and the persons involved would all be available to a private firm and would not be within the confines of the Government's privacy provision. I am worried about the consequences of that.

I shall pass quickly over the contracting out of dog control, but not because it is not important. Northern Ireland is a rural area and a farming community, and it depends largely on an efficient service in that area. When that function was given to district councils, there was great dismay, but to be fair to the councils, they introduced a detailed and effective service, and it is working. The Government seem to be following the principle: "If it works, fix it." I do not think that any other service could be better than the present one, because no organisation could better the councils' activities in that respect.

On contracting out generally, in most instances, particularly in health and some other areas, the quality of the service has deteriorated. I do not think there is any dispute about that, and certainly the terms and conditions of employment have deteriorated considerably under privatisation. That is capable of absolute proof. Time prevents me from going into detail in many areas, but the issue that concerns me most is contracting out in relation to part IV, article 17, and schedule 5(5), on social and other housing benefits that are currently dispensed and administered by the Housing Executive.

That is a large area of sensitive personal information. It relates to personal, financial, medical and social details, and details on special family problems. There are even personal details, and they all contribute to the making of decisions on benefit—or, indeed, housing. It is essential that that is kept secure by the Housing Executive, which has proved beyond doubt over the years that it is capable of effectively administering such matters.

Like other hon. Members, I am also greatly concerned about article 9 and the powers given to the various Departments without the necessary overriding constraints. Most of the suggestions in the order do not find great favour with me. It is the pursuit of dogma rather than of efficiency and savings.

In that context, the people I represent would certainly oppose the implementation of most of the order, because it will inevitably lead to the exportation of earnings from Northern Ireland. Consequently, there will be a rundown in some service jobs and perhaps some smaller manufacturing jobs. We could well do without that in an area of high unemployment. For those reasons, I entirely oppose the order.

11.28 pm

Sir John Wheeler: In the remaining minutes at my disposal, I shall endeavour to deal with some of the points that have been raised in the debate, to which I listened with great interest. Perhaps I should outline the purpose of the order and reiterate how the implementation of its provisions will benefit both business and administration in Northern Ireland.

The deregulation provisions will remove unnecessary restrictions on business and open up new market areas. The contracting out provisions will widen the potential for Departments, district councils and other bodies to introduce competition and further improve the quality and cost-effectiveness of public services.

To take up the point of the hon. Member for South Down (Mr. McGrady), contracting out is an enabling measure, not a requirement. I believe that local authorities and others will wish to use the provisions of the order because they will want to get the best possible value for their money while retaining accountability. I shall deal with his concern about accountability straight away because I know that other hon. Members have an interest in it.

In all cases where a function is contracted out, the body letting the contract remains both accountable and legally liable for the acts and omissions of contractors in the same way as it is at present for its own or its employees' acts or omissions. Of course, Ministers remain responsible for policy to the House. I assure the hon. Member for South Down that there is no change in accountability. Indeed, it could be argued that a well-drafted contract makes the obligations among the different parties and interests more precise. It certainly makes the contractor more vulnerable to claims in the county court and by other means than would otherwise be the case.

Mr. McGrady: Accountability and responsibility are important in Northern Ireland. My experience as a Member of Parliament is that if I ask questions about a sector of a Department that has been agentised, my letter is not answered by the Minister, but referred to the agent. I cannot raise in the House questions that I have hitherto been able to raise on behalf of my constituents. The Minister may say that one is administration and the other policy, but the Howard situation shows that there is a grey area in between.

Sir John Wheeler: Mr. Deputy Speaker, we are moving beyond the scope of the order, but if you will allow me a brief indulgence, I shall try to assist the hon. Gentleman, because it is in the context of accountability that he raises his question. He is right to say that, where an agency has been established, it is the responsibility of its chief executive to respond to questions raised by Members of Parliament. However, Ministers are not removed from the scene; they remain firmly responsible for the policy objectives of the agency, and, indeed, set them.

In replying to questions from hon. Members, the chief executive of the agency is delivering direct and personal accountability for the work for which he or she is responsible. I suggest that that is an improvement in accountability. Instead of the chief executive being an anonymous civil servant, he becomes a person known in his or her own right, and accountability is accordingly advanced. Of course, the agency publishes its annual report and sets out its policy objectives. All those can be examined and challenged by Members of Parliament. I hope that the hon. Gentleman will accept that.

Mr. William Ross: The Minister has given a full explanation of how the agencies allegedly work, but does he really think that the Child Support Agency would have lasted as long as it did without major revamping if it had been directly under the control of a responsible Minister in the House?

Sir John Wheeler: Again, we go somewhat adrift of the order. However, the Child Support Agency has been the subject of detailed analysis, including that of the Social Security Select Committee. One could therefore claim that the agency's accountability to the House and its Members has been very considerable. The Secretary of State for Social Security is of course responsible for policy, and I think that I am right in saying that, on many occasions on the Floor of the House, he has had to defend the agency's policy and its work. Perhaps the hon. Gentleman will therefore allow that there is still accountability. I suspect that the Minister responsible for the agency believes it to be so, even if nobody else does.

The hon. Member for South Down also referred to employees being ignored by the order. Employees are not ignored. Contractors are required to observe the requirements of equal opportunities legislation and of the Transfer of Undertakings (Protection of Employment) Regulations 1981, known as TUPE. Those provisions remain.

Mr. McGrady: Will the Minister gave way?

Sir John Wheeler: In fairness to other hon. Members who have spoken, I should like to make a little more progress. If the hon. Gentleman will allow me, I should like to catch up on one or two other points that have been made.

The hon. Member for Lewisham, West (Mr. Dowd) raised a number of points. He referred to forms in Northern Ireland. The importance of ensuring that forms are simplified and not too numerous is fully recognised by the Northern Ireland Departments. Indeed, a review of all forms unique to Northern Ireland and issued to business has been carried out by the Northern Ireland Departments, to ascertain whether all the forms are necessary and as user-friendly as possible. Of the 123 forms reviewed, 37 have been identified for redesign. So, work is in hand. The hon. Gentleman also asked whether there would be any significant changes in the licensing of taxi drivers. As is the norm, there would be consultation with the representatives of the organisations concerned.

The hon. Member for Lewisham, West also mentioned his interest in equal opportunities and fair employment. Since I have already referred to that, I can confirm that the Government are committed to promoting and securing equality of opportunity and equity of treatment for all people in Northern Ireland in accordance with the law. The equal opportunities legislation in Northern Ireland is among the most stringent in Europe, which underscores that point. Indeed, it is sometimes criticised for being so stringent. Guidance on market testing does not stipulate particular employment policies and practices, but it is made clear to the prospective contractor that he must comply fully with the relevant equal opportunities legislation. I am glad to tell the hon. Gentleman about that.

I thought that I also heard the hon. Member for Lewisham, West use the phrase "public sector bad; private sector good". I was puzzled about that, because his hon. Friend the Member for Dunfermline, East (Mr. Brown) has become a convinced convert to the concept of contracting out and the best use of public money. When he spoke at the Manchester business school on 29 April, he said, among other things:

> "The first question any government should ask about public spending is what any business manager would ask: not how much more money you should spend, but how to use existing spending better."

[Sir John Wheeler]

I agree with him and welcome his remarks.

In looking at the order, I think that that means that there has to be the means of testing that very concept. How does one test whether the public sector is delivering value for money and providing quality unless one has the means of testing through contracting out and market testing? The hon. Member for South Down, who appeared to question the whole concept, should perhaps look at the remarks of the hon. Member for Dunfermline, East. It is clear that, whoever forms the Government of the UK, those concepts are now a firm part of our public service thinking.

Other hon Members raised various points, and I shall pick up one or two of them. The hon. Member for Belfast, South (Rev. Martin Smyth) referred to spiritual values, and stated that they should be maintained as opposed to being deregulated. He referred in particular to the interesting part of the order that refers to a 1695 Act passed in the reign of our late sovereign William III—of blessed memory in Northern Ireland—and the intention of the order to allow participation in Sunday sport. I accept the hon. Gentleman's good intentions, but surely in this day and age it should be a matter for individual citizens—including those of Northern Ireland—to decide how to spend their time on a Sunday.

For many people, Sunday is the family day out, and deregulation of all Sunday sporting events will add to their choice. The hon. Member for South Down referred to Downpatrick race course—a facility that I have enjoyed visiting—and his dilemma as to whether the provisions of the order should apply there. If people want to go to the races on Sunday at Downpatrick, they should be allowed to do so. All hon. Members representing constituencies in Northern Ireland will know that, whatever the legislation says, it is almost impossible to reach Knutt's Corner on a fine Sunday in the summer because of the volume of traffic as people go to an illegal open-air market. People are therefore participating in activities on Sundays, and it is right that the law should be modernised to reflect what people wish to do.

Rev. Martin Smyth: The Minister said that I referred to a particular Act, but I did not. I asked my hon. Friend the Member for East Londonderry (Mr. Ross) whether he accepted that there were places that we did not want to go—especially when going down the road of materialism following the Gadarene swine. In that context, the Minister's last illustration shows that the law is not being exercised at Knutt's Corner market.

Sir John Wheeler: The hon. Gentleman should employ his undoubted skills as a preacher to inculcate moral values in the people in Northern Ireland. The civil law must reflect the customs and practice of people in our age, and one must recognise that people in Northern Ireland choose to exercise their judgment in these matters on Sunday at Knutt's Corner.

The hon. Member for East Londonderry (Mr. Ross) also asked why the order does not include the general order-making powers of the Deregulation and Contracting Out Act 1994. It is well established that, where policy changes are proposed and legislation is to be amended, proposals should be subject to parliamentary scrutiny. The general enabling powers in the Northern Ireland setting would have meant that amendments to effect deregulatory changes or remove obstacles to contracting out would have to be effected by subordinate legislation without any parliamentary consideration. The Government thought that that approach was not acceptable and so decided to employ this legislation today.

The hon. Gentleman also asked whether people taking visitors to hospitals would still need PSV licences. Unfortunately, I cannot give him the answer that he sought on that, as PSV licences are not within the provisions of the order, and it will be necessary for me to make inquiries elsewhere in the Northern Ireland Departments. But when I have the answer to the hon. Gentleman, I shall write to him and give him the necessary information.

The hon. Member for South Down—

It being one and a half hours after the commencement of proceedings on the motion, MR. DEPUTY SPEAKER *put the Question, pursuant to Standing Order No. 14B (Proceedings under an Act or on European Community Documents).*

The House divided: Ayes 101, Noes 14.

Division No. 119] **[11.45 pm**

AYES

Ainsworth, Peter *(East Surrey)*
Alexander, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Atkinson, Peter *(Hexham)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Banks, Matthew *(Southport)*
Bates, Michael
Beggs, Roy
Biffen, Rt Hon John
Boswell, Tim
Bowis, John
Brandreth, Gyles
Brazier, Julian
Browning, Mrs Angela
Burt, Alistair
Butcher, John
Butler, Peter
Carttiss, Michael
Cash, William
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clifton-Brown, Geoffrey
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Cope, Rt Hon Sir John
Cran, James
Deva, Nirj Joseph
Douglas-Hamilton, Lord James
Duncan, Alan
Duncan Smith, Iain
Elletson, Harold
Faber, David
Fabricant, Michael
French, Douglas
Gallie, Phil
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Griffiths, Peter *(Portsmouth, N)*
Harris, David
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hendry, Charles
Hughes, Robert G *(Harrow W)*
Hunter, Andrew
Jack, Michael
Jenkin, Bernard
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Rt Hon Greg *(Derby N)*
Kynoch, George *(Kincardine)*
Lidington, David
Lilley, Rt Hon Peter
Luff, Peter
MacKay, Andrew
McLoughlin, Patrick
Maginnis, Ken
Maitland, Lady Olga
Malone, Gerald
Merchant, Piers
Mitchell, Andrew *(Gedling)*
Molyneaux, Rt Hon Sir James
Monro, Rt Hon Sir Hector
Newton, Rt Hon Tony
Nicholls, Patrick
Norris, Steve
Ottaway, Richard
Paice, James
Pickles, Eric
Rathbone, Tim
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Ross, William *(E Londonderry)*
Rowe, Andrew *(Mid Kent)*
Shaw, David *(Dover)*
Sims, Roger
Smith, Tim *(Beaconsfield)*
Smyth, The Reverend Martin
Spencer, Sir Derek
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Stephen, Michael
Streeter, Gary
Taylor, Rt Hon John D *(Strgfd)*

Thompson, Sir Donald *(C'er V)*
Thompson, Patrick *(Norwich N)*
Townsend, Cyril D *(Bexl'yh'th)*
Twinn, Dr Ian
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Wheeler, Rt Hon Sir John
Whittingdale, John
Wood, Timothy

Tellers for the Ayes:
Mr. Simon Burns and
Dr. Liam Fox.

NOES

Brown, N *(N'c'tle upon Tyne E)*
Dewar, Donald
Dowd, Jim
Godman, Dr Norman A
Illsley, Eric
McGrady, Eddie
Michael, Alun
Mowlam, Marjorie
Pope, Greg
Prentice, Bridget *(Lew'm E)*
Robinson, Peter *(Belfast E)*
Skinner, Dennis
Worthington, Tony

Tellers for the Noes:
Mr. Llew Smith and
Mr. Harry Barnes.

Question accordingly agreed to.

Resolved,

That the draft Deregulation and Contracting Out (Northern Ireland) Order 1996, which was laid before this House on 7th March, be approved.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Geoffrey Lofthouse): With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 101(6) (Standing Committees on Delegated Legislation).

Trustees

That the Trustee Investments (Division of Trust Fund) Order 1996 (S.I., 1996, No. 845), dated 18th March 1996, a copy of which was laid before this House on 19th March, be approved.

Charities

That the draft Charities (Trustee Investments Act 1961) Order 1996, which was laid before this House on 21st March, be approved.

Social Security

That the draft Jobseeker's Allowance (Pilot Scheme) Regulations 1996, which were laid before this House on 28th March, be approved.

That the draft Income Support (Pilot Scheme) Regulations 1996, which were laid before this House on 28th March, be approved.—*[Mr. Conway.]*

Question agreed to.

European Central Bank

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Conway.]*

11.56 pm

Mr. Llew Smith (Blaenau Gwent): In recent times, we have celebrated the end of apartheid in South Africa, the anniversary of the Chartist struggle in south Wales and the work of the suffragettes in other parts of the country. Those people had many things in common: their bravery, their sense of justice and their recognition of the potential power of the vote. Indeed, their struggles helped to ensure that the millions of people who were disfranchised eventually received the vote.

In the United Kingdom and in other parts of the European Union, we are considering ditching the things that those people fought and sacrificed so much for, merely so that we can become members of a single currency and the economic and monetary union. How will this affect the value of the vote that those people struggled for? The answer is simple: among other things, we shall have to become a member of the European central bank. The European central bankers will be responsible for the major economic decisions, they will be appointed for eight years and, no matter what damage they inflict on us, no one will be able to remove them.

Democratically elected Governments will be helpless if they wish to tackle problems such as unemployment and poverty—the power to do so will no longer be in their hands. If hon. Members doubt this, they should do what the Chancellor of the Exchequer failed to do some time ago—read the Maastricht treaty. In particular, I refer hon. Members to the part of the treaty that states:

"Community institutions . . . and Governments of member states undertake not to seek to influence the members of the decision making bodies of the European central bank . . . in the performance of its tasks."

Not only will democratically elected Governments no longer be responsible for the major economic decisions; as that quotation shows, they will not even be able to influence those unelected and unaccountable bankers. While people will still have the right to vote, that vote will be a gesture—a charade—because the parties, peoples and Governments for whom they vote will no longer have powers to rectify the wrongs inflicted on them.

We saw an example of the transfer of powers from democratically elected politicians to unelected and unaccountable bankers some months ago. Then, the Chancellor of the Exchequer overruled the Governor of the Bank of England on interest rate levels; but, if we join the single currency, it will be the Euro-bankers and not the Chancellor of the Exchequer who will make decisions on interests rate levels, the money supply, Government borrowing and, indeed, whether we wish to devalue. As the Maastricht treaty reveals, the Chancellor of the Exchequer will not even be allowed to influence such decisions: if he does, he will be acting illegally. I hope that some hon. Members appreciate the irony of that.

In "A Partnership of Nations" the Government have the audacity to claim that they are trying to prevent

"the erosion of national parliaments",

[Mr. Llew Smith]

and they state elsewhere in the same document that they intend to

"entrench subsidiarity into the Treaty".

That is nonsense. Subsidiarity means bringing power closer to the people; it certainly does not mean putting it into the hands of bankers. To agree to that process would be to betray our history of Chartism, and to betray the suffragettes and many other brave people.

Some, while recognising the undemocratic nature of the treaty, still seem to believe that all is not lost, because those bankers could still agree on progressive policies to create jobs and combat poverty. That would be a most unusual type of banker. If anyone is naive enough to believe such a notion, a quick glance at the treaty will reveal that the central bank's objective is not to overcome unemployment. There are 50 clauses and four protocols concerning price stability, but not one clause spells out anything about unemployment.

I am also interested in the position of the Welsh and Scottish nationalists: their pro-single currency, pro-European central bank stance, together with their dream of independence. If that should ever come about—I hope that it will not—they will immediately recognise that it is independence in name only. The most important decisions will be made by that most powerful of all quangos, the European central bank.

My position is straightforward. Not only do I—like the nationalists and others—oppose rule by quango in Wales, Scotland and other parts of the United Kingdom; unlike them, I also oppose such rule by quango from Europe. I want to extend democracy and accountability, rather than destroying them. Nor—this is linked to what I have just said—do I understand those who want to devolve power to a Welsh Assembly or Parliament, while at the same time supporting the centralisation of power in the hands of the European central bank in Frankfurt. The powers of all the quangos in Wales, Scotland and, indeed, the United Kingdom will be not nearly as great as those of that one quango based in Frankfurt.

The European central bank should not be seen in isolation from the single currency and economic and monetary union. What effect will the adoption of a single currency have on policy-making and our economy? Writing in the *Sunday Times* on 31 December last year, the respected political commentator Peter Kellner had this to say:

"any country which abandoned its national currency not only loses the right to devalue; it also loses its power over interest rates, money supply and (to some extent) government borrowing . . . Britain would lose all real control of its economic destiny.

With a single currency, changes in interest rates, or the price of oil or food on the world market, will affect different countries in different ways. Yet national governments will lack the means to respond to the different problems that arise. They will have none of the financial levers that finance ministers normally use in order to avert recession or minimise hardship. If, for reasons outside its control a country tied to the euro suddenly becomes less competitive, its government will have little or no power to prevent a sharp rise in unemployment."

The European central bank, the single currency and economic and monetary union are all inter-related and dependent on one another, and all lead to a similar end: a society lacking in fairness, democracy and accountability. I find that unacceptable; I want to create a society in which individuals, councils, Parliaments and corporations are more accountable and more democratic. I want to create a society over which people feel they have some control and in which they are not simply victims of the power game. I may be described as old Labour and old-fashioned. If so, all I can say is that I have no intention of changing.

12.7 am

Ms Diane Abbott (Hackney, North and Stoke Newington): I congratulate my hon. Friend the Member for Blaenau Gwent (Mr. Smith) on obtaining this Adjournment debate. I want to address my remarks to the issue of independent central banks—whether the European central bank or central banks in general.

Economists like to see themselves as pursuing a scientific discipline, but more often than not it seems like a species of faith healing. Every year, economists seize on some new cure-all for the long-term decline of the British economy. In the 1970s, the big issue that economists liked to talk about was the balance of payments. A few years ago, the important remedy for the decline of the British economy was meant to be fixed exchange rates and the exchange rate mechanism. A recurring fashion in recent years has been the fashion for independent central banks. In the context of European monetary union, it would be an independent European central bank.

I want to explode some of the myths about independent central banks—whether about the European central bank or about making our own Bank of England independent. The argument for an independent central bank is that it will be more effective in dealing with inflation—if it were a European central bank, it would be more effective on a Europewide scale. That has been repeated so many times by politicians—both Labour and Government—and by economists, pundits and newspaper columnists that it has taken on the status of fact.

However, there is no statistical or empirical basis for the belief that simply having an independent European central bank, independent of politicians, will have any effect on European inflation levels. In 1994, the Treasury and Civil Service Select Committee, on which I have the honour to serve, considered the role of the Bank of England and issues relating to independence.

Our special adviser, Andrew Wood, said that, even where price stability was a central bank aim, there was only a weak causal connection between central bank independence and low inflation. Another of our advisers said that there was no conclusive statistical evidence of a causal relationship between the status of the central bank and inflation performance. In other words, the main empirical argument for a European central bank that is independent of politicians—that somehow it would help to keep inflation low—has no basis in fact. Yet politicians and pundits, whether in the context of debates about Europe or the Bank of England, continue to pursue that argument.

One may ask, if that argument has no statistical basis, why people have become so fixated on the notion that a European central bank that is independent of politicians would somehow bear down on inflation. I believe that that is simple reverse causality: because the Germans, who have had an independent central bank since the war, have been so successful in keeping down inflation, people think that a European central bank would have the same effect in Europe.

Anyone who has studied the German economy and politics knows, however, that there are all sorts of underlying reasons why German politicians and the German public have been so willing to swallow the policies that keep inflation low. The reverse causality argument—which says that, because the Bundesbank has been so successful, Europe needs a European central bank that is independent of politicians—does not stand up statistically.

Moving away from the facts and figures, the chattering classes and the people who claim to know about economics reiterate constantly the idea that monetary policy is so important that it should be taken away from politicians. They claim that the temptation for politicians to debase the currency should be removed. The argument for central bank independence and for a European central bank has found some favour with those not just on the Government Benches but on my own side.

In that context, I remind the House of evidence given to the Committee by Sir Douglas Wass, who, as some hon. Members will know, is a former permanent secretary to the Treasury. On the question of a European central bank that is independent of politicians, he said:

"It is not the job of central bankers to judge how far it is right to go in damaging the standard of living of some members of the community, or destroying the jobs of others, in order to bring inflation on to some particular path. These are broad matters as much of social welfare as of economics. The decisions of ministers may not escape criticism; they rarely do. But, that it is and should be their responsibility to make the decisions, seems to us to follow from the nature of the decisions and the way they work".

That is the central argument against a European central bank. The statistical case that independent central banks bear down on inflation has yet to be made. The idea that one can extract monetary policy, with all its implications for unemployment, from wider political considerations seems quite wrong; in other words, decisions to do with the exchange rate and monetary policy are too important to be left to bankers—whether they are European central bankers or our own wonderful Eddie George.

I refer once again to Sir Douglas, because I think that, as an ex-permanent secretary to the Treasury, he might know more about the subject than anyone in the House. He said:

"It seems to us to be fundamentally mischievous for a significant element of the polity affecting these issues to be removed from the domain of a democratically elected and responsible government and handed to that of an appointed and unaccountable central bank".

The arguments against an independent central bank—whether it is opposition to a European central bank or in opposition to giving independence to the Bank of England—are clear. There is no factual evidence to suggest that, if we had an independent European central bank tomorrow, it would be able to replicate Europewide the success that the Germans have had until recently in fighting inflation. It would be fundamentally undemocratic to take away from politicians and give to central bankers the important decisions that have such a wide-ranging effect on the whole community.

Like my hon. Friend the Member for Blaenau Gwent, I oppose economic and monetary union under the terms set out in the Maastricht treaty, because I believe that there are democratic issues involved. Even if a British Government—the current Government or a Labour Government—wanted to pursue precisely the same policies that are in the Maastricht criteria, the British electorate should have the chance to elect the people who make those decisions. It is quite wrong for such important leaders of monetary policy to be handed over to central bankers. I am glad to support my hon. Friend in his Adjournment debate.

12.14 am

The Paymaster General (Mr. David Heathcoat-Amory): The hon. Member for Blaenau Gwent (Mr. Smith) has chosen an important subject for his debate. He spoke with great clarity against the concept of a independent European central bank, chiefly on the ground of what he perceived as a lack of democracy.

The functions and powers of the European central bank are defined in the treaty of Rome, as amended—particularly as it was amended at Maastricht—which sets out the phased introduction and the steps on the way to full economic and monetary union in the European Union.

The bank is envisaged as being independent. It would be even more independent than the Bundesbank, which is frequently used as an example of a bank that is free of direct political interference. The object of making it independent is to ensure that it will deliver its primary objective—again as laid out in the treaty—of achieving price stability. One way of doing that is to ensure that political interference, particularly of a short-term nature, is minimised or eliminated altogether.

As the hon. Gentleman pointed out, that stage 3 of the economic and monetary union would entail the transfer of decision making about interest rates and monetary policy from the Bank of England and the Chancellor of the Exchequer to the European central bank. That would be an irreversible transfer of decision making.

The hon. Gentleman referred to the consequences of that. Although he gave a somewhat partial and one-sided view of the difficulties, he touched on important possible consequences and considerations that will have to be debated in the House and the country before we make a decision about that final transfer.

He was right to draw attention to the possibility of differential adjustments and external shocks affecting one part of the single currency zone as against another. In the past, Britain has been affected in different ways from certain continental countries by energy shocks, for example. If our interest rate were laid down by a single European central bank, we would give up national autonomy over interest rates. Therefore, we would be unable to adjust our interest rates to respond to a possible local recession.

The hon. Gentleman did not mention the possibility that labour could migrate out of countries in recession to other parts of the European Union. However, such migration is not a feature of the European Union and realistically would not be an effective short-term adjustment mechanism. Nor did he touch on the possibility that wages and prices would have to adjust to respond to those differences. I know that the hon. Gentleman would not welcome such a possibility because it could mean that wages and prices had to adjust downwards, at least in real terms. Moreover, many developments in EU social, economic and employment policy go in the opposite direction and possibly make the market more rigid and less responsive.

Ms Abbott: The Minister has talked about the possibility of wages and prices adjusting within an

[Ms Abbott]

EMU-type regime. We found when we entered the ERM and locked exchange rates—having been told that all would be well because wages and prices would adjust—that wages and prices did not adjust, the ERM exploded and we had to leave it rather ignominiously. Given that experience, what makes the Minister think that wages and prices would be any more responsive within EMU and under an independent European central bank?

Mr. Heathcoat-Amory: The hon. Lady is right to point out possible lessons to be learned from the ERM experience, which is why the Government have announced that they have no plans to re-enter such an exchange rate mechanism. But enthusiasts for a single currency point out that, if the possibility of a devaluation is permanently removed, other adjustment mechanisms might have to be found. So wages and prices might have to adjust in a way that does not happen now, while the other escape route is still available.

The other option is to respond to economic developments through expenditure and taxation mechanisms, although they will be somewhat restricted by the prohibition on excessive deficits which becomes binding in stage 3. That leaves only the possibility of large transfer payments between member states, which might require a very large increase in the European budget—an idea not being advanced in any quarter at present.

Mr. Llew Smith: The Minister rightly says that the transfer payments would be very large. Will he be more specific? He seems also to accept my point about the transfer of economic power from elected politicians to appointed and unaccountable bankers. If that happened, and the bankers gained the sort of powers that are written into the treaties, what powers would be left to the Chancellor of the Exchequer and a democratically elected Parliament with which to bring about the changes that the Government of the day thought necessary?

Mr. Heathcoat-Amory: I have to answer two complicated questions in half a minute. Any formal influence is ruled out by the treaty: member states "shall not" directly influence their members of the European central bank. The size of the European budget might have to increase enormously to render the adjustment mechanisms comparable with those available to member states in the form of their tax and expenditure programmes.

In the United States, a very large federal budget acts as a stabilising mechanism. When a state or zone goes into recession, it pays fewer taxes to the federal Government and receives back larger benefit payments. That acts as an automatic stabiliser of some potency. For the European budget to act in that way, the present 1.2 per cent. maximum of gross national product which forms a ceiling to the budget would have to be removed altogether, and there would be a spectacular increase in the size of that budget.

Luckily, my right hon. Friend the Prime Minister secured the opt-out from stage 3, so it will be up to this House and the Government of the day to make the decision.

Unhappily, the Opposition are not enthusiastic about the opt-out. They have agreed in principle to stage 3 and they have not promised that they would hold a referendum, if and when they have an opportunity to recommend stage 3. I call that a severe democratic deficit on the part of those who occupy the Opposition Front Bench, which no doubt the hon. Gentleman and the hon. Lady will take up with the leaders of their party.

Question put and agreed to.

Adjourned accordingly at twenty-four minutes past Twelve midnight.

House of Commons

Thursday 2 May 1996

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

BODMIN MOOR COMMONS BILL *[Lords] (By Order)*

Order for Second Reading read.

To be read a Second time upon Thursday 9 May.

Oral Answers to Questions

NORTHERN IRELAND

Abortion

1. **Mr. Michael Brown:** To ask the Secretary of State for Northern Ireland what plans he has to extend the Abortion Act 1967 to Northern Ireland. [26375]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Malcolm Moss): I have no plans to extend the Act to Northern Ireland.

Mr. Brown: I understand entirely the answer that my hon. Friend gave to my question, and I am sure that that answer will be welcomed by most hon. Members representing the Province. Why do we continue to legislate differently for the Province than for the rest of the kingdom?

Mr. Moss: The Government did not include Northern Ireland in the Abortion Act because at that time they considered the reform of social law in that very sensitive area to be a proper matter for a devolved administration; that remains the Government's view.

Dr. Hendron: The Minister will recall that, last year, an all-party delegation met the Prime Minister to discuss that question, and we all expressed our absolute and total opposition to any extension of the 1967 Act to Northern Ireland. I hope that the Secretary of State or the Minister will confirm that the Government will make no effort to extend that Act.

Mr. Moss: I am happy to confirm the answer I gave some moments earlier.

Mrs. Ann Winterton: My hon. Friend might like to know that I led that delegation to meet the Prime Minister, and I and other hon. Members are delighted to learn that the policy has not changed. It has the personal support of the Prime Minister and the unequivocal and unanimous support of hon. Members from all political parties in the House that represent the Province.

Mr. Moss: I am aware of the deputation that the hon. Lady led to the Prime Minister, and I am happy to repeat his assurance that there are no plans to extend that Act to Northern Ireland.

Motorway Emergency Telephones

2. **Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland for what reasons the emergency telephone system on motorways is to be replaced; and if he will make a statement. [26376]

Mr. Moss: The chief executive of the Department of the Environment's road service advises me that the existing motorway emergency telephone system is more than 30 years old and is now obsolete. Many of the spare parts needed to maintain it are no longer available. In the interests of safety, it is therefore imperative that a new replacement system be provided.

Mr. Taylor: If the telephone system is 30 years old today, it was 29 years old yesterday. Why has it suddenly become a priority expenditure in the roads programme in Northern Ireland? It has never been in the roads programme before. Why has it replaced important major road schemes in the constituency of Strangford, which has not had a major road scheme for many years? Especially, I name the Comber bypass and the major link road between the Comber road and the Portaferry road in Newtownards, both of which were on the road programme and both of which have been damaged by the sudden inclusion of a new telephone system on the motorways. Is the real reason for the priority that the new telephone system is in some way connected with the provision of cable television in Northern Ireland?

Mr. Moss: In some ways, I regret having to contradict what the hon. Gentleman just said. The telephone system was first assessed by independent consultants back in March 1989, and recommendations in the short term were implemented in 1990 and 1991. It was recommended that the entire system be replaced, and the scheme first appeared in the five-year programme in 1993-94. We had to prioritise the road programme for the next five years, and the Comber bypass has slipped by only one year.

Unemployment

3. **Mr. Spring:** To ask the Secretary of State for Northern Ireland what changes have taken place in youth and long-term unemployment in the past 12 months. [26377]

10. **Mr. Simon Coombs:** To ask the Secretary of State for Northern Ireland what has been the percentage change in the level of unemployment in the Province in the last 12 months; and if he will make a statement. [26384]

The Secretary of State for Northern Ireland (Sir Patrick Mayhew): Over the year to March 1996, youth unemployment in Northern Ireland fell by 6.1 per cent. and long-term unemployment by 9.1 per cent. The headline unemployment total fell by 5.1 per cent., or 4,580.

Mr. Spring: Does my right hon. and learned Friend agree that the prospects for enduring social stability in Northern Ireland are enhanced by that welcome news? Given the historically high levels of long-term unemployment in the Province, does my right hon. and learned Friend agree that the clear fall in long-term unemployment is welcome, especially as it is nearly twice the overall rate of decline?

Sir Patrick Mayhew: My hon. Friend is right. Long-term unemployment has fallen by 9.1 per cent. compared with 5.1 per cent. for unemployment overall. We continue to work extensively in the area and are pleased that we are reskilling and retraining that group of people to be competitive in gaining the jobs that we are attracting to the Province.

Mr. Coombs: Does my right hon. and learned Friend agree that a significant contribution to the improvement in the unemployment figures which he has just announced comes from tourism in Northern Ireland, which has received a tremendous boost from the more peaceful times of the past two years? Can he think of anything more important to continued prosperity and job creation in Northern Ireland than that visitors should feel secure in coming there? Can there be anything more important than an immediate resumption of the ceasefire?

Sir Patrick Mayhew: My hon. Friend is absolutely right and I endorse everything that he has said. The total number of out-of-country visitors for 1995, reaching 1,557,000, constitute a 20 per cent. increase on the number in 1994. The boost to employment that that gives works in exactly the way that my hon. Friend describes. There has never been any excuse for violence and the return to the ceasefire of August 1994, and an improvement on it, is urgently required.

Mr. A. Cecil Walker: I am sure that the Minister is aware of the consternation surrounding the reduction in jobs in the action for community employment projects throughout the Province. In that connection, will he consider the problems of released prisoners and set up some form of job training agency under the auspices of the Training and Employment Agency?

Sir Patrick Mayhew: I know my hon. Friend's concern with the unemployment problems in his constituency. He will be glad that, over the year, there has been a reduction of 8.9 per cent. in his constituency. It is important that prisoners should be helped to be reintroduced into self-supporting and lawful life outside prison, and I take note of what my hon. Friend says.

Mr. Robert McCartney: Will the Secretary of State explain why, if there is to be support for youths in long-term unemployment, £12 million has been taken from the ACE budget? Is it to be restored?

Sir Patrick Mayhew: We must consider the best and most effective way in which our public expenditure can be deployed. The first and foremost avenue for that should be to encourage private sector investment, which has been so successful in the past year or so. The hon. and learned Gentleman will know that the ACE programme has been reduced—I did not enjoy doing that, but we did it for that purpose. The community work programme comprises three pilot schemes that provide improved conditions and a more attractive scheme in comparison with ACE. We are looking forward to seeing the results of their evaluation.

Rev. William McCrea: Bearing in mind the fact that the largest employer in the Province is agriculture and the crisis that it faces, what hope can the Secretary of State give to young farmers and young people hoping to come into the family farm? Does the Secretary of State accept that many European Governments, such as those of Germany, France and the Irish Republic, have been playing selfish games with the British beef industry? Is it not about time they were told where and when to get off? Finally, in future negotiations, will the Secretary of State bat for Ulster beef, which is no doubt the best in Europe?

Sir Patrick Mayhew: Many people take that view, not least the Dutch. The hon. Gentleman will know that very big importers from Holland have stipulated that all beef from the United Kingdom should come exclusively from Northern Ireland. When the ban was imposed, they took the trouble to visit Northern Ireland to say they would continue in that if their Government allowed them to do so. I very much agree with the hon. Gentleman about the importance of the agriculture industry. Yesterday, I had the pleasure of speaking at the Ulster Farmers Union annual general meeting where, although they did not need to do so, farmers stressed the importance of getting the wholly unjustified ban lifted, not just from Northern Ireland but from the United Kingdom. My colleagues and I will certainly press for that with utmost vigour.

Tourism

4. **Mr. Mackinlay:** To ask the Secretary of State for Northern Ireland what further measures are proposed to attract visitors to Northern Ireland from (a) the rest of the United Kingdom, (b) the Republic of Ireland and (c) overseas; and if he will make a statement. [26378]

The Minister of State, Northern Ireland Office (Mr. Michael Ancram): The Northern Ireland tourist board continues to promote Northern Ireland vigorously in all identified markets. Through co-operative campaigns with the relevant tourist authorities, it will strive to build on the considerable growth in visitor arrivals in 1995. Continual priority is being paid to increasing facilities and improving standards.

Mr. Mackinlay: Is the Minister aware that the greatest hindrance to visitors leaving London for Northern Ireland is not the mountains, streams, rivers or seas, but the high prices and profits of British Airways and other principal operators between London and Northern Ireland? Will he make it his business to encourage British Airways and other principal carriers to reduce the prices of air fares between Northern Ireland and London's principal airports

with a view to increasing the number of people—visitors and those living in London and Northern Ireland—who can use those routes? Is he aware that there is great competition over the route between London and Dublin with Ryan Air, which offers a genuinely low fare? Will he encourage other budget airlines to operate routes, provide competition and increase mobility?

Mr. Ancram: I am sure that the airlines will have heard what the hon. Gentleman said. The Government wish to encourage all those involved in promoting tourism to do so in a way that attracts the maximum number of visitors. It is interesting to note that, despite what the hon. Gentleman says, in 1995 there was a 14 per cent. increase on the previous year in the number of visitors from Great Britain. That was most encouraging. My right hon and learned Friend has already mentioned the overall increase of 20 per cent. It is also interesting to note that there was a 53 per cent. increase in the number of tourists from north America and a 60 per cent. increase in the number of tourists from Australia and New Zealand. All in all, the Northern Ireland tourism industry is doing very well at promoting itself, increasing the number of holiday visitors and creating jobs in the process.

Mr. John Marshall: Does my right hon. Friend agree that the success of the Northern Ireland tourism industry depends on its ability to offer competitive prices? How would that competitive position be affected by the introduction of a national minimum wage or by the social chapter being signed?

Mr. Ancram: I very much agree with my hon. Friend, who makes a good point. One reason why Northern Ireland is doing well, not only in tourism but in general economic terms, is that the employment regulations are favourable to economic growth and activity. Certainly, if we were to sign up for the social chapter that would no longer happen.

Mr. William Ross: We were told earlier that last year roughly as many people came to visit Northern Ireland as actually live there. Although we commend the efforts of those who increase the number of visitors, what is the point of attracting people to Northern Ireland if we do not have good-quality accommodation for them? What steps do the Government and the tourist board intend to take to increase the amount of reasonable-quality accommodation in the main tourist areas, which were almost overcome by the number of visitors last year?

Mr. Ancram: I agree with the hon. Gentleman that, in a sense, we were victims of our own success last year, but I am sure that he will agree that that is the right kind of problem to have. I am delighted that hotel investment is taking place. Both the Stakis and Jurys hotel groups recently announced major hotel investments in Northern Ireland.

It is also worth reminding the hon. Gentleman that, since the beginning of 1995, the Northern Ireland tourist board has agreed, or has been in the process of negotiating, assistance to the hotel industry of £24 million. That investment represents total expenditure of more than £98 million on new and improved hotels. I hope that the problems caused by last year's success will gradually be met through such encouragement and support.

Terrorism

5. **Mr. John Greenway:** To ask the Secretary of State for Northern Ireland what is his latest assessment of the capability of the Provisional IRA to mount a terrorist campaign. [26379]

The Minister of State, Northern Ireland Office (Sir John Wheeler): It is a fact that the Provisional IRA remains a formidably organised terrorist structure with the personnel and the weaponry available to mount a terrorist campaign, as evidenced by recent bomb attacks in London and other activities in Northern Ireland.

Mr. Greenway: Does my right hon. Friend agree that last week's attempt to blow up Hammersmith bridge is a further chilling reminder of the terrorist capabilities of the Provisional IRA? Does that kind of incident not show that we need to demand not only the decommissioning of weapons but the standing down and dismantling of the terrorist structure? Nothing less will convince the people of Northern Ireland and of the United Kingdom of the IRA's real intentions with regard to peace.

Sir John Wheeler: My hon. Friend is quite right: the standing down of the terrorist structure is essential. The Mitchell commission report said:

> "There must be a commitment and adherence to the fundamental principles of democracy and non-violence. All participants in any future all-party negotiations should confirm their commitment to those principles and honour them".

There can be no place for those who possess stockpiles of Semtex and weapons or who engage in racketeering or in punishment attacks. My hon. Friend is right to say that the confidence of all people depends on adherence to those principles.

Miss Hoey: Does the Minister agree that it would be inconceivable if the Republic of Ireland, which is an independent country, were to face the same terrorist threat as the United Kingdom, with bombs being found now and again—some of which explode and some which do not? The Irish Government would be much more up-front in dealing with those who were perpetuating terrorism. Does the Minister believe that we could learn some lessons from how the Republic of Ireland faced up to terrorism when it was occurring in that country?

Sir John Wheeler: The Republic's security forces, and the Garda Siochana in particular, co-operate very well with the Royal Ulster Constabulary. There is an excellent relationship between the two police forces who work closely together. The hon. Lady is right: it is a serious matter. Since 9 February, there have been six terrorist bombings in London alone, apart from the daily evil of punishment attacks in Northern Ireland. It is essential that the Governments continue to explore the best possible ways of extending and improving co-operation between the security forces and the police services in particular.

Rev. Ian Paisley: Will the Minister confirm that the IRA is still training, making weapons and attacking people by letter and by intimidation? Will he confirm that the police have recently visited many people in our constituencies to ask them to leave their homes and go to places of safety? Will he join me today in condemning the scurrilous attack made yesterday at the forum of the British-Irish interparliamentary body on the hon. Member for Spelthorne (Mr. Wilshire)? He was attacked because he denounced the IRA, and he was told by Paddy Harte that his attitude had caused many generations of Irish people to kill each other and to be anti-British. When the hon. Gentleman claimed that Northern Ireland was his country also, he was rebuked by the same Paddy Harte.

Sir John Wheeler: The hon. Gentleman is quite right when he describes the activities of the Provisional IRA. Unhappily, the targeting, training and other criminal activities continue. It is a regrettable fact that this year, to 21 April, there have been no fewer than 98 so-called punishment attacks on people in Northern Ireland. That is exactly double the number over the same period in 1995, and 61 of the beatings have been attributed to Republican groups. It is essential that that evil ends if there is to be confidence in an ensuing peace process.

I note the hon. Gentleman's comments about the forum in Dublin and I am sorry to hear them.

Ms Mowlam: Labour agrees with the point just made by the Minister about punishment beatings. Unless they end, the trust and confidence needed will not be engendered. Does the Minister share our view that the issue of decommissioning of paramilitary weapons must be addressed at the beginning of the negotiations on 10 June and that the Mitchell report provides the best way to deal with that issue? In addition, does the Minister agree that the proposals advanced by the Irish Foreign Minister, Dick Spring, are entirely in keeping with the report and provide the most sensible way to proceed if we are to avoid returning to the logjam on that issue when the negotiations start on 10 June?

Sir John Wheeler: The Government's position is based on the principles of the Mitchell report. It lays down a clear route if those engaged in terrorist activities wish to renounce violence and enter the democratic process. As I have said, the six principles in the Mitchell report set out very clearly what they must do, but they have to honour those principles. That will be essential if there is to be progress. I agree with the hon. Lady that the first item on the agenda must be decommissioning.

Deregulation

6. **Mr. Steen:** To ask the Secretary of State for Northern Ireland what plans he has to promote further deregulation measures in the Province. [26380]

Sir John Wheeler: I shall do so through the draft Deregulation and Contracting Out (Northern Ireland) Order 1996, which the House debated yesterday, and six specific deregulatory amendments will be made to Northern Ireland legislation.

Mr. Steen: As deregulation has not, unfortunately, been a great success in Great Britain—given that 7,839 statutory instruments have been passed in the past two years and only a few hundred have been repealed, although we have a £1.3 million task force of 43 staff in the Deputy Prime Minister's office, and that only 24 orders have come out of the Select Committee on Deregulation—why does the Minister think that we should impose the same disadvantages that Great Britain has had on Northern Ireland?

Sir John Wheeler: My hon. Friend took a distinguished part in the debate late last night on the draft Deregulation and Contracting Out (Northern Ireland) Order 1996 which, as the House knows, was passed shortly before midnight. He expressed himself in similar terms during that debate and I shall ensure that my right hon. and hon. Friends in Great Britain are made aware of his interest and concerns. I can assure him that in Northern Ireland we shall proceed with all due dispatch to ensure that our contracting-out and deregulatory arrangements work as efficiently and effectively as they can.

Sir James Molyneaux: As one who is more optimistic than the hon. Member for South Hams (Mr. Steen), may I make a point to the Minister? Given the success and the ability demonstrated by the district councils in Northern Ireland in promoting in-house tendering, will the Minister make use of last night's Order in Council and enable councils to compete with private suppliers from the private sector?

Sir John Wheeler: As the right hon. Gentleman will know, last night's order will not compel, but will enable councils and other bodies to contract out and to compete for tendering. I hope that they will do so, because the evidence is that millions of pounds have been saved in Northern Ireland—money that can be better used for the services that people want. I am sure that the right hon. Gentleman's support will be made widely known in Northern Ireland.

Mr. Dowd: I am not sure whether the Minister found the contribution by the hon. Member for South Hams in last night's debate quite as positive as he now claims. Still, how does he intend to implement the considerable powers given to him and, more particularly, given to his civil servants under articles 9 and 10 of the order, to ensure that full consultation with all affected by any changes occurs before decisions are taken? Furthermore, how will he ensure that the powers are not abused for purely administrative convenience?

Sir John Wheeler: The powers agreed last night will in part be exercised by senior civil servants under the general policy guidance of Ministers responsible for Northern Ireland Departments. It will be inherent in the process of discharging those powers that those with a necessary and relevant interest in any subject will be properly consulted.

Transport Links

7. **Mr. Foulkes:** To ask the Secretary of State for Northern Ireland if he will institute a review of transport links between Northern Ireland and the rest of the United Kingdom. [26381]

Mr. Moss: In view of the continued success of commercial transport operators and the growth in traffic between Northern Ireland and Great Britain, I do not believe that there are any grounds for a review at this time. In any event, shipping and air services between Northern Ireland and Great Britain are a matter for the Department of Transport.

Mr. Foulkes: I am grateful. Will the Minister, however, confirm that the route from Cairnryan and Stranraer to Larne remains, in the thinking of the Government and of the European Union, one of the principal routes between Great Britain and the island of Ireland? In order to ensure that it does, will he say what guarantees he has obtained so that after rail privatisation the link from the west coast main line to Stranraer will continue to operate a service at least as frequent as, and preferably better than, the current one?

Mr. Moss: I am happy to confirm that the Government consider the sea link between the ports of Stranraer and Cairnryan and Northern Ireland to be vital to the economy of Northern Ireland. The steady increase in freight and passenger traffic, combined with the introduction by operators of improved vessels and infrastructure, point to the viability of these operations.

The privatisation of the rail link is a matter for the Secretaries of State for Scotland and for Transport; but I understand that a minimum service requirement for the proposed line has been put out to consultation.

Mr. Beggs: Can the Minister confirm that the A8 Larne to Belfast road is part of a recognised Euro-route? Does he agree that total funding for the roads programme in Northern Ireland has been inadequate for years? Does he recognise that cancelling the proposed dualling extension for the A8 has caused considerable concern? When reviewing proposals for future road development in Northern Ireland, will he give consideration to the increased traffic that will travel the A8 owing to the new P and O fast ferry service due to come into operation in June? Will he therefore seek to reinstate the dualling extension in the Northern Ireland's roads programme?

Mr. Moss: I confirm that the A8 is indeed a trans-European network route, and that funds for road improvement are not sufficient to meet the ever-increasing demand. We have repositioned schemes in the programme this year to reflect new priorities—especially the traffic congestion on the west link in Belfast. I am happy to reiterate, however, that the Government's long-term intention remains to dual the A8, in stages spread over the six to 15-year major roads programme. That may be subject to change if traffic volumes on the A8 change significantly. In any case, investment can be considered for minor improvements to ease congestion, eliminate delays and deal with aspects of road safety.

Royal Ulster Constabulary

8. **Mr. Corbyn:** To ask the Secretary of State for Northern Ireland what plans he has to restructure the Royal Ulster Constabulary. [26382]

Sir John Wheeler: My right hon. and learned Friend yesterday published a White Paper detailing proposals to improve and clarify the accountability and effectiveness of the police service in Northern Ireland. Separately, the fundamental review of policing continues. Conclusions are expected in the summer.

Mr. Corbyn: Does the Minister concede that the report itself states that there are serious differences between the confidence felt in the police by the nationalist and loyalist communities in Northern Ireland? Full restructuring should take place as a matter of urgency, including an examination of recruitment methods and a change in the name of the Northern Ireland police force, which should no longer be known as the Royal Ulster Constabulary. That will inspire greater confidence in the police among the nationalist community.

Sir John Wheeler: The White Paper was about improving the tripartite structure. Some aspects of the hon. Gentleman's question relate, perhaps, to the fundamental review of policing that will take place in the summer, but there is a strong desire to see recruitment into the Royal Ulster Constabulary reflect the character of the population as a whole, and there is some sign of a welcome improvement. That is the objective of the police authority and chief constable.

Sir John Cope: Although I welcome my right hon. Friend's suggestions, having personal knowledge of the RUC, I ask him to be most cautious to do nothing that would damage the morale of the RUC, as that would be unwise and dangerous, particularly while the terrorists are fully active and armed, as they are at present. Does not the maintenance of the rule of law over many years owe much to the bravery, skill and restraint of the RUC?

Sir John Wheeler: My right hon. Friend is right to point to the fact that we do not have a ceasefire in Northern Ireland. The provisional IRA remains a serious and formidable threat, and the officers of the RUC are on the front line. We should not forget that. Nor should we forget that every test of public opinion in Northern Ireland shows that the RUC is increasingly seen as an effective police service, responding to the needs of the public, which is what it wishes to do.

Mr. Worthington: We welcome yesterday's White Paper on policing, but does it not fudge on one central issue? Will not the police authority have the independent strength that it needs only when representatives of the local authorities, professions, trade unions and industry are chosen by the bodies themselves, and when it is not a quango selected by the Secretary of State?

Sir John Wheeler: The Government are open minded about the way in which members of the police authority find their places on that body. The appointments method currently employed at least has the virtue that it enables my right hon. and learned Friend the Secretary of State to select people from all parts of the community in Northern Ireland and to ensure that the police authority is as fairly balanced and representative as possible. For the future, however, there may be other ways of securing people to the membership of the authority which reflects some of the democratic systems in Northern Ireland, or how they might emerge. It is a matter on which the Government's mind is open.

Electricity Industry

11. **Mr. Soley:** To ask the Secretary of State for Northern Ireland what action he intends to take on electricity generation and distribution following the second report of the Northern Ireland Affairs Committee on electricity prices in Northern Ireland, HC 395 of Session 1994–95. [26385]

Mr. Ancram: Following their response to the Select Committee's report, the Government announced a £15 million support package to reduce the increase in Northern Ireland electricity prices in 1996-97 by 3 per cent. The Government remain committed to securing the economic and environmental benefits of energy efficiency.

Mr. Soley: Notwithstanding the fact that the Select Committee represents five different political parties in the House, the unanimous view of everybody on the Committee was that the people of Northern Ireland have had fewer advantages from privatisation than people in the rest of the United Kingdom. [HON. MEMBERS: "Ah!"] That is comparative. The Minister will accept that all the recommendations in the report were carried unanimously and that there is a strong view that not only the individual consumer but business and employment will be greatly affected by the steps that the Government take to improve the effect of privatisation in Northern Ireland, which was not as it was planned to be.

Mr. Ancram: I very much appreciate the hon. Gentleman's recognition of the advantages that have flowed from privatisation. I sometimes wish that some of his colleagues were as forthcoming in their recognition of the benefits of privatisation. Obviously, the Government wish to see those benefits and advantages increase. There is no evidence that decisions on major economic investment projects have been adversely influenced by higher electricity prices in Northern Ireland, but, in their response to the Select Committee, the Government set out the need, which they achieved this year, to keep any price increase below the rate of inflation.

Mr. Trimble: The Minister must be aware that the high cost of power is imposing a crippling burden on Northern Ireland industry, and is leading some firms to consider relocating elsewhere in the United Kingdom. The problem arises from the botched way in which privatisation was carried out: Northern Ireland was locked into high-cost contracts. Do not alternative energy supplies need to be made available speedily, and the regulator's powers enhanced, so that he can act sooner? Does that not require action, not words, from the Government?

Mr. Ancram: I am sure that the hon. Gentleman knows that steps are currently being taken—not least by Premier Energy Suppliers Ltd.—to develop downstream gas in Greater Belfast. Consultations are being offered between Premier Energy Suppliers and others to establish whether gas supplies can be taken to the north-west as well. Alternative energy sources are, in fact, being considered. The Government have made it clear that they also want to look at renewable resources. They have always taken the view that the greater the variety and choice in energy, the better it will ultimately be for consumers.

Mr. Illsley: Does the Minister accept that, even with a £15 million subsidy this year, the price increase in Northern Ireland is still 2.6 per cent.? That means that electricity prices in Northern Ireland are still 20 per cent. higher than the United Kingdom average, mainly as a result of contracts for generators which, in some instances, are in place until 2024. Until those contracts are renegotiated, there can be no progress on electricity prices. Should not the Minister take action now to restructure what is indeed a bungled privatisation?

Mr. Ancram: I reject any suggestion that it is a bungled privatisation. The generators' charges are fixed in real terms, and protect consumers against generator costs rising faster than inflation. The contracts prevent generators from increasing their charges throughout the period of those contracts. Higher generators' profits have been achieved through greater efficiency and cost savings, and not at the expense of consumers. Surely the hon. Gentleman welcomes increased efficiency in the industry, which is in the long-term interests of consumers.

Flags

12. **Mr. Jacques Arnold:** To ask the Secretary of State for Northern Ireland on what occasions (a) the Union flag is flown over RUC stations and (b) the tricolour is flown at the Garda Siochana stations in the Republic. [26386]

Sir John Wheeler: The Union flag is flown over RUC stations on 19 prescribed occasions. I have written to the hon. Member listing those occasions. In addition, the Union flag is flown on any occasion directed by the Chief Constable, the last such occasion being 9 June 1994, at the time of the Chinook helicopter crash on the Mull of Kintyre.

I understand that the Irish national flag is flown over Gardai stations on certain national days and throughout the year over Gardai headquarters, Dublin. Otherwise, the decision to fly the flag is at the discretion of local commanders.

Mr. Arnold: Has my right hon. Friend received any request for the European Union flag to be flown over those stations?

Sir John Wheeler: I am happy to tell my hon. Friend that no such request has been received. Were such a request to be received, I would of course consider it with great care.

A-level Examinations

15. **Sir Teddy Taylor:** To ask the Secretary of State for Northern Ireland if he will make a statement on the performance of secondary school children in Northern Ireland in the A-level examinations. [26389]

Mr. Ancram: Northern Ireland pupils continue to maintain a high level of performance in A-level examinations, and I offer my congratulations to both pupils and teachers.

Sir Teddy Taylor: Does the Minister consider that the superb success of Northern Ireland children in GCSEs and A-levels may have been achieved for the same reason as the success in Southend-on-Sea? More than 24 per cent.

of all those children, irrespective of religion, go to grammar schools. Will the Minister bear it in mind that grammar schools give working-class children an opportunity to break through educationally, and will he tell his colleagues and the Labour party that grammar schools achieve a great deal of sound success? We should be proud of what Northern Ireland has achieved.

Mr. Ancram: As the Education Minister for Northern Ireland, I am more than happy to pay tribute to the quality of education produced by grammar schools, which contribute to the high quality of education provided there, but we must recognise that there are other reasons for that. There is a traditionally high regard for academic qualifications—particularly in higher education—in the Province, and I have found that parents place a high value on education. Parental support also plays a great part in producing the results that we are seeing.

Ulster, North Down and Ards Hospitals HSS Trust

16. **Mrs. Bridget Prentice:** To ask the Secretary of State for Northern Ireland what recent discussions he has had concerning the financial position of the Ulster, North Down and Ards Hospitals HSS trust; and if he will make a statement. [26390]

Mr. Moss: I met the trust chairman and senior officers on 21 February and took the opportunity to discuss the financial position. The trust has experienced problems in recent years regarding in-year pressures, but it is developing a recovery plan and has to date achieved all of its strategy financial obligations.

Mrs. Prentice: Is the Minister aware that the hospitals feel that they are in financial chaos? Is he further aware that those involved believe that they will no longer be able to carry out any casualty treatment and that all elective surgery is likely to be cancelled? Is it not time that the Minister worked with the hospitals to ensure that financial stability is returned? Those involved believe that this is not a temporary phenomenon and that the Government must take some responsibility.

Mr. Moss: I reiterate that I met the trust chairman and officers on 21 February. On 20 February, I announced a major investment programme at the hospital, totalling some £13.5 million. I do not consider that to be ignoring the hospitals' requirements.

PRIME MINISTER

Engagements

Q1. **Mr. Jacques Arnold:** To ask the Prime Minister if he will list his official engagements for Thursday 2 May. [26405]

The Prime Minister (Mr. John Major): This morning, I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

Mr. Arnold: During his busy evening, did the Prime Minister have an opportunity to watch television last night, as an interesting broadcast demonstrated conclusively that people get better value for their council tax from Conservative councils? Does he not think that people will get better value by voting Conservative today?

The Prime Minister: They can certainly see that, by voting Labour in the past, they have had to pay high council tax. Southwark, Islington, Wellingborough and probably any Labour authority one can mention has had a significantly higher council tax in the previous year, and a higher tax than a comparable Conservative authority. That is the nature of the Labour beast—vote for it, and then pay for it.

Mr. Blair: What most people recall is that they did vote for the Conservative party and they did pay for it, with 22 tax increases.

However, is the Prime Minister aware that the Minister of Agriculture, Fisheries and Food said yesterday that the cattle slaughter scheme would be fully operational today? In view of the widespread reports of confusion from all around the country today, can he give a factual account of what is happening?

The Prime Minister: Yes, I can tell the right hon. Gentleman that the information should now be available to people. My right hon. and learned Friend wrote to the National Farmers Union with details of the scheme, and information was published in the farming press last week. Guidance on the scheme was distributed on Monday evening to the abattoirs and markets that have been designated to operate it. As my right hon. and learned Friend made clear yesterday, the Ministry of Agriculture, Fisheries and Food will issue detailed guidance to farmers, and that will be sent out tomorrow. In the meantime, the Intervention Board and MAFF are operating a helpline to provide information to farmers, and that will continue throughout the weekend.

Mr. Blair: Is not the difference between theory and practice the problem here? The scheme is supposed to be operational today, but does not appear to be operational in many parts of the country. In particular, people are saying, first, that there are insufficient collection centres; secondly, that there may be inadequate capacity for incinerating the carcases; and, thirdly, that many farmers appear to be in the dark both about the details of compensation and how it will operate. I know that this is difficult, but can the Prime Minister ask the Agriculture Minister to respond with even greater urgency to the situation, because at the moment the response appears pretty inept?

The Prime Minister: I have already made my own inquiries to ensure that such information as is necessary is distributed and made available to farmers speedily. The scheme is large and will involve the slaughter of 15,000 to 20,000 animals a week. The scheme has been finalised and we moved immediately to ensure that farmers had the information they needed. Most of them should have. If some have not, the matter is now being examined and investigated, and I hope that farmers will have the information speedily.

Sir Cranley Onslow: Has my right hon. Friend seen the letter about the EC ban on British beef exports which a number of my right hon. and hon. Friends sent yesterday to all the EC ambassadors in London? Will he ask the Foreign Secretary to call in those ambassadors to ensure that they report accurately to their Governments on the great damage that is being done in terms of British confidence in the European Union as a result of the way in which the EC is handling the matter?

The Prime Minister: I shall certainly draw that interesting suggestion to the attention of my right hon. and learned Friend, who is already in touch with his fellow Foreign Ministers across the European Union. I share the view expressed by my right hon. Friend. The evidence shows that British beef is safe, as both the Commission President and the Agriculture Commissioner have acknowledged. I am delighted to see this afternoon that the Wimpy chain has lifted the ban on British beef with immediate effect and I have no doubt whatever that that is the right decision.

Q2. **Mrs. Bridget Prentice:** To ask the Prime Minister if he will list his official engagements for Thursday 2 May. [26406]

The Prime Minister: I refer the hon. Member to the answer I gave some moments ago.

Mrs. Prentice: Three times on Tuesday the Prime Minister failed to give a direct answer to questions about discussions he had had with the Deputy Prime Minister. I ask him now whether he has ever discussed with the Deputy Prime Minister the possibility—*[Interruption.]*

Madam Speaker: Order. The House must listen to the hon. Lady.

Mrs. Prentice: Has the Prime Minister ever discussed with the Deputy Prime Minister the possibility that he would stand aside and allow his deputy to take over if, by tomorrow, Conservative party fortunes have not improved?

The Prime Minister: The last Labour politician who was that smug about elections is now earning his living elsewhere in Europe.

Q3. **Mr. Carrington:** To ask the Prime Minister if he will list his official engagements for Thursday 2 May. [26407]

The Prime Minister: I refer my hon. Friend to the answer I gave some moments ago.

Mr. Carrington: Does my right hon. Friend agree that another vital election is about to take place—the one in Northern Ireland leading to negotiations on 10 June when the people of Northern Ireland will be able to decide their future for themselves through peaceful and democratic means? Does he agree that the time has come for the IRA to stop trying to coerce and blackmail the people of Northern Ireland and to abandon terrorism?

The Prime Minister: I agree entirely with my hon. Friend. There is no absolutely no credible reason for the IRA not to stop its violence immediately. The all-party negotiations will be serious and they will start on 10 June. Sinn Fein can play a part in them if there is an unequivocal IRA ceasefire. In that case, Sinn Fein will find itself in the same position as other political parties. As I have said many times, the choice is for the IRA to make and I hope that it will make it. It will certainly gain nothing by waiting, still less by more violence, which can only call even further into question its readiness to adopt peaceful methods. Whether there is a ceasefire or not, the talks will go ahead.

Mr. Soley: Is the Secretary of State for Scotland right to refuse to distribute European Union posters on Europe day?

The Prime Minister: My right hon. Friend is a very proud Scot and the flag that he wishes to see flying in Scotland is the Union flag—so do I.

Q4. **Mr. Spring:** To ask the Prime Minister if he will list his official engagements for Thursday 2 May. [26408]

The Prime Minister: I refer my hon. Friend to the answer I gave some moments ago.

Mr. Spring: Is my right hon. Friend aware of the satisfaction in my constituency that unemployment has fallen to 4.5 per cent? Is he aware that there is particular satisfaction this week because Labour lost control of St. Edmundsbury borough council? Does my right hon. Friend share the view of the Labour councillor who defected to the Conservatives that, underneath a thin veneer, all those tawdry old socialist instincts of Labour remain alive and well?

The Prime Minister: Clearly, the lady concerned is a councillor with great insight. There is no doubt about what the fate is of those parts of the country that are unfortunate enough to have Labour councils: they pay higher council taxes. The 10 councils with the highest council tax are all Labour-controlled, and that is the message that every voter should remember. If voters want to pay an extra £225 a week on band D, all they have to do is to vote Labour, and it will be guaranteed.

Q5. **Mr. Gapes:** To ask the Prime Minister if he will list his official engagements for Thursday 2 May. [26409]

The Prime Minister: I refer the hon. Gentleman to the reply I gave some moments ago.

Mr. Gapes: Does the Prime Minister agree with the Chancellor of the Exchequer that economic and monetary union is no threat to the nation state?

The Prime Minister: The hon. Gentleman should look carefully at what my right hon. and learned Friend has said—he would then not misrepresent him.

Mr. Cash: Does my right hon. Friend agree that it is a misrepresentation to allege that Euro-realists urge that Britain leave the European Union? Does he agree that we have now reached a position at which we should be

having a proper discussion in the intergovernmental conference on all the fundamental issues? As I said at the end of last year's leadership contest, we should be talking to one another—in Europe and in the United Kingdom—rather than at one another.

The Prime Minister: I am very much in favour of that type of dialogue. There is no doubt that it is the right position for the United Kingdom to play a leading role in the European Union, but it is equally right to say that that does not mean that we shall necessarily agree with our colleagues on many issues. We are as entitled to fight our corner and disagree as any other nation state in Europe.

I intend to stay at the centre of the European debate, assessing, on each issue, what is best for the British national interest—in precisely the same way in which other heads of Government will assess what is right for their countries—and always arguing for the sort of Europe that the Government believe is right for the whole of Europe.

Q6. **Mr. Chisholm:** To ask the Prime Minister if he will list his official engagements for Thursday 2 May. [26410]

The Prime Minister: I refer the hon. Member to the reply I gave some moments ago.

Mr. Chisholm: Given the unsatisfactory replies given on bovine spongiform encephalopathy earlier to my right hon. Friend the Leader of the Opposition and to my hon. Friend the Member for Hammersmith (Mr. Soley), is it not time that we have a Government who are taken seriously in Europe? Will he condemn the infantile and counter-productive gesture politics of the Secretary of State for Scotland in refusing to allow the European flag to fly for one day next week?

The Prime Minister: I answered that question some moments ago. I do not know quite where the hon. Gentleman was then, but the answer I gave then still stands.

Mr. David Atkinson: Will my right hon. Friend accept the appreciation and thanks of my constituents because the Government went further than they were originally prepared to go on the Housing Bill, which received its Third Reading earlier this week, in giving special control provisions to local authorities to deal with the seedy bedsits and squalid landlords that were threatening our towns with decline and decay? Does he agree that those provisions will need political will and determination to be implemented effectively, and will he remind our voters of that as they go to the polls today?

Mr. Mackinlay: He is not one of us.

The Prime Minister: That is certainly true, nor, as my hon. Friend is a man of taste and discretion, would he wish to be one of them. As for the legislation that my hon. Friend mentioned, there has been a problem in recent years with many people moving, particularly to seaside towns. It is right to have taken the measures that we have. I hope that those measures will stop the abuse of the social security system and the difficulties faced recently by many seaside towns.

Q7. **Mr. Beggs:** To ask the Prime Minister if he will list his official engagements for Thursday 2 May. [26411]

The Prime Minister: I refer the hon. Member to the answer I gave some moments ago.

Mr. Beggs: Does the Prime Minister share the view of Fergus Finley, who thinks for Dick Spring, that if Sinn Fein does not attend the talks in Northern Ireland, the talks will be a waste of time? Can the Prime Minister confirm to the House that the participation of democratic parties in the forthcoming talks will have influence?

The Prime Minister: I can certainly give the hon. Gentleman that assurance. What we need to see in the forthcoming talks is the democratic parties meeting, talking and seeking to reach a position that will enable there to be agreement in Northern Ireland. I emphasise the point that it is for the democratic parties. If there is no credible, clear-cut and certain ceasefire, Sinn Fein in no sense can claim to be a democratic party and it will not be there, as other parties will.

Q10. **Mr. Luff:** To ask the Prime Minister if he will list his official engagements for Thursday 2 May. [26414]

The Prime Minister: I refer my hon. Friend to the answer I gave some moments ago.

Mr. Luff: Will my right hon. Friend seize this opportunity to remind the House once again that the superior management and policies of Conservative councils deliver better services and lower taxes for council tax payers—some £225 lower, I believe, for the average band D household?

The Prime Minister: I can certainly confirm that. One only has to see the performance of Labour councils to illustrate it. I see that the shadow Environment Secretary is not here. If he were, he could explain why bad debts cost Camden tax payers £2.95 for every dwelling every week. Perhaps Opposition Members can explain why the highest band D council tax is in Labour Liverpool and why the highest amounts of council tax are in Labour Lambeth. I could stretch the list from here until next Tuesday, so bad and so inefficient are Labour councils.

Business of the House

3.31 pm

Mrs. Ann Taylor (Dewsbury): May I ask the Leader of the House for details of future business?

The Lord President of the Council and Leader of the House of Commons (Mr. Tony Newton): The business for next week will be as follows:

MONDAY 6 MAY—The House will not be sitting.

TUESDAY 7 MAY—Second Reading of the Housing Grants, Construction and Regeneration Bill *[Lords]*.

Motion on the Contracting Out (Administration of Civil Service Pension Schemes) Order.

WEDNESDAY 8 MAY—Until 2 o'clock, there will be debates on the motion for the Adjournment of the House.

Opposition Day [11th allotted day]. Until about 7 o'clock, there will be a debate on the prospects for water supplies this summer, followed by a debate on the fire service. Both debates will arise on Opposition motions.

THURSDAY 9 MAY—Consideration in Committee and remaining stages of the Armed Forces Bill.

FRIDAY 10 MAY—Private Members' Bills. The provisional business for the following week will be as follows:

MONDAY 13 MAY—Opposition Day [12th allotted day]. There will be a debate on an Opposition motion in the name of the Liberal Democrats, of which the subject—understandably—has not yet been announced.

TUESDAY 14 MAY—Opposition Day [13th allotted day]. There will be a debate on an Opposition motion, the subject of which also—understandably—has not yet been announced.

Motions relating to the Education (Grants for Nursery Education) (England) Regulations and the Education (Grants for Education Support and Training: Nursery Education) (England) Regulations.

WEDNESDAY 15 MAY—Until 2 o'clock, there will be debates on the motion for the Adjournment of the House.

Debate on the common agricultural policy and other agricultural issues on a motion for the Adjournment of the House. Details of the relevant documents will be given in the *Official Report*.

THURSDAY 16 MAY—Until about 7 o'clock, proceedings on the Commonwealth Development Corporation Bill.

FRIDAY 17 MAY—Debate on education and training of 16 to 19-year-olds on a motion for the Adjournment of the House.

The House will also wish to know that the following European Standing Committees will meet at 10.30 am on Wednesday 8 May to consider European Community Documents as follows:

European Standing Committee A: There will be a debate on the welfare of calves.

European Standing Committee B: There will be a debate on consumer credit. Details of the relevant documents will be given in the *Official Report*,.

The House may also wish to know that it is proposed that on Wednesday 15 May there will be a debate on agricultural prices for 1996-97 in European Standing Committee A and a debate on fraud in European Standing Committee B.

[Wednesday 8 May:

European Standing Committee A—European Community Documents 13099/95, Welfare of Calves 4647/96. Relevant European Legislation Committee Report: HC 51-xii(1995-96)

European Standing Committee B—European Community Documents: 7774/95 and unnumbered on consumer credit. Relevant European Legislation Reports: HC 70-xxiii (1994-95, HC 70-xxv (1994-95) and HC 51-xi (1995-96)

Wednesday 15 May

European Standing Committee A—European Community Document 5215/96, Agricultural Price Proposals 1996-97. Relevant European Legislation Committee Report: HC 51-xiv (1995-96)

European Standing Committee B—European Community Document 4512/96, Detection of Fraud and Irregularities. Relevant European Legislation Committee Report: HC51-xv (1995-96)

Debate on the common agricultural policy and other agricultural issues on a motion for the Adjournment of the House. Relevant documents: Council Document 5215/96 ADD 1, Volume I of 29 February 1996; Council Document 5215/96 ADD 2, Volume II of 7 March 1996; Council Document 5215/96 ADD 3, Volume III of 18 March 1996; Explanatory Memorandum 5215/96 ADD 1 and 2, Volumes I and II of 12 March 1996; Explanatory Memorandum 5215/96 ADD 3, Volume III of 12 March 1996; the Commons Select Committee Report on Explanatory Memoranda 5215/96 ADD 1, 2 and 3, Volumes I, II and III of 27 March 1996.]

Mrs. Taylor: I thank the Leader of the House for once again giving us as much notice as possible of future business. Can he shed light on rumours that the Government intend to clear the decks of Government business by July to minimise the need for a spill-over session in October and so prepare the ground for an autumn election?

As the right hon. Gentleman has been sympathetic when I have previously requested a debate on parliamentary reform, will he assure us that even if such a debate cannot take place in the next couple of weeks, we will be able to debate that important matter before the summer recess? As he is in the process of planning the business leading up to the summer recess, will he say why we still have not had a date for the remaining stages of the Community Care (Direct Payments) Bill? Is it because the Government suffered significant defeats in Committee on the rights of disabled people? He knows that there is bound to be a suspicion that the unusual delay in returning the Bill to the House is because Government Ministers are plotting to overturn those amendments, which would mean a great deal to disabled people. It would be help everyone if we knew when the Bill was coming back.

Everyone recalls the tragedy at Dunblane. At that time, there were many calls for changes in the law on the possession of firearms. It was right not to take instant decisions at the height of the grief that everyone felt then, but we understand that the Government have now made a submission on gun control to the Cullen committee of inquiry. Would it not be right for the House to contribute to that debate, in what I hope would be a measured way, before the Government reach any final conclusions on what changes might be appropriate to gun control?

My other point is also specific and important. The Leader of the House announced that the debate on the common agricultural policy on Wednesday 15 May is to be on a motion for the Adjournment of the House. I ask him to reconsider that decision. Will he confirm that previous debates on that, the big set-piece agriculture debate of the year, have been on take note motions and therefore amendable? Why is he so adamant that this year's debate should be on the motion for the Adjournment? Of which amendments are the Government more afraid: those that might be tabled by the Opposition or those of their Back Benchers? Or are they afraid of any vote on any issue connected with Europe?

Mr. Newton: Perhaps I might take the last point first. The hon. Lady did not present a full picture of what I proposed in my statement. I proposed both scrutiny in European Standing Committee A, where complex and detailed proposals can be scrutinised extremely effectively—including by the questioning of Ministers—and at the same time I provided for the annual debate, which the House rightly expects, on agricultural matters on the Floor of the House at a time when there are many matters of great interest in agriculture which go well beyond the technicalities of the CAP. My proposals give the House the most effective form of scrutiny in detail and a full opportunity to debate matters of interest. In combination, of course, that is a greater opportunity than would be provided by either proposal on its own.

On the question of Dunblane and guns, the hon. Lady is quite right that the Government have presented, and published, their evidence to Lord Cullen's inquiry. I have no doubt that hon. Members on both sides of the House may wish to submit observations. I will certainly bear in mind the hon. Lady's request for a debate on the subject.

On the Community Care (Direct Payments) Bill, there is nothing sinister or devious about the position. My right hon. and hon. Friends obviously wish to consider carefully what happened in Committee and it would be quite wrong were they to do otherwise.

On the question of a debate on parliamentary reform, I have always said that I see some attractions in such a debate. I will continue to bear in mind the requests for a debate, but the hon. Lady will realise that there is a great deal of Government business to be carried through at present.

I agree that there are a lot of rumours about, including the suggestion that the House might rise at a very early date in July. I do not know who is putting those rumours around; I only know that it is not me and I do not wish to give any credence to them.

Finally, and as ever, I express my thanks to the hon. Lady for her thanks at the beginning of her remarks.

Mr. Edward Garnier (Harborough): Will my right hon. Friend find time soon for a short debate on planning regulations as they relate to the erection of mobile telephone masts? A number of my constituents have written to me to complain about the way in which those masts appear in beautiful parts of Leicestershire without proper scrutiny by local planning committees. This matter is one of increasing public interest and I would be grateful if my right hon. Friend could provide time for a short debate.

Mr. Newton: I am aware of concerns that have been expressed in many constituencies, including my own. I will, of course, bring my hon. and learned Friend's remarks to the attention of the Secretary of State for the Environment.

Mr. Archy Kirkwood (Roxburgh and Berwickshire): May I, too, acknowledge with thanks the announcement by the Leader of the House of the provisional business for the week starting 13 May? It is always useful to have such information. In that context, may I ask him to give special consideration through the usual channels to the date for the minority Opposition day? I have not had a chance to discuss that with colleagues or other minority parties, but the proposed date clashes with the meeting of the Scottish Grand Committee in Dundee, so that might cause some difficulties. I hope that that problem can be discussed through the usual channels.

Will the right hon. Gentleman also give us an assurance that the Minister of Agriculture, Fisheries and Food will make sure that he gives regular reports on the important subjects raised today by the Leader of the Opposition with the Prime Minister about the cattle disposal scheme? That must get started, and the sooner the better.

Mr. Newton: I assure the hon. Gentleman that my right hon. and learned Friend will continue to make reports to the House as appropriate. I cannot add to what my right hon. Friend the Prime Minister said about what is going on at this very moment to ensure the implementation of the 30-month cull scheme and to ensure that information about it is widely communicated.

On the hon. Gentleman's first point, he well knows that we always listen, even if we cannot always respond as he would like, to representations made through the usual channels. As it happens, there was one change in the business I announced, made in response to some other representation through the usual channels. We will obviously consider the hon. Gentleman's representations.

Mr. John Butcher (Coventry, South–West): May we have a debate on the system of justice in this country given the growing evidence that a proportion of High Court judges seem to have lost all touch with reality? During that debate we could refer in particular to Sir Richard Scott's cash-for-treason judgment, under which he awarded £70,000 to George Blake, who betrayed and therefore condemned to death 42 British agents. Does my right hon. Friend regret that that particular judge cannot be sentenced to two years counselling by the SAS? Failing that—

Madam Speaker: Order. Perhaps I should remind the hon. Gentleman that if he is seeking to criticise any member of the judiciary we have procedures to do that through substantive motions.

Mr. Butcher: Of course I accept your judgment, Madam Speaker. I would convert my comments into a request for such a debate to consider a Bill to allow the House to ban the prospect of treason being rewarded in that way.

Mr. Newton: In the light of your comment, Madam Speaker, I might be wise simply to take delivery of my hon. Friend's suggestion.

Mr. Dennis Skinner (Bolsover): Will the Leader of the House arrange for a statement to be made about the

[Mr. Dennis Skinner]

reduced earnings allowance? As an ex-Social Security Minister, he will know that in the late 1980s a law was passed which has enabled that reduced earnings allowance to be cut dramatically by about 75 per cent. during the past few weeks. That has affected literally thousands of people who were disabled in the mines and various other organisations throughout Britain. Is he aware that that cut has resulted in severe hardship for many of these people? Will he consider a statement on this matter so that we can look at it afresh?

Mr. Newton: The hon. Gentleman, who is an assiduous attender, was probably present last week when I made some observations on the subject and the background to it. The House settled the law in this area some considerable time ago. I shall bring the hon. Gentleman's remarks to the attention of my right hon. Friend the Secretary of State for Social Security.

Mr. Harry Greenway (Ealing, North): May I ask my right hon. Friend for a debate next week on cruelty to animals so that the latest RSPCA annual report can be considered? The report reveals that cruelty to horses has increased by 60 per cent. in the past 12 months and that unpleasant cruelty to dogs and to other animals is also increasing. Many hon. Members are concerned about this issue and I would be grateful if we could have an early debate on it.

Mr. Newton: I cannot promise my hon. Friend an early debate on the matter that he has raised. However, he may have noted that in my statement today I announced a debate on the welfare of calves—another point about which the hon. Gentleman is interested—in European Standing Committee A next Wednesday. I remind my hon. Friend that any hon. Member may attend and take part in the debates in those Standing Committees.

Mr. Harry Barnes (North–East Derbyshire): When in Government time will we have a debate on the pathetic state of the electoral registers in this country? Clearly, we have to act as there will be a general election at some time in the future. There are 3 million to 4 million people missing off the electoral registers, including young, poor and black people. This issue should be of great concern to any hon. Member who depends on the people themselves.

Mr. Newton: As the hon. Gentleman implied, this is a matter that he has raised on a number of occasions. I can think of nothing to say on this occasion that I have not said before.

Mr. Jacques Arnold (Gravesham): May I thank my right hon. Friend for calling the debate on education and training for young people aged between 16 and 19. It would have been more appropriate for this subject to be debated on an Opposition day because we are all aware of the intention of the Labour party to withdraw child benefit to the tune of £560 from every young person in that age range who is in education and training. That Labour party proposal will particularly hit young people from unskilled homes. Under the Labour Government, less than one fifth of those young people stayed on in education; under the Conservative Government, half of them stay on in education.

Mr. Newton: My hon. Friend is right to remind hon. Members—and the country—of the policy of the Labour party in this regard. It seemed inconceivable that the Opposition would seek to debate this important subject, so I thought that it was appropriate to do so on a Government day.

Mr. Tony Banks (Newham, North–West): May I associate myself with the request of the hon. Member for Ealing, North (Mr. Greenway) for a debate on animal welfare. Is the Leader of the House aware that yesterday 1,500 people from Compassion in World Farming were at central hall? There was considerable anger about the proposed treatment of cows as a result of BSE and the culling of large numbers of animals, including working cows, calves and even healthy beasts. This is appalling and it is being done in the name of restoring public confidence. There is not much public confidence in the Government at the moment, but surely no one would suggest that we should cull Ministers.

Mr. Newton: The hon. Gentleman's remarks are a bit over the top. The underlying objective of these policies is to preserve the livelihoods of almost 650,000 people who work in and around the industry. He should not dismiss that aim in the way that his remarks imply. Nevertheless, I respect the hon. Gentleman's concern for animal welfare and I draw his attention to the debate on the welfare of calves in European Standing Committee A next week. He can take part in those discussions if he wishes.

Mr. Peter Luff (Worcester): Given the accelerating trend among Labour and Liberal-controlled local education authorities to deny young students of dance and drama access to discretionary awards, can my right hon. Friend assure me that the terms of the debate on education and training will enable right hon. and hon. Members to refer to that important subject and enable the Government to make constructive proposals to tackle the problem? It would certainly reassure the parents whom I shall meet tomorrow night at a leading Worcestershire dance school, who face agonising choices about their young children's future.

Mr. Newton: I am sorry to hear of the circumstances in Worcester. I entirely agree with my hon. Friend about the importance of the subjects, and I think that would certainly be within the scope of the debate that I have announced because it is on a motion for the Adjournment. That illustrates the advantages of debates on the Adjournment, to provide for wide-ranging debate.

Mr. Jeremy Corbyn (Islington, North): Will the Leader of the House make time available in the very near future for an urgent debate on the treatment of asylum seekers in this country? That would allow the Minister of State, Home Office, the hon. Member for Maidstone (Miss Widdecombe), to explain at the Dispatch Box why she leaked to the newspapers last night the information that Ade Onibiyo, a young Nigerian, is due to be deported tomorrow and that she has refused to meet any Member of Parliament between now and tomorrow to discuss his safety or any removal arrangements. It would also allow her to explain the basic inhumanity of holding in custody for more than a year a young man, aged 20, who has committed no crime in this country, and who has been

denied education, freedom and access to his family because of that abominable treatment by the British Government.

Mr. Newton: I would want to make sure that my hon. Friend is aware of the hon. Gentleman's remarks, although without for a minute accepting the flavour of his observations directed at her. It is well within the hon. Gentleman's knowledge that asylum matters generally are under consideration in another place at present, and that will in due course no doubt lead to further debate here.

Mr. Richard Spring (Bury St. Edmunds): I welcome the announcement by my right hon. Friend of the debate on the common agricultural policy being expanded to agricultural matters in general. Can my right hon. Friend confirm that that could include discussion, not only on BSE, but on the great prosperity currently enjoyed by the farmers of East Anglia?

Mr. Newton: The answer to that is yes. It again illustrates the advantages of providing for a debate on the Adjournment, which would enable all those issues to be embraced.

Mrs. Bridget Prentice (Lewisham, East): May I draw the attention of the Leader of the House to early-day motion 768?

[*That this House is alarmed by the growth of trafficking in Khat, a drug illegal in America, Canada, Sweden, Norway and Ireland amongst others; recognises that the discrepancy in British law with that of other countries has led to the conviction and imprisonment of British subjects abroad for importation and possession of Khat; is concerned about the health problems associated with Khat, notably paranoid psychosis and hypomania and about the increasing social problems caused by this substance in some communities; and therefore calls upon Her Majesty's Government to make Khat a controlled substance under the Misuse of Drugs Act 1971.*]

I remind the Leader of the House that khat is legal in this country but illegal elsewhere in the world, and that a constituent of mine has now been imprisoned in Ireland as a result of carrying it. Several social and health problems are associated with it. Will he ask the appropriate Minister in the Home Office to make a statement at the Dispatch Box about the control of drugs or about the possibility of a debate on the misuse of drugs?

Mr. Newton: The hon. Lady is probably aware that the background is that the Advisory Council on the Misuse of Drugs, which I believe is widely respected, advised in 1988 that in the United Kingdom there was insufficient evidence of misuse to justify bringing that plant under the controls of the Misuse of Drugs Act 1971. We do, however, continue to monitor the position, and I will ensure that my right hon. and learned Friend the Home Secretary has his attention drawn to the concerns that the hon. Lady expressed.

Mr. John Marshall (Hendon, South): When will we have the annual summer economic debate? Many of us would like to point out that unemployment in Britain is well below that in Germany, France, Spain and Italy, that industrial relations have been transformed since 1979 and that privatisation has been good for the consumer and the taxpayer, who now receives £50 million a week from those industries whereas, in 1979, he had to pay £50 million towards their losses.

Mr. Newton: In view of the quality of my hon. Friend's rhetoric, I am tempted to change the business and announce such a debate for next week. I cannot quite go that far, but I will try to satisfy the hon. Gentleman and, I hope, also to please the hon. Member for Dewsbury (Mrs. Taylor), by making a reasonably early announcement of when I expect the summer economic debate to be

Mr. John McFall (Dumbarton): May I point out the tragic suicide of a young constituent of mine, Angela Bollan, aged 19, in Cornton Vale women's prison in Stirling last Friday, in the constituency of the Secretary of State for Scotland? I point out to the Leader of the House that that is the fourth suicide of young women in that prison in the past 10 months, so this is a very serious situation. I sat with the family of young Angela in their home last Friday, and they asked me to make urgent inquiries into the position in Cornton Vale. Will the Leader of the House pass on my comments to the Secretary of State for Scotland? May we have a statement in the House on the situation in prisons and any future policies designed to avoid such tragic consequences?

Mr. Newton: The House will understand and respect the hon. Gentleman's reasons for raising the matter in the way that he has. In a similar spirit, I shall ensure that my right hon. Friend the Secretary of State for Scotland sees what the hon. Gentleman has said.

Mr. David Nicholson (Taunton): My right hon. Friend may have noticed that, following an agreement through the usual channels on Tuesday night, the homeless clauses of the Housing Bill were galloped through with hardly any Back-Bench contributions. Does my right hon. Friend agree that the issue of homelessness is complex and raises a number of questions that go beyond the sensible reforms in the Bill? They include the rough sleepers initiative, which is being extended from London to the provinces. May we have a debate on that complex, but important subject?

Mr. Newton: One of my predecessors, my right hon. Friend the Member for North Shropshire (Mr. Biffen), once observed that many of the questions asked during business questions were speeches that had been frustrated during the week. We have just heard a classic case and I congratulate my hon. Friend the Member for Taunton (Mr. Nicholson) on releasing his frustration in that way.

Mr. Corbyn: On a point of order, Madam Speaker. You will have heard the answer that the Leader of the House gave to my request for a debate next week on the safety of asylum seekers. You will also have heard me tell the House that the Minister had refused to meet me or any other hon. Member to discuss the safety of Ade Onibiyo. Are there any means by which the Minister of State or any other Minister from the Home Office can be brought to the House to explain their continuing behaviour—they essentially show contempt for hon. Members who legitimately try to raise issues of concern about people who are wrongly held in custody and wrongly deported from this country, often to places of danger?

Madam Speaker: The hon. Gentleman may wish to raise that matter with his Front-Bench team and through the usual channels. On the general issue, there is a convention that hon. Members have the right to make representations to Ministers; I know that the hon. Gentleman is concerned about that and I expect that right to be recognised. Equally, Ministers are required to take decisions and it is for them to determine how to respond to hon. Members' representations. If a Minister took the view that he was prepared to take account only of representations that contained new material or new arguments, I could well understand that attitude. I make that point because I know that the hon. Gentleman is deeply concerned about such matters.

NORTHERN IRELAND

Motion made, and Question put forthwith, pursuant to Standing Order No. 101(6) (Standing Committees on Statutory Instruments, &c.),

That the draft Road Traffic Offenders (Northern Ireland) Order 1996, which was laid before this House on 1st April, be approved.—[*Mr. Wood.*]

Question agreed to.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 102(9) (European Standing Committees),

Agricultural Strategies: EU and the Associated Countries

That this House takes note of European Community Document No. 12503/95, relating to a study of alternative strategies for the development of relations in the field of agriculture between the EU and the associated countries with a view to the future accession of those countries; and supports the Government's intention to press for a Common Agricultural Policy which is affordable, in which support distorts neither prices nor production and is targeted on environmental and other specific objectives, which contains fair common rules and which facilitates the accession of these countries.

Progress Towards Convergence

That this House takes note of European Community Documents Nos. 10380/95, a Commission report on Employment in Europe 1995; 11417/95, relating to the impact of currency fluctuations on the internal market; 11478/95, the Communication, The Future of Social Protection: a framework for a European debate; 11987/95, a report by the European Monetary Institute on Progress towards convergence; and 12633/95, relating to exchange rate relations between participating and non-participating countries in Stage 3 of Economic and Monetary Union; and agrees with the Government that Protocol (No. 11) annexed to the EC Treaty, which means that the United Kingdom is not committed to move to Stage 3 of Economic and Monetary Union, and can decide whether to join on the basis of the United Kingdom's national interest given the circumstances at the time, is to be welcomed.—[*Mr. Wood.*]

Question agreed to.

Orders of the Day

Arbitration Bill [*Lords*]

Order for Second Reading read.

3.57 pm

The Minister for Competition and Consumer Affairs (Mr. John M. Taylor): I beg to move, That the Bill be now read a Second time.

The Bill's purpose is to improve the law of arbitration as it applies in England, Wales and Northern Ireland. Arbitration law has evolved over three centuries, with the development of commerce and industry. We are looking to refine the system of arbitration rather than to make any radical new departures.

At first sight, the Bill may appear to be no more than lawyers' law, but the Bill's benefits, both to business and to other users of arbitration, as well as what might be called the arbitration industry, will be substantial. The Bill is founded on the proposition that arbitration is a valid—and perhaps the preferred—alternative to litigation as a system for resolving disputes that inevitably arise in business and commerce. It certainly does not need excessive controls or to be made like litigation—what are needed are provisions that are primarily enabling and facilitative.

The Bill seeks to improve the current law in two main ways—it proposes certain changes to the substance of the law and introduces major improvements in the way the law is presented. Hon. Members may find it helpful if I say a little more about each aspect.

I start from the premise that commercial disputes are bound to arise from time to time. They are an inevitable part of business life. When such disputes occur, they need to be resolved as speedily as possible and without great expense if they are not to frustrate further transactions and divert time and resources from more productive activity.

Prompt dispute resolution, therefore, should contribute to competitiveness. At the same time, business looks to a system that is fair and delivers a final result. It is the responsibility of government to provide a framework that enables the parties to a dispute to settle it in a way that meets those needs.

The parties may decide that their dispute can best be dealt with through the courts. Last June, Lord Woolf presented an interim report to the Lord Chancellor on ways of improving access to justice in the context of the civil courts. He made a number of recommendations to reduce delays in litigation and tackle the complexity and cost of using the courts. The Bill has been framed with the same concerns in mind as they relate to arbitration.

We started from the principle that, if parties choose arbitration to resolve their dispute, their decision must be respected. We propose to curtail the ability of the court to intervene in that private arbitral process except where the assistance of the court is clearly necessary to move the arbitration forward. At the same time, we must uphold the integrity of the arbitral process by allowing access to courts where there has been or is likely to be a case of manifest injustice.

The concept of an arm's length relationship with the courts is certainly not new and has been refined and developed over the year. It reinforces the finality of arbitration. The involvement of the courts slows down the

process and has the inevitable result of adding to costs. Freeing the process from unwanted interference by the courts is, therefore, positively deregulatory.

To this end, we have strengthened the powers available to the arbitral tribunal. For example, unless the parties agree otherwise, the tribunal has the power to order security for costs. Under current law, that power is exercisable only by the courts. We have given primary responsibility to the parties and, in the absence of such agreement, to the tribunal to decide all procedural or evidential matters and powers exercisable by the tribunal in support of the arbitration. The court can act in support of the arbitration only where the tribunal has no power or is temporarily unable to act effectively.

Of course it is necessary to provide checks in the Bill to ensure that the tribunal acts fairly and impartially in the exercise of its powers. Principles of fairness and impartiality are included in the general principles on which the Bill is based. They appear right at the start of the text so that users are left in no doubt about their importance. The duty of the tribunal to act fairly and impartially is restated at clause 33. The Bill provides that arbitrators who fail to live up to their responsibilities can be removed from office.

Another key principle that is central to the Bill, and is mentioned in clause 1, is party autonomy. That means, with a few exceptions for reasons of public policy, that the parties in dispute can decide how the arbitration should be conducted. That gives the parties control over such issues as how many arbitrators there should be and any arrangements for discovery. In that way, the Bill gives the parties the maximum possible freedom to keep the costs of the arbitration in check.

There is also a specific provision in the Bill whereby, with the parties' agreement, the tribunal can cap the recoverable costs of the arbitration. Where the parties have not taken the opportunity to devise their own arrangements, the Bill sets out default provisions so that the arbitration can proceed without delay. I am sure that hon. Members will agree that the improvements that I have outlined so far will assist business to resolve disputes more speedily and cost effectively while not compromising fairness. As I have said, that should contribute to enhanced competitiveness as it will enable companies to settle disputes with the minimum of fuss and distraction from their main business activities.

At first sight, presentation might seem of minor importance, but I suggest that it is a key ingredient of an improved arbitration Bill. Law is not just for lawyers. If users are to be attracted to arbitration, they must be able to establish with the minimum of effort what the law entails. Those hon. Members who are familiar with the current statutes will know that that is far from easy at the moment. The fact that the law is spread over three statutes—the Arbitration Act 1950, the Arbitration Act 1975 and the Arbitration Act 1979—is not helpful, and the language used is far from accessible to the layman.

However, the problem goes deeper. The statutes do not represent a coherent picture. To a large extent, they represent legislative reaction to particular issues as they have arisen from time to time. In the new Bill, we have tried to give a comprehensive and a coherent statement of the principles and practice of arbitration in England, Wales and Northern Ireland. The Bill combines a restatement of the current statute law, modified as I outlined previously, with codification of the more important principles of arbitration law developed through the courts. The layout of the Bill follows a logical sequence and the language used is as clear and as simple as possible. The draftsman should be congratulated.

I am sure that the improved presentation will find favour with business both here and overseas. Without the Bill, there might have been a question mark over the future of the City of London as a world centre for the arbitration of international commercial disputes. When international companies are negotiating contracts and have to decide—often at the end of a long, tough session—where any disputes will be arbitrated, they need to know quickly and easily what rights and obligations they have under the arbitration law of any given country.

The business of arbitration is highly internationally mobile. A number of other jurisdictions have been trying to make their legislation more accessible, and we cannot afford to be left behind. The fact that companies choose to arbitrate in London, despite the current muddled law, is a testimony to the high regard in which the arbitral community is held. However, we cannot afford to be complacent. The Bill will do much to enhance the competitiveness of the arbitration industry.

Hon. Members have had to wait a long time for the Bill to be placed before them, but I am sure that they will agree that the wait has been worth while. My Department has been responsible for its development since 1992, but work was progressing in the private sector for some time before then. As far back as 1989, Lord Mustill, in his capacity as chairman of the Department's advisory committee on arbitration law, first recommended that our arbitration law needed a serious overhaul. The work begun by Lord Mustill was carried forward first by Lord Steyn and it then fell to the current chairman of the advisory committee, Lord Justice Saville, to complete the task.

We owe an enormous debt of gratitude to the three chairmen—particularly Lord Justice Saville—and to the members of the advisory committee who have served under them. I took over responsibility for the Bill in the final days of its preparation, but I am fully aware of the immense effort that the judge and his team have made in the past 18 months to bring the complex project to fruition.

The Bill has been warmly welcomed by the arbitration world. It was scrutinised carefully in another place by noble Lords, including several noble and learned Lords, and I am glad to say that it passed muster. We were much gratified by the support given to the Bill by the official Opposition and by the Liberal Democrat spokesman, the hon. Member for North Devon (Mr. Harvey). It gives me great pleasure to commend the Bill to the House.

4.9 pm

Mr. Ian McCartney (Makerfield): Today, I have drawn the shadow Cabinet short straw and, instead of being in my constituency on local election day, I am left here. It is a pleasure to debate with the Under-Secretary and, in the past few weeks, we have been constant companions, either on the Floor of the House or in Committee, morning, noon and night. I have enjoyed the discussions with the Under-Secretary, but I think that this one will be the most pleasurable that he has had with me for some time because of the Opposition's position on the Bill.

I said earlier that I should be in my constituency as it is local election day. My local agent has substituted me on the loudspeaker with a tape of my favourite,

[Mr. Ian McCartney]

Jimmy Krankie. Worryingly, I understand that nobody has yet been able to tell the difference. *[Laughter.]* That is the last of the jokes.

The Under-Secretary was right when, at the conclusion of his remarks, he said that the official Opposition and our parliamentary colleagues from the Liberal Democrats broadly welcomed the Bill in another place. Given the amount of international trade created by arbitration, and its contribution to this country's invisible earnings, we are pleased that proposals have come forward to simplify arbitration proceedings in England and Wales. We are relieved because the lack of commitment shown in the past by the Government had threatened the future of that important source of invisible earnings, of which London is an international centre. A movement to reform arbitration law has existed for 10 years yet, unbelievably, the Government still wasted time before making their proposals.

Arbitration for the resolution of commercial disputes is of vital importance. England has been the preferred forum for the settlement of disputes by arbitration in vast areas of international trade—the Under-Secretary alluded to that fact—and we were in danger of losing much of the trade to the courts of arbitration in Holland, France, Switzerland and other areas, because English law had become outdated, unnecessarily obscure and far too legalistic.

A number of eminent lawyers, headed by Lord Justice Saville, have led the battle to defend London as the arbitration centre of the world. It is just as well that we did not have to rely on the Government to undertake that task over the past decade. Conservative Back Benchers have, on occasions, ranted and raved about the powers of the European Court of Justice, yet when urgent action was needed to defend our legal system, they, until now, sat on their hands. As the Minister of State at the Home Office might say, they should be chained up for their behaviour.

The United Nations Commission on International Trade Law adopted a model law of arbitration in 1985, which was the first worldwide step towards simplification. Scotland, not for the first time, was quick off the mark and adopted the United Nations model. England and Wales declined to do so.

The departmental advisory committee of the Department of Trade and Industry, chaired by Lord Justice Mustill, as he then was, reported in 1989 on the direction that English law should take. The committee said that a new Act, consolidating the existing arbitration statutes of 1950, 1975 and 1979, but making a number of innovations, was required and that, above all else, the law should produce an easily readable and accessible Act that could be understood and operated by lay arbitrators, reducing court intervention to the minimum. That was accepted by the then Secretary of State, but in the full flood of privatisation, the Government made neither funding nor other resources available to enact the policy.

The work of the departmental advisory committee was shelved until the Bill was produced. How often have we seen such a blinkered attitude? In the absence of DTI support, in 1990 a private group of arbitrators, funded by a collection of City solicitors, briefed counsel to produce a Bill. After two versions, the Department of Trade and Industry agreed to take it over and put it in the hands of a parliamentary draftsperson. A number of drafts have been produced, but by general consensus the version before the House this afternoon fulfils the requirements of the Mustill report. It is logical, it is designed to be acted on by the layperson and most sections of the arbitration community are in favour of it.

Labour recognises that, according to the Bill, the object of arbitration is to obtain the fair resolution of disputes by impartial tribunals without unnecessary delay or expense. As the Opposition employment spokesperson, I have a great interest in the speedy resolution of disputes, especially with regard to industrial tribunals. As with the arbitration system, it is vital that industrial tribunals be streamlined and disputes be resolved as simply as possible. Labour is developing proposals to make the resolution of disputes more efficient; the courts must be used only as a last resort. This would save the taxpayer a great deal of money—by contrast with the Government's proposals. They are determined to place even heavier burdens on the industrial tribunal system.

In February this year, the House debated the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995, but the Minister offered no regulations worthy of the name. He simply said that the lack of guidance could be dealt with by industrial tribunals. That was wholly at odds with the promise given to the House on 18 March 1996 by the President of the Board of Trade, who said that he would publish a Bill to streamline the industrial tribunals system. So the Minister piled on the burdens in February and his boss, the Secretary of State, promised reform in March. What, in fact, is the Government's position? Will they reform the industrial tribunal disputes system, or was the idea—like job insecurity—all in the President's mind?

The Bill states that parties should be free to agree how disputes are resolved, and the structure of the legislation follows that principle. Labour supports the fact that, when parties do not take full advantage of this freedom, the Bill lays down comprehensive fallback positions for the convenience of the parties and of arbitrators who do not wish to make their own decisions in these matters and are content to accept conveniently laid out structures.

We welcome the fact that, for the first time, arbitrators are not to be held liable for anything they do or omit to do in the discharge of their duties unless they are shown to have acted in bad faith. Similar immunity is to be given to arbitration institutions in their capacity of appointing or nominating arbitrators. Parties now have greater freedom to say how they would conduct their arbitration; what rules of evidence should apply; and what procedures should be followed—whether according to law, and if so which law, or whether on the basis of the best solution for the parties without regard to law. This last is sometimes called an equitable solution. That is the basis on which a number of consumer-type arbitrations are conducted, either by an ombudsman or in areas of activity such as the travel industry.

The court is now to be involved only when the parties ignore the arbitrator's orders, and the court must be brought in for more powerful remedies. No longer will the parties, if dissatisfied with the arbitrator's directions, go to the court to have them overridden. The court's role now is to uphold whatever the arbitrators say, as long as they have discharged their duty in good faith. Thus, after an award, which must be reasoned, the court has certain powers not dissimilar to its present ones. The court can hear a challenge

from the parties on the grounds that the tribunal lacked jurisdiction, despite the arbitrator's decision, or on the grounds of serious irregularity, or on a point of law.

As I have said, Labour supports the measure, but I want to raise a number of points and I would be obliged if the Minister responded to them, if not at the end of the debate then in writing.

First, I have heard suggestions that the Act will come into force on 1 January 1997, but that there may be delay. The Lord Chancellor's Department thinks that it may take longer to prepare what it considers necessary amendments with respect to the jurisdiction of the High Court and county courts in arbitration. Can the Minister confirm the target date of 1 January 1997 for enactment? Can he confirm that all steps will be taken to ensure that there is no delay? It would indeed be regrettable if this important measure were delayed for bureaucratic reasons—especially since the Lord Chancellor's Department has been represented on the departmental advisory committee since its inception.

I understand that the Department's role was specifically to avoid delay and conduct proper liaison. That being so, it would clearly be unacceptable—a charge of incompetence could be levelled—if the Bill were delayed because of inadequacies on the part of the Lord Chancellor's Department.

Secondly, Lord Justice Saville has raised a concern about a cross-reference between clause 107(5) of the Housing Grants, Construction and Regeneration Bill and the provisions of this Bill as applied to the scheme for adjudication. Lord Justice Saville is an eminent and experienced lawyer. In a letter to the business law unit at the Department of Trade and Industry, dated 17 April, he says:

"I am unhappy with present proposals (regarding the cross reference) which seem to muddle two quite separate concepts, namely arbitration and adjudication.

It seems to me that there are two ways in which the problems could be addressed.

Firstly, it would be possible to use the Arbitration Bill by incorporating into standard terms the agreement of the parties to operate Clause 39, giving the tribunal the power to order interim measures, which would (under sub-section (3) be subject to the final adjudication of the tribunal. If this course were adopted, then the rest of the Arbitration Bill would apply and there would be no need for any further detailed provisions.

Secondly, it seems to me that it should be possible to devise a scheme of adjudication quite separate and distinct from arbitration, where the adjudicator is empowered to make temporarily binding decisions."

Lord Justice Saville continued:

"The present proposals, to my mind, are likely to cause confusion and to distract from the Arbitration Bill. It also seems they are meeting substantial opposition. The overall impression that I get from what is indeed a very cursory look at the problem is that it would be unwise to continue with the present proposals, and that it would be far better to sit down with interested parties and try to work out precisely what is wanted and how it can best be achieved."

I am sure that the Minister will agree that I could not have put it better myself. Has the Minister read that letter? If so, what was his response?

The opposition to which Lord Justice Saville refers is widely shared in the construction industry. Will the Minister take into account the views of Lord Justice Saville and consider the removal of the cross reference? If not, there is a serious risk that, in construction industry dispute resolution, the purpose and effect of the Arbitration Bill, which we all support, will be blunted.

Thirdly, I shall speak about the construction sector in relation to the measure. The Bill, especially if Lord Justice Saville's point is acted on, should lead to arbitration in construction disputes becoming what it was once, and what it should be—a quick, effective and economical way of deciding largely technical disputes arising from construction contracts. The Bill is a sister measure to the relevant sections of the Housing Grants, Construction and Regeneration Bill, which will bring the Latham report into law. Sir Michael Latham's report was set up against a background of increasing concern about the number of disputes arising from contractual practices in the construction industry and the effect that they have on the industry's productivity and competitiveness.

Both the Arbitration Bill and the Latham report are welcome, but some arbitrators have raised doubts about clause 69 because most of the joint contracts tribunal family of building contracts and sub-contracts contain a provision by which the parties agree in advance to refer any question of law to appeal. If, at the end of clause 69(2)(a), the words

"provided that any such agreement shall not be effective unless reached after the dispute to which the arbitral proceedings relate has arisen"

were added, there might be less clogging up of the courts. Perhaps the Minister will consider that amendment when the Bill goes into Committee. If not, perhaps he will write to me saying why he will not consider it.

What of the appalling contracts sometimes offered to construction workers? Cowboy employers tend not to enter into arbitration agreements, so there is nothing in the Bill for exploited employees. Is the Minister aware that trade unions in the construction industry have been forced to launch a major drive to end tax fiddles by contractors who force building workers into bogus self-employment to avoid national insurance and tax payments? Mr. George Henderson, construction secretary of the Transport and General Workers Union, is quoted in *Construction News* of 25 April 1996, as saying:

"This campaign is a drastic measure which we are forced to take after years of urging these employers to play by the rules.

My officers are working undercover on the situation so that we can expose crooked labour agents,"—

labour agents in construction, not Labour parliamentary agents—

"and the guilty contractors and subcontractors."

I understand that the main construction employers are supporting the union's actions, because they recognise that such dishonesty benefits neither side of industry. Will the Minister offer his support to the campaign?

The self-employment trick is not confined to small projects. An estimated 10,000 construction workers are in bogus self-employment. Quite apart from being illegal, the practice poses a serious threat to health and safety. A report in *Contract Journal*, also dated 25 April 1996, quotes a trade union official as saying:

"There are cases of injured people being dumped outside hospitals and left there to be picked up by hospital staff because the employer was too frightened to call an ambulance because this would reveal the location of the work site."

Labour will give the Bill a fair wind, and assist in its speedy implementation. In return, will the Minister consider proposals to assist construction employees and

[Mr. Ian McCartney]

taxpayers who are cheated by those underhand, Arthur Daley-style practices? As I have said, Labour supports the Bill because it is a commonsense measure to assist dispute resolution. It is in line with our commitment to streamline dispute resolution in general. If the Government share our support for a reform of general industrial dispute resolution, will the Minister tell us when the House will be presented with the legislation to reform tribunals which was promised by the President of the Board of Trade on 6 February? Given that his right hon. Friend promised consultation, will the Minister tell us whether the consultation process has begun? Will he give details of whom he will consult, and will he give us a guarantee that the consultation submissions will be published so that hon. Members can give proper consideration to the proposals following their publication?

Does the Minister accept the urgency of reform? He will be aware that, in order to cope with an unprecedented increase in its caseload, the Central Office of Industrial Tribunals was forced to open another tribunal office in north London. The Department of Trade and Industry advertised for lay members on a temporary basis, and that created further confusion. Temporary members were subject to different selection and reselection criteria from permanent members. Will the Minister explain why? Surely a lay member is either competent or not competent. Can we not simply have one set of rules for all appointees?

As part of their reform, will the Government also consider giving reasons for non-reappointment, and a right of reply? That would avoid any repeat of the embarrassment that was caused last year when a lay member was given no reason for non-reappointment, but a memo from the president of The Industrial Tribunals in England and Wales questioning his mental capacity for the task subsequently came to light.

Labour's commitment to a fair resolution of conflicts goes further than contracts between companies. We seek the meaningful resolution of disputes between companies and their employees, another concept that is sometimes alien to the Government. They have created unprecedented job insecurity among employees, paving the way for fat-cat excess among some unscrupulous employers. Those are wider issues, however; we intend to pursue them relentlessly with the Government, but today we shall assist the passage of the Bill into Committee—and, in the time that is left, we shall gleefully await the results of the local government elections.

4.27 pm

Mr. Nick Harvey (North Devon): I, too, welcome the legislation, which defines new powers for arbitrators and parties to arbitration.

There is no doubt that new provisions are required to provide a more effective management procedure and to give the courts a supporting rather than an interfering role. The Bill modernises the existing processes of arbitration, and also provides a viable and attractive alternative to litigation as a means of resolving disputes. In many ways it is an admirable and much-needed Bill, relying as it does on three main principles—the provision of an impartial tribunal to resolve disputes, the giving of greater freedom to parties in regard to how they resolve those disputes, and the confining of judicial interference to the bare minimum.

Moreover, as both the Minister and the hon. Member for Makerfield (Mr. McCartney) pointed out, the implications of the Bill are commendable. The role of London as an eminent centre for international commercial arbitration is particularly important. The Bill can only exemplify the quality of our legislative framework and serve the interests of parties both at home and abroad when they enter into arbitration.

Having said that, I wish to make one observation about the Bill on which I hope that the Minister may be able to reassure me. The explanatory memorandum states that the Bill seeks to introduce certain changes in the law to confront the existing complex nature of the legislation and to make it fair. I agree that the Bill has more clarity than before and is logical in its language, and I echo the Minister's commendation of the draftsmanship.

There is one particular difficulty that I would like to look at before the measure becomes law. The Bill sets out mandatory, as well as non-mandatory, provisions for the parties involved to take on board and to consider before entering into arbitration. So long as mandatory provisions are recognised, users of arbitration can, as the Minister said, put forward their own provisions and proposals. My point is that members of the general public or representatives of small businesses entering into arbitration may not be fully aware of the option open to them of proposing some arrangements on their own part. They may not realise the extent to which they are entitled to propose their own ground rules. The outcome of this may be that they will rely very much more on the mandatory provisions, which might have the effect of giving arbitrators more power than ever before.

For those who do not understand the complex nature of the provisions, there is no protection against the immense power that the arbitrators will have. I would like to see some warning or information given to the parties that they have the option of employing their own provisions before they simply resort to taking on the mandatory provisions.

The Department of Trade and Industry has said that people ought to read the Arbitration Bill, or Act as it will become, before entering into arbitration, and that if they do not do so, it is their look-out. I wonder whether we would normally expect members of the public or small firms to have read through statutes and to have understood an Act of Parliament. If we are talking about large companies with legal departments, it is not a problem. But the Government should indicate how they intend to publicise the fact that individuals and small firms have this opportunity for discussion, and what guidance the Government will give to people on how to make use of it. For example, a great deal of information and help is given in guidance to those using small claims courts, and I wonder whether it would be possible for something comparable to be done for the provisions in the Bill.

We ought to give careful consideration to that matter and to the various other issues raised by the hon. Member for Makerfield (Mr. McCartney). In no way am I opposing the Bill, but I hope that we will look at the point that I have raised before we nod it through this afternoon.

4.30 pm

Mr. John M. Taylor: I should like to thank, in reverse order, the speakers who contributed to this debate. I thank the hon. Member for North Devon (Mr. Harvey) for his thoughtful contributions and his support. I shall certainly

reflect on the possibility of providing guidance on the use of this legislative instrument, but he will not be entirely surprised if I say that many practitioners of arbitration law have been able to contribute to the legislation and are well versed and skilled in it.

The hon. Member for Makerfield asked me about a number of matters concerning industrial tribunals. Without wishing to trespass on your job, Mr. Deputy Speaker, it occurs to me that this legislation is not about industrial tribunals at all. Since the hon. Gentleman was gracious enough to say that there was another channel of communication between us—that of correspondence—I invite him to write to me on the matter that he raised, and I shall do my best to furnish him with pertinent replies.

The hon. Member for Makerfield also asked me when we intended to enact the Bill. We will enact the Bill as soon as possible and we are working to a commencement date of January 1997. We must give sufficient warning of the changes to users and to the arbitration community. However, we certainly pledge ourselves to that date.

Mr. Ian McCartney: Will that date be placed on the face of the Bill or is it just a personal commitment?

Mr. Taylor: I must rest with best endeavours because the Bill is perfectly clear about the date of operation. Clause 108 states:

"(1) The provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different purposes.

(2) An order under subsection (1) may contain such transitional provisions as appear to the Secretary of State to be appropriate."

I had better cover myself by saying that there will be best endeavours towards the date I mentioned. However, one never knows; things happen when taking legislation as far as Royal Assent. We are working to a target commencement date of January 1997.

Mr. Michael Stephen (Shoreham): I had a case in which my constituents suffered financial loss as a result of misconduct by an arbitrator. I appreciate that that is very rare, but it did occur in my constituents' case. I had great difficulty extracting from the Chartered Institute of Arbitrators information about whether the arbitrator was insured. I eventually found out that he was not insured and that the institute had no rules requiring arbitrators to be insured. Will my hon. Friend consider legislating to require arbitrators to be insured so that they can satisfy any claim for damages against them in respect of misconduct?

I also discovered that the Chartered Institute of Arbitrators seems to be answerable to nobody. Will my hon. Friend consider to whom it is answerable? And if it is answerable to nobody, will he consider legislating to make it answerable to somebody?

Mr. Taylor: That is an interesting experience. I should like to reflect on the subject of answerability and insurance. My hon. Friend will know that before I went straight I used to practise one of the learned professions. Insurance was essential in order to practise, and mighty expensive it could be from time to time. I have a certain personal affinity for that subject. I will reflect on it and let my hon. Friend know my further thoughts in due course.

The hon. Member for Makerfield mentioned read-across or interference between certain of the provisions of this Bill and some construction legislation that will be brought before the House next week, if I heard my right hon. Friend the Leader of the House correctly during Business Question Time. No doubt the hon. Gentleman and others will look at that matter then, although I believe that the previous anxieties are now considerably allayed.

I should say that neither we nor anyone else is trying to force arbitration on a reluctant industry, be it the construction industry or any other sector. Arbitration is a consensual process and it must be chosen freely by the parties. As to the point on clause 69(2)—

Mr. Ian McCartney: On clause 69, I am not sure that the Minister has dealt adequately with Lord Justice Saville's argument about cross-reference between the Housing Grants, Construction and Regeneration Bill and this Bill. I asked the Minister clear and specific questions. First, I asked whether he had knowledge of or had been made aware of Lord Justice Saville's letter to the relevant Departments. Secondly, I asked whether he had considered it and what response he had given to Lord Justice Saville. The Minister's reply was nicely put, as is the way of lawyers, but it did not adequately cover the questions I asked him. I need to know precisely whether Lord Justice Saville's point has been met, rejected or partially rejected. The point that he raises merits serious consideration as he is one of the leading experts in this area of legislation.

Mr. Taylor: The hon. Gentleman has already told me that he would be happy for me to pursue certain of these matters in correspondence. I shall take advantage of that. He also knows that there is a Committee stage to the Bill—when, no doubt, all those matters will be examined very carefully. My understanding on these matters, which I offer to the House in good faith, from the last instruction that I took before coming to the House today, is that anxieties about some form of read-across or interference between the two Bills have now been considerably allayed. The hon. Gentleman can take comfort from the fact that there will be a Committee stage to this Bill before very long, and he has the actuality of the other Bill next week.

I should like to say something about clause 69(2) and the suggestions made by the hon. Member for Makerfield.

Mr. McCartney: I am trying to do this in a manner that enables us to reach a conclusion earlier than we normally would. When the Minister says "considerably allayed", it again does not answer the point. As he rightly said, the Leader of the House announced today that the Housing Grants, Construction and Regeneration Bill, about which there is some dispute, will have a Second Reading debate next week. It is therefore important to all those concerned that before that debate takes place the Government are absolutely clear about it and are able to provide clear and adequate information that there is no difficulty about cross-over in respect of the two pieces of legislation.

I think the Minister used the phrase "considerably allayed". Frankly, that leaves a gaping hole between the gate-post and the gate. He knows that in legal terms that leaves a lot that needs to be covered. I assume from the Minister's phraseology that he is not quite clear—I do not

[Mr. McCartney]

mean this in a derogatory way—about the status of the discussions taking place between his Department and the Lord Justice. I will accept from him a commitment in good faith that he will write to us, but I ask that we receive the correspondence before the Second Reading debate next week; I can then consult my colleagues who are to deal with that piece of legislation so that Opposition Members can be clear about the fact that the matter has been satisfactorily resolved.

Mr. Taylor: I have two things to say about that. First, the letter from Lord Justice Saville to which the hon. Gentleman referred was a private letter to an official. I am therefore not prepared to comment on it.

Secondly, the hon. Gentleman must understand that arbitration is a consensual process. The Bill has had distilled between its two covers what people more learned than I consider to be a comprehensive statement of the English law of arbitration—the law of arbitration applicable in England, Wales and Northern Ireland. One of its virtues is that all the information is in one "manual", and it is well and congenially written.

All hon. Members who have spoken in this debate—not least the hon. Member for North Devon—have said that they would like to see London as the arbitration centre of the world. I would rephrase that and say that I should like to see London as the arbitration capital of the world. Anyone wishing to settle their disputes by arbitration in London can—by obtaining a copy of the Bill once it has become law—have access in a single document to the basic ground rules. But the process remains consensual, and it is for the parties themselves to decide the ground rules for resolution of their disputes.

Inasmuch as I am not an expert on what the Department of the Environment's Bill will say about adjudication, the hon. Member for Makerfield should consult Environment Ministers if he wants to pursue whatever changes may be contained in that Bill. I am not the sponsor of that Bill, I am the sponsor of this Bill. The hon. Gentleman could pose the question of what is meant by "adjudication", and it might be a good question. We are not dealing here with adjudication, which is undefined—nor, in fact, is the word "arbitration" defined in the Bill—but I think that I can safely say that, over the best part of three centuries, custom and practice has developed in this country in such a manner that one knows from first principles what arbitration is, and here are the rules.

Mr. McCartney: We have been very fair in how we have asked that question. We support the Bill, so I do not understand why the Minister is suddenly becoming a little belligerent. The questions have been put reasonably, and in a manner that is meant to facilitate the passage of the legislation and its effectiveness.

The letter that I quoted is between officials in the Department of Trade and Industry who are dealing with this legislation and the Minister. It is highly unreasonable for the Government now to say that it is private correspondence and make no comment on it. It is something that goes to the heart of a specific part of this legislation. I should have thought, with all due respect, that the Minister would already have consulted the Minister for Local Government, Housing and Urban Regeneration, who is responsible for the other Bill, to ensure that there is not a cross-over. So I ask the Minister again: will he ensure that, before the Second Reading debate next week, there will be clarification of those points?

Mr. Taylor: Yes. However, I am responsible for the content of this Bill, and I cannot anticipate what is in the other Bill. But I will oblige the hon. Gentleman—*[Interruption.]* There was an intervention from a sedentary position which I did not hear. So the fact that I am not responding to it is in no sense intended as a discourtesy. I remember the conventions of the silent ones who sit next to Ministers—that their opportunities to rise in their places and intervene in debates is severely circumscribed. It is a discipline that I observed myself for nearly four years.

I think that it might be convenient for us all if I concluded my remarks. We have had some interesting exchanges. The hon. Member for Makerfield has had his afternoon in the Chamber, and for all I know may yet get back for the local elections.

Mr. McCartney: I know the results—it is a foregone conclusion.

Mr. Richard Ottaway (Croydon, South): Do not be too smug.

Mr. Taylor: That is the right word.

While this is a long and technically complex Bill, it is of great importance to business and companies across the country, as well as to those from overseas who choose to come here to resolve their business disputes. Although it is technically complex, I hope that hon. Members will have been impressed with the clarity with which the concepts and procedures that make up arbitration have been expressed in the Bill. If hon. Members have had an opportunity to look at the current legislation, I am sure that they will agree that we are making a major step forward.

I should like to see this Bill reach the statute book as soon as possible, and I hope that I can count on hon. Members to support me. The Bill's next stage, in Committee, will give us an opportunity to consider its provisions in more detail than has been possible today, and I look forward to continuing our debate.

Question put and agreed to.

Bill read a Second time, and committed to a Standing Committee pursuant to Standing Order No. 61 (Committal of Bills).

Mr. Joseph Marshall

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Ottaway.]*

4.47 pm

Mr. Bill Walker (North Tayside): I should like to thank Madam Speaker for selecting for an Adjournment debate the tragic case involving the death of my constituent, Joseph Marshall, and my plea for a fatal accident inquiry. Last Friday, I drew attention to the advantages of the United Kingdom's unwritten constitution. Today I am making use of one of those advantages: the Adjournment debate.

It is always difficult for parents to come to terms with the death of a young adult son as the result of a road accident. It is made more difficult when the parents believe that the accident was not properly or fully investigated at the time. Pat and Betty Marshall are not vindictive people, although circumstances and events have made them distrustful and very apprehensive. All they have ever sought is that all the evidence in this tragic case should be brought out into the public domain. That is what my attempt this evening in this Adjournment debate is all about. Anyone who knows the road between Alyth and Blairgowrie, where the accident happened, will be aware that it is a narrow road with dips and bends, on which a number of nasty accidents have occurred.

Joseph Marshall was driving a Ford Sierra and he was in collision with a large horse box. I remind my hon. Friend the Minister that the road is narrow with dips and bends and consequently there are many blind spots. The horse box in question is 21 ft long and 8 ft wide and can only be described as a very large vehicle. So we have a large vehicle on a narrow road with dips and bends.

The Marshalls have been very disturbed by the conflicting evidence which they have managed to uncover. They have also been deeply concerned and shocked about what they believe were failures in the way in which the police conducted their investigation into the accident at the time.

In an attempt to get at the truth, the Marshalls have put a number of questions to the Lord Advocate and the Secretary of State. For the record, I shall detail the questions, some of which have never been fully answered. Had they been answered, there would be no need for this debate tonight. The questions were as follows:

"Why, despite laid down procedures in relation to slight injuries, was there no breath-test taken from the driver of the horsebox at the scene of the accident?

Why have several witnesses indicated the horsebox driver was drunk?

Why was a statement not taken from a business partner of the driver of the horsebox even though the person was on the scene of the accident before the emergency services and could have key information?

How did so many relatives and associates of the horsebox driver come to be on the scene and why has it been accepted without question by police that testimony from these witnesses, forming the bulk of their 'case', is uninfluenced and therefore independent?

Why are there so many conflicting, contradictory and self contradictory statements from witnesses?

Why have police intimidated witnesses whose statements challenge the accepted version?

Why were other, truly independent witnesses whose testimony may have been crucial, ignored?

Why did a known associate of the horsebox driver and subsequently a vital witness to the accepted version of events, go home and then return in a different car to pick up the passengers left behind at the scene?

Why did this same witness say he saw, prior to the accident and travelling in the opposite direction, only one of the other key witnesses despite this witness (white car) insisting that he was racing nose to tail with another of the witnesses in a silver car the whole time?

Why does testimony from this same witness conflict with that of his passengers?

Why is there doubt as to whether this witness was where he said he was at the time of the accident?

Why did police insist that the time of the accident was between 8.20-8.30 PM despite corroborated evidence which puts the time of the accident at approx. 8.45 PM?

Why did police insist that they have no knowledge of the driver of the white car despite interviewing him at the roadside at the time of the accident?

Why have police been selective with regard to which skidmarks were recorded as pertinent, completely ignoring marks which point to an entirely different scenario?

The car was fitted with an ABS braking system and should have left distinctive tyremarks on the road if it had gone into a skid. These marks were not present, why?

Independent experts have completely refuted the police assessment of the skid mark evidence, why?

The father of Joseph Marshall asked for and offered to fund, a reconstruction—this was refused, why?

Why do police insist that the 7.5 ton horsebox, travelling downhill at a minimum '35-40 mph', was brought to an immediate standstill by the force of the impact even though elementary physics clearly shows this to have been an impossibility?

Why do police insist that the 21 foot long, 8.5 foot wide, 7.5 ton lorry, fitted with a tachograph and capable of carrying 5 fully grown horses, is 'a van'?

Why was this same horsebox released from police care and dismantled immediately despite the most strenuous objections of the Marshall family that they have evidence which challenges the accepted version of events?

The tachograph disc from the horsebox is missing, why?

Why was a potentially crucial witness who saw the horsebox 'driving erratically' just prior to the accident told by police that this was unimportant to the case and therefore irrelevant?

Why was the police video of the accident scene delayed until several months after the accident and then filmed in weather conditions which effectively masked skid mark evidence?

Why on this same video was Joseph Marshall named as 'The Accused' even though firemen in attendance at the time of the accident were told that it would be the driver of the horsebox who would be charged with manslaughter?

How did the driver of the horsebox manage to locate his daughter and arrange for the ambulance he was travelling in to stop outside a public house en route to the hospital in order to pick her up even though his injuries were slight and he already had at least one son in the ambulance with him?

Why did a senior representative of General Accident with many years experience in his field state categorically that: 'The car [Sierra] was hit on its own side of the road giving the driver no chance'?

Why does the damage to the car challenge the 'accepted' version?

Why did one vital witness keep people away from Joseph Marshall as he lay fatally injured by claiming to be 'a nurse' when in reality she was employed as a process worker in a nearby factory?

Why did Mr. McLeod, Senior Procurator Fiscal, when faced with the evidence collected by Pat and Betty Marshall and presented by them in the company of their solicitor, say; 'I would not insult you both by trying to explain how the police came to this conclusion'?

[Mr. Bill Walker]

Why is the evidence held by the Crown Office now subject to a Confidentiality Order (similar to Official Secrets Act), preventing anyone acting on behalf of Pat and Betty Marshall from examining it and effectively barring further investigation or any form of private prosecution?

Why, despite all of the above information being in the hands of the authorities, have Pat and Betty Marshall been refused, time and again, the only thing they have ever asked for—a Fatal Accident Inquiry?

Why did Officer Barclay, when asked by Pat Marshall when the breath-test was taken, reply: 'I don't know. The officer who did the test forgot to sign and date it'?

Why did Officer Barclay read out a statement allegedly taken from firemen in respect of the horsebox being cut to free the driver despite this being clearly not the case and then, after seeing the horsebox for himself, say to Pat and Betty Marshall that he must have misread it?

Why did Officer Barclay say to Pat, Betty and their 13-year-old daughter Michele, who were reading the messages of support contained in the floral tributes which had been laid at the crash scene by friends in the 3 days since the accident: 'Pat, these [tyre] marks don't measure up to the statements these people have given. I will have to go and see the'"—

so-and-so's—

"'again'"?

Why did it take Officer Barclay three weeks to inform Pat and Betty Marshall that there were three more official witnesses to the crash, bringing the total to six, all of whom have given conflicting or self-contradictory statements?

Why did Officer Barclay say to Pat and Betty Marshall that 'the best thing you could do is just scrap the car [Sierra] and forget it'?

Why did PC Barclay, in Pat and Betty Marshall's own home, say about the horse box driver: 'He's probably had four or five pints. What's that? It would have worn off by the time of the crash?'

How could Inspector Beaton (Blairgowrie Police) when asked by Pat Marshall if he would have the blood stains across the roof of the car analysed say: 'It's none of our business'?

What made this same inspector say to Pat and Betty Marshall: 'What's the fuss? Your son went up the road and killed himself.'

Why did the police issue Pat and Betty Marshall with their own insurance company claim number with the man at the desk quoting the Sergeant upstairs as saying: 'Just give him that one there, and that's all you're getting.'?"

The Lord Advocate wrote to me on 23 January 1996 detailing his reasons for believing

"that the evidence points to this accident having been caused by the deceased's vehicle rounding a bend at speed, on the wrong side of the road, and apparently out of control."

The letter continues:

"The photographs and the sketch plan, both of which he has seen, do not seem to offer any support to Mr. Marshall's contention that it was the other vehicle which was on the wrong side of the road. On the contrary, this evidence seems to entirely support the evidence of the eye-witnesses."

Yet the damage to the car, confirmed by accident experts contradicts that claim.

If the Lord Advocate is so confident that the facts are as he sees them, and I am satisfied that he believes that, I cannot understand why he cannot grant what I am asking for this evening. I remind my hon. Friend the Minister that on 23 August 1995, I asked for the case to be re-examined and in my letter to the Lord Advocate, I especially drew attention to the skid marks shown in the photographs and on the video.

I believe that I have demonstrated that there is enough evidence to question the conclusions reached by the procurator, the police and the Lord Advocate. I further submit that the only way to put the matter to rest is to have a fatal accident inquiry at which all the evidence, including that of all the witnesses, can be properly evaluated and the evidence of the accident experts properly heard. That can be achieved only through a fatal accident inquiry. It is the only way to get rid of all the doubts.

Almost everyone in Blairgowrie talks about the case and the fact that it has not been properly addressed. No one believes that it has. If after those matters are properly and fully evaluated, it is clear that the Marshalls' questions are wrong and that the facts that they believe that they have unearthed are wrong, it would all come out. As things are, nothing is being addressed. There is a great deal of secrecy. There is certainly evidence of intimidation, on which I shall not touch tonight because it will probably be dealt with in the courts. I find the whole thing distasteful and disturbing.

I am delighted that we have the unwritten United Kingdom constitution that gives me the opportunity through the use of an Adjournment debate to raise these matters where they can be properly addressed.

5.3 pm

The Minister of State, Scottish Office (Lord James Douglas-Hamilton): I congratulate my hon. Friend the Member for North Tayside (Mr. Walker) on securing this debate on behalf of his constituent. All the points that he has raised are matters for the Lord Advocate, and I shall ensure that my hon. Friend's request for a fatal accident inquiry is drawn to his attention. It is fair for me to put before my hon. Friend the sequence of events and the up-to-date position, as I understand it, in relation to this unfortunate matter. Before I respond to the points that my hon. Friend raised, I express my sympathy to the family of the late Mr. Marshall for their tragic loss.

Investigations conducted by officers of Tayside police and by the procurator fiscal at Perth into the death of Joseph Marshall have established that, on the evening of Saturday 28 August 1994, the deceased left the family home alone in possession of his father's Ford Sierra 4x4 motor car. He travelled to the Wellmeadow area of Blairgowrie, where he met up with friends who were in two other cars. The youths chatted for a while and then drove round Blairgowrie town centre in the three vehicles.

At about 8.35 pm, all three vehicles were driven eastwards on the A926, the Blairgowrie to Alyth road. The deceased was at the rear of the convoy. At about 8.40 pm, the deceased's vehicle collided with a Bedford horse box. The driver of the other vehicle involved in the accident was travelling west on the same road. He was accompanied by two other persons who were front-seat passengers. A Metro motor car was being driven behind the Bedford horse box. There were two passengers in the Metro in addition to the driver.

Those individuals, that is the three persons in the horse box and the three persons travelling in the Metro, were the only persons who witnessed the collision. In the statements that they gave to the police, they described seeing the deceased's vehicle rounding a bend at speed, on the wrong side of the road and apparently out of control.

The deceased's vehicle collided, side-on, with the front of the horse box, trapping the deceased and the driver of the horse box in their respective vehicles. One of the

passengers from the Metro supported the deceased's head until the arrival of medical assistance. The driver of the horse box sustained a broken left kneecap and was trapped by the legs in his vehicle.

A doctor who had been driving to Alyth came upon the scene of the accident and provided what assistance he could to the deceased. The deceased was unconscious and never regained consciousness. The doctor pronounced life extinct at 9.30 pm. The post mortem examination established that the deceased had sustained multiple injuries.

The evidence of the witnesses to the accident, and the evidence of those who observed the position of the vehicles immediately thereafter, showed that the deceased drove round a bend at speed, lost control of his vehicle, crossed to the wrong side of the carriageway and slid sideways into the oncoming horse box.

The deceased's father, Mr. Patrick Marshall, has never accepted this version of events, as my hon. Friend described. He has accused Tayside police of failing adequately to investigate the circumstances of the accident. He has suggested that the marks left on the road by the two vehicles do not support the version given by the witnesses, and that the six eye-witnesses have given conflicting or self-contradictory statements. He believes that it was the driver of the horse box who caused the accident.

The fact remains, however, that the evidence of all six witnesses exculpates the driver of the horse box and places the blame for the collision on the deceased. Mr. Marshall has suggested that the witnesses have not been truthful and that there has been an attempt to conceal the true nature of the accident. He has suggested that the driver of the horse box was driving at excessive speed and erratically; that the witnesses in the car travelling behind the horse-box were his friends and are protecting him; that the damage to the deceased's vehicle was not consistent with the explanation of the accident given by the witnesses; and that the skid marks left at the locus were not consistent with the evidence of the witnesses.

One of Mr. Marshall's specific allegations has been that the driver of the horse box was not trapped in his vehicle. He has also alleged that the driver was under of the influence of drink. The evidence, not only from the civilian witnesses but also from fire and ambulance personnel who attended at the scene, flatly contradicts his allegations.

The police officer who attended at the locus spoke to the driver of the horsebox and confirmed that he was trapped by the legs. Ambulance personnel who arrived at the locus at about 20.45 hours also spoke of seeing the driver trapped within his vehicle. Indeed, one of the ambulance technicians remained with the driver of the horsebox until the fire brigade managed to move the Ford Sierra from the front of the horsebox. That witness was then able to free the driver with the assistance of the fire brigade.

The allegation that the driver of the horsebox was under the influence of drink was disproved by the fact that he was subjected to a breath test that proved negative.

Mr. Marshall has made many of his allegations in the form of a complaint to the chief constable. He has alleged that officers dealing with the accident were in neglect of their duty and that they failed to carry out a full and thorough investigation into the accident. Mr. Marshall has suggested that the witnesses travelling in the Metro were known to the driver and occupants of the horsebox and that they collectively involved themselves in a conspiracy to conceal the true facts of the accident. There is, however, no evidence of collusion between the witnesses.

Mr. Marshall has alleged that one of the firemen who attended at the locus was alleged to have told his work mates that the driver of the horsebox was to be charged with manslaughter and drunk driving. That fireman was also alleged to have said that the driver of the horsebox was not trapped in his vehicle. Inquiry revealed that the fireman identified by Mr. Marshall had not attended the scene of the accident. He denied ever having discussed the accident with any of his work mates.

Mr. Marshall has also alleged that an officer of Tayside police had told him that the driver of the horsebox had drunk five or six pints on the day of the accident. The officer was also alleged to have told Mr. Marshall that there was no written record of the breath test having been carried out. Inquiry into those allegations failed to uncover any evidence to substantiate them. The officer identified by Mr. Marshall vehemently denied having made the remarks. There is written record of the breath test procedure that was carried out as a matter of routine given the nature of the accident. The senior police officer who investigated Mr. Marshall's allegations found that all were unsubstantiated.

The statements taken by the police were submitted to the procurator fiscal at Perth. He then conducted his own independent investigation into the circumstances of the death. He precognosced a number of key witnesses to check the accuracy of the statements given to the police. The procurator fiscal confirmed that the witnesses' position was that the horse box was at all times on its own side of the road; that the driver was driving carefully; and that he reacted quickly on seeing the deceased's vehicle approach.

The evidence given by the witnesses was unequivocal. It may assist my hon. Friend if I quote from the statement given by the driver of the car travelling behind the horsebox, who said:

"As I approached the bend I saw a white Ford Sierra motor car swerve across the road and into a carriageway, colliding with the oncoming horse float in front of me. I braked and managed to avoid colliding with the rear of the horse float. The white Ford Sierra appeared to have been travelling at speed. I would say excessively for the bends which it come through".

That witness concluded his statement by stating

"the driver of the white Sierra motor car was most definitely to blame for the accident".

It should be emphasised that there are no witnesses who contradict that version of events.

Mr. Marshall has suggested that the skid marks observed at the locus following the accident are evidence that the horsebox was being driven on the wrong side of the road. Officers of Tayside police who attended at the scene of the accident prepared a sketch of the locus. On that sketch, they recorded the position of the vehicles on the road and the skid marks that appeared to have been made by both the deceased's vehicle and the horsebox. From the evidence available to him, the procurator fiscal was satisfied that neither the skid marks nor the final position of the vehicles on the road supported Mr. Marshall's assertion that the horsebox was being driven on the wrong side of the road.

The procurator fiscal reported the circumstances to the Crown office in January 1995. Crown counsel instructed that there should be no further proceedings. As my

[Lord James Douglas–Hamilton]

hon. Friend will know from his correspondence with the Lord Advocate, the procurator fiscal thereafter had a lengthy meeting in February with Mr. and Mrs. Marshall and their solicitor. At that meeting, Mr. Marshall raised a number of matters which the procurator fiscal agreed to consider.

The procurator fiscal concluded, having completed his re-examination of the evidence, including all the additional information provided by Mr. Marshall, that no significant additional evidence had been uncovered. The fiscal then had a second meeting with Mr. and Mrs. Marshall and their solicitor in August. During those meetings, the procurator fiscal attempted to provide Mr. and Mrs. Marshall with all the information that was available to him. Mr. Marshall has seen the sketch plan of the locus and a video film made by the police. The procurator fiscal has co-operated with Mr. and Mrs. Marshall's solicitor and has provided the solicitor with a copy of the photographs taken by the police, a copy of the sketch plan and a copy of the post mortem report.

The procurator fiscal has also provided the solicitor with a full list of witnesses to enable him to precognosce those witnesses himself. Throughout, the fiscal has made it clear to Mr. and Mrs. Marshall that he is prepared to consider any new information which they or their solicitor draw to his attention. The fact remains, however, that no significant new evidence has been uncovered and, in particular, nothing that contradicts the evidence of the eye witnesses.

My hon. Friend has referred to a lengthy list of questions which Mr. Marshall has also sent to a number of Members of Parliament. I believe that there are up to 41 questions on Mr. Marshall's list, and that most take the form of an allegation that there is evidence that contradicts the police version of events. I do not wish to refer in detail to those questions, but I can say that those matters were carefully considered by the procurator fiscal. He re-examined the evidence in the case, including all the additional information provided by Mr. Marshall, but, as I have already said, concluded that no significant additional evidence had been uncovered.

The possibility of instructing an accident reconstruction expert has been discussed. As the Lord Advocate has explained to my hon. Friend, the advice to the procurator fiscal is that it would be impossible to carry out a proper accident reconstruction at this stage. An expert would base a reconstruction on his examination of the locus, including the distribution of debris, damage to vehicles and marks on the road surface. Proper accident reconstruction is very dependent on the locus having been preserved as nearly intact as possible. In this case, the skid marks are no longer visible and the debris has obviously long since disappeared, as have the vehicles. In the circumstances, the procurator fiscal does not intend to take any further action in respect of the matter.

To carry out a form of reconstruction using only the sketch plan and the photographs would be of little value. Nevertheless, those are available to Mr. and Mrs. Marshall and they are free to instruct an expert to examine that material. In that connection, I understand that Mr. Marshall claims to have obtained the opinion of two independent crash analysts who allegedly say that the sketch plan prepared by the police was inaccurate. Mr. Marshall was asked in March of this year to provide the procurator fiscal with a copy of their report, but I understand that he has not done so. Obviously, I would say to my hon. Friend that if there is any such evidence it will be considered by the procurator fiscal, who will then decide whether any further action needs to be taken.

As I have already said, Crown counsel has instructed that no proceedings should be taken in connection with the incident. Accordingly, in the view of the Lord Advocate, a fatal accident inquiry will not be held. The Lord Advocate has reviewed the papers in the case and he is satisfied that all the circumstances of the unfortunate accident have been fully investigated. He has said, however, that the procurator fiscal will be carry any further inquiries if significant new material comes to light. For the present, the Lord Advocate is satisfied that the Crown counsel's decision not to instruct a fatal accident inquiry was appropriate.

A discretionary fatal accident inquiry will be held only when the Lord Advocate is satisfied that it is expedient in the public interest that an inquiry should be held into the circumstances. The Lord Advocate has had such a discretion since 1906 and it was continued by the Fatal Accident and Sudden Death Inquiries (Scotland) Act 1976, which consolidated the legislation and modernised the procedures. The Lord Advocate, in the exercise of his discretion, acts in a quasi-judicial capacity when deciding whether an inquiry should be held.

In the case of a road traffic fatality, an inquiry would normally be held only if it were thought that there was a need to inquire into matters which might result in the sheriff finding that there were reasonable precautions whereby the death, or any accident resulting in death, might have been avoided. Fatal accident inquiries in road traffic cases are normally held to consider matters such as the layout of the road, the appropriateness of any speed limits at the locus or the adequacy of street lighting. In other words, a fatal accident inquiry will be held where there is a need to address issues of road safety.

In this case, what is at issue is whether the driver of the horse box or the deceased was at fault. Where it is considered that a driver of a vehicle was at fault to the extent that his driving was thought to have been careless or dangerous, the appropriate step would be for criminal proceedings to be instituted. Where criminal proceedings are not appropriate—as in this case, where the evidence indicates that it was the deceased who was at fault—and issues of road safety are not raised, a fatal accident inquiry would not be appropriate, especially when the investigation by the police and by the procurator fiscal has already clearly established the circumstances leading up to the accident.

Mr. Bill Walker: The critical point is the road layout. When one discusses this, one must realise that a large vehicle on a narrow road, with bends and dips, would trigger such an accident. I drive my daughter's horse box on that road and I am astonished by some of the comments.

Lord James Douglas–Hamilton: I repeat what I said earlier: if Mr. Marshall genuinely has opinions from two independent crash analysts who have submitted a report, I recommend that it be forwarded to the procurator fiscal.

who can then take a strong view as to what further action, if any, is required. In relation to the layout of the road, that is the best way forward if that evidence exists—and my hon. Friend has led me to believe that it does.

Crown counsel is satisfied that the circumstances in this case are not unexplained and that they do not give rise to any serious public concern. Therefore, a fatal accident inquiry would not be appropriate. That decision can be reviewed if new evidence comes to light. In that connection, I can confirm that in March of this year Mr. Marshall's solicitor provided the procurator fiscal with copies of statements from two additional witnesses. He has promised to provide the procurator fiscal with the statement of a third witness.

Once that information has been obtained, the procurator fiscal will consider whether he needs to carry out a further investigation. The results of any such investigation will be reported to Crown counsel. I assure my hon. Friend that the Lord Advocate has confirmed that the decision not to hold a fatal accident inquiry will be reviewed in the light of the new evidence, assuming that it is found to be reliable and relevant.

I regret that Mr. Marshall has been so traumatised by the loss of his son that he is unable to accept that the circumstances of the accident have been fully and properly investigated. It is clear that Mr. Marshall has failed to come to terms with the death of his son and that he is now obsessed with allegations that there has been a cover-up. In this connection, I understand that he was convicted at Perth sheriff court on 25 April on a charge of conducting himself in a disorderly manner by telephoning a British Telecom operator and stating to her that he intended to purchase a gun and ammunition and use it to injure various people who were involved either in the accident or in the investigation of it. Sentence in that case, which is sub judice, has been deferred to 25 May and, therefore, I cannot discuss the details of the case.

I can only hope that this debate, and the fact that Mr. Marshall's concerns have been given such a public airing, will go some way towards showing him that there is no conspiracy and that those involved in investigating this tragic accident have nothing to hide. I thank my hon. Friend the Member for North Tayside for initiating the debate. I suggest that the best way forward is for the new evidence to be submitted to the Procurator Fiscal. As I promised at the outset of my remarks, I shall ensure that my hon. Friend's comments are passed on to the Lord Advocate.

Question put and agreed to.

Adjourned accordingly at twenty-five minutes past Five o'clock.

Written Answers to Questions

Monday 22 April 1996

ENVIRONMENT

Vehicle Batteries

Mr. Sheerman: To ask the Secretary of State for the Environment how many car and other vehicle batteries are recycled or safely reclaimed each year. [25751]

Mr. Clappison: Information on the precise number and weight of automotive—lead-acid—batteries recycled or reclaimed is not held centrally.

However, it is known that the vast majority of used lead-acid batteries are recycled at three plants in the UK. The industry is committed to achieving a minimum 90 per cent. recycling target for lead batteries.

Fluorescent Lighting Tubes

Mr. Sheerman: To ask the Secretary of State for the Environment what is the method recommended by his Department for the safe disposal of fluorescent lighting tubes. [25747]

Mr. Clappison: Fluorescent tubes must be managed and disposed of in accordance with sections 33 and 34 of the Environmental Protection Act 1990. The Department does not recommend a particular form of disposal, but the waste management licensing regime ensures that such activities are carried out in a manner that does not harm human health or cause environmental damage.

Mr. Sheerman: To ask the Secretary of State for the Environment what is the average cost of safe disposal of a fluorescent lighting tube. [25744]

Mr. Clappison: The cost of disposal of fluorescent light tubes depends on the type of facility for disposal, the quantity that is disposed of at any one time and the distance they must be transported to reach the disposal facility. Central Government do not compile such information.

Water Bills

Mr. Pike: To ask the Secretary of State for the Environment what was the average water bill in each household by region for 1996–97; what were the equivalent figures in each of the last five years; and what have been the percentage changes in each case. [24928]

Mr. Clappison: The following table provides details of the average unmeasured household water and sewerage bill for the 10 privatised water and sewerage companies for 1996–97 and the equivalent figures for each year from 1991-292 to 1995–96. The figures in brackets show the annual percentage change.

Average unmeasured household water and sewerage bills for the ten privatised water companies

1995–96 prices

	[1]*1996–97*		*1995–96*		*1994–95*		*1993–94*		*1992–93*		*1991–92*	
	£	*Per cent.*	£	*Per cent.*	£	*Per cent.*	£	*Per cent.*	£	*Per cent.*	£	*Per cent.*
Anglian	285	(3.6)	276	(2.0)	270	(5.9)	255	(5.4)	242	(6.0)	228	(5.4)
Northumbrian	204	(2.1)	200	(4.1)	192	(8.1)	178	(6.2)	167	(5.0)	159	(6.5)
North West	196	(4.4)	188	(0.6)	187	(5.9)	176	(6.1)	166	(4.2)	159	(4.5)
Severn Trent	187	(0.3)	186	(0.9)	184	(8.6)	170	(4.2)	163	(5.2)	155	(4.3)
Southern	221	(3.8)	213	(4.7)	203	(6.5)	191	(2.4)	186	(2.8)	181	(6.9)
South West	325	(1.2)	321	(2.6)	313	(12.7)	278	(13.7)	244	(13.8)	215	(6.6)
Thames	176	(2.1)	172	(3.2)	167	(5.4)	158	(5.4)	150	(4.0)	144	(4.4)
Welsh	257	(–2.7	264	(0.5)	263	(6.5)	247	(5.9)	233	(6.8)	218	(5.9)
Wessex	238	(0.8)	236	(2.4)	230	(6.2)	217	(6.2)	205	(3.7)	197	(4.6)
Yorkshire	212	(7.7)	197	(–0.2)	198	(6.4)	186	(4.7)	177	(2.5)	173	(3.9)

[1] 1996–97 and 1995–96 figures take account of rebates provided by certain water and sewerage companies.

Environment Protection Strategy and Europe Division

Ms Ruddock: To ask the Secretary of State for the Environment what was the budget of the environment protection strategy and Europe division of his Department for the 1995–96 financial year. [25621]

Mr. Clappison: The division was established on 1 November 1995. It took on most of the work of what was the environment protection central division, EPC, and part of the work of what was the environment protection Europe division, EPEUR. It is not possible to separate the costs of those parts of EPC and EPEUR which are relevant to the work of the new division. For this reason, an expenditure figure for 1995–96 is not readily available. However, the 1996–97 budget for the net administrative expenditure of the division is £1,075,330.

Ms Ruddock: To ask the Secretary of State for the Environment how many staff are employed within the environment protection strategy and Europe division of his Department. [25625]

Mr. Clappison: The staff in post on 1 April 1996 within the environment protection strategy and Europe division was 27.

County Museum Collections

Mr. Maclennan: To ask the Secretary of State for the Environment what steps he is taking to ensure the continued effectiveness of county museum collections affected by the local government review in the situations of *(a)* abolished authorities and *(b)* relinquished authorities. [25554]

Sir Paul Beresford: How best to provide services for museum and records services is a matter for the authorities concerned. However, following discussions with the Museums and Galleries Commission, the Department of National Heritage has issued guidance on the provision of suitable museum services to all authorities involved in reorganisation.

Waste Incinerators (Fires)

Mr. Jim Cunningham: To ask the Secretary of State for the Environment what plans he has to conduct research into the environmental impact of fires at waste incinerators. [25923]

Mr. Clappison: I have no plans to conduct research into this matter.

Mr. Cunningham: To ask the Secretary of State for the Environment what plans he has to issue guidelines concerning fires at waste incinerators. [25924]

Mr. Clappison: I have no plans to issue guidelines on this matter.

Housing Associations

Dr. Wright: To ask the Secretary of State for the Environment what *(a)* annual reports, *(b)* annual accounts, *(c)* minutes of meetings, *(d)* agendas of meetings and *(e)* registers of members' interests are published by registered housing associations; and if in each case it is under a statutory requirement. [25966]

Mr. Clappison: Registered housing associations are required by statute to provide a copy of their audited annual accounts to the Housing Corporation which holds them available for inspection. All other requirements are non-statutory. The main ones are:

The tenants guarantee which requires associations to keep their tenants informed about their housing management performance.

Housing Corporation programme performance standards under which associations are required to conduct their affairs in an open and accountable way, disseminating widely information about their housing provision and activities.

The National Federation of Housing Association's code of governance which requires board members to declare conflicts of interest and associations to maintain records of interests of board members and senior staff and to make them available for public inspection.

HOME DEPARTMENT

Life Sentence Prisoners

Mr. George Howarth: To ask the Secretary of State for the Home Department how many prisoners serving life sentences were released *(a)* when their tariff was reached, *(b)* up to and including 12 months after tariff, *(c)* up to and including 24 months after tariff and *(d)* longer than 24 months after tariff during each year since 1990. [25200]

Miss Widdecombe: Information in the form requested is not recorded centrally. Figures for all the years from 1990 to 1994 are not readily available and could be obtained only at disproportionate cost. However, a special exercise conducted in 1993 showed that in regard to all life sentence prisoners first released on licence in 1992, 9 per cent. were released before, on, or within one month after, expiry of tariff and 36 per cent. were released before, on, or within 12 months of tariff.

Examination of readily available information about the 60 mandatory life sentence prisoners released for the first time on licence in 1995 shows the following:

Time of release in relation to tariff expiry	*Number and percentage*
Before, on, or within one month of tariff expiry	8 (13 per cent.)
1–12 months after tariff expiry	23 (38 per cent.)
13–24 months after tariff expiry	3 (5 per cent.)
Over 2 years after tariff expiry	26 (43 per cent.)
Total	60

Information about discretionary life sentence prisoners released in 1995 could be obtained only at disproportionate cost.

Prison Boards of Visitors

Mr. Beith: To ask the Secretary of State for the Home Department what organisations were consulted about changes in the retirement age and the limitation to term of office of prison boards of visitors; for what reasons these proposals were not included in the recent review of the board of visitors system; and what representations he has received on this matter. [25220]

Miss Widdecombe: In deciding to amend the policy on appointments to boards of visitors, I noted that a number of members of boards felt that requiring all members to retire at the next triennial review following their 70th birthday did not reflect the fact that many people are well able to carry on voluntary work beyond their 70th birthday and are keen to do so.

On the other hand, it would be inappropriate for any member to be able to serve indefinitely and thus prevent an influx of new members from time to time. It is generally the case in public appointments that reappointment is not automatic and should not be repeated an indefinite number of times. In particular, members of boards of visitors in Northern Ireland have a limit of 12 years on their length of service. However, in view of the larger scale and greater numbers involved in boards of visitors in England and Wales, it seemed reasonable to set a higher limit of 15 years. This limit thus replaces the retirement age which has been abolished.

The review advisory group which considered and reported in May last year focused more on recruitment of new members and the day-to-day work of members of boards rather than on the question of length of service. Although my right hon. and learned Friend endorsed the recommendations of the report, this cannot prevent Ministers from considering other changes when and if it is deemed appropriate and necessary to do so.

The new policy was first announced to the National Advisory Council for Boards of Visitors and, following representations from that committee, I agreed to phase the new measures in. I have received a number of letters from boards and individual members whose comments I have noted.

Fire Services (London Docklands)

Mr. Spearing: To ask the Secretary of State for the Home Department what account he has taken, or will take, when considering the adequacy of fire appliance coverage in the area of and adjacent to that of the London Docklands development corporation of the planned industrial and business development up to the year 2000. [25542]

Mr. Sackville: Statutory responsibility for the provision of an efficient fire service is a matter for the fire authority concerned. Any fire authority wishing to reduce the operational capacity of its brigade, including the number of fire appliances, must seek the approval of my right hon. and learned Friend under section 19 of the Fire Services Act 1947. His practice is to grant approval only where he is satisfied that the nationally recommended standards of fire cover will be maintained. The position would be considered by reference to the category of fire risk of the area as it stood at the time of the application. In the event of future property development, it would be up to the fire authority to take account of the new circumstances. Her Majesty's inspectorate of fire service monitors performance in meeting the standards of fire cover as part of the annual inspection process.

Criminal Cases Review Commission

Mr. Redmond: To ask the Secretary of State for the Home Department on what date the Criminal Cases Review Commission will be set up; and if he will make a statement. [25567]

Mr. Kirkhope: The Criminal Cases Review Commission is expected to start work later this year. The chairman designate is Sir Frederick Crawford and the posts of other members of the commission will be advertised shortly.

General Election Campaigns

Mr. Flynn: To ask the Secretary of State for the Home Department what new proposals he has to set limits on the spending on national campaigns by parties in general elections. [26277]

Mr. Sackville: We have no such proposals.

Home Country Briefs

Mr. Madden: To ask the Secretary of State for the Home Department (1) when he plans to place completed home country briefs on *(a)* Somalia, *(b)* India and *(c)* Pakistan in the Library; and if he will make a statement; [26235]

(2) if he will place in the Library a copy of a home country brief on Somalia referred to by a Home Office presenting officer at a hearing in Manchester last year and which was shown to a representative attending the hearing; and if he will make a statement. [26243]

Mr. Kirkhope: As indicated previously, our aim is to finalise these reports as soon as is practicable. We will then make them available to those concerned with the asylum appeals system and place them in the Library.

Public Bodies

Dr. Wright: To ask the Secretary of State for the Home Department how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25957]

Mr. Howard: The readily available information is as follows: in 1994–95, 13 appointments were made to the public bodies listed in "Public Bodies" from names supplied by the public appointments unit. These were:

	Number
Parole Board	4
Metropolitan Police Committee	5
Advisory Board for Restricted Patients	1
Animal Procedures Committee	1
Police Complaints Authority	2

Prevention of Terrorism Legislation

Mr. Corbyn: To ask the Secretary of State for the Home Department what is the number of people held for *(a)* 48 hours or under and *(b)* over 48 hours under the provisions of the prevention of terrorism legislation for each year since 1974. [19069]

Mr. Howard *[pursuant to his reply, 5 March 1996, c. 200]:* An amended and extended table of the figures given for Northern Ireland is given.

Amendment to table 2 of reply

In Northern Ireland	*Under 48 hours*	*Over 48 hours*
1974[1]	0	0
1975	3	5
1976	44	202
1977	39	123
1978	7	144
1979	36	126
1980	36	186
1981	94	401
1982	189	639
1983	447	728
1984	375	533
1985	381	557
1986	825	484
1987	1,008	451
1988	1,175	542
1989	1,053	530
1990	1,089	460
1991	1,109	571
1992	1,354	441
1993	1,186	455
1994	1,119	384
1995	431	12

[1] From 29 November.

LORD CHANCELLOR'S DEPARTMENT

Public Bodies

Dr. Wright: To ask the Parliamentary Secretary, Lord Chancellor's Department how many appointments to the public bodies listed in "Public Bodies" for his

Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25951]

Mr. Jonathan Evans: Two appointments were made to the Legal Aid Board during 1994–95 from names supplied by the public appointments unit. They were:

John Crosby: Appointed 5 April 1994

Colin George: Appointed 3 May 1994.

Divorce Leaflet

Mr. Patten: To ask the Parliamentary Secretary, Lord Chancellor's Department how many copies were printed and what was the cost of production of the leaflet entitled "I Want to Get a Divorce-What Do I Do" published by the Lord Chancellor's Department (D184), in the most recent year for which figures are available. [25980]

Mr. Jonathan Evans: The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

Letter from M. D. Huebner to Mr. John Patten, dated 22 April 1996:

The Parliamentary Secretary, Lord Chancellor's Department has asked me to reply to your Question about the guidance leaflet entitled "I want to get a divorce-what do I do?".

73,425 leaflets were printed and distributed to the courts in 1995 at a cost of approximately £10,495.

Mr. Patten: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will publish a companion leaflet to "I Want To Get a Divorce-What Do I Do?" entitled "I Want To Try To Stay Married-What Do I Do?" [26018]

Mr. Evans: My Department and the Court Service will be considering what information should be available in the light of the provisions of the Family Law Bill, particularly the proposed information meeting. This will include information about marriage counselling and marriage support services. Consideration of what information and services can best assist people who want to remain married also forms part of the work of the interdepartmental working party on marriage.

TREASURY

Bovine Spongiform Encephalopathy

Mr. Austin Mitchell: To ask the Chancellor of the Exchequer if he will deduct from the United Kingdom's net contribution to the EU the cost of compensating the British farmers for measures to eradicate bovine spongiform encephalopathy in the event of the European Union not agreeing to pay such compensation. [24256]

Mr. Heathcoat-Amory: The Council of Ministers has agreed that a significant proportion of such costs will be financed from the European Community budget.

Labour Statistics

Mr. Pike: To ask the Chancellor of the Exchequer how many people (i) in total and (ii) by sex in England by travel-to-work area are currently in *(a)* temporary employment, *(b)* part-time employment and *(c)* temporary and part-time employment. [24878]

Mrs. Angela Knight: Information for travel-to-work areas is not available from the labour force survey. The available information for standard regions for autumn—September to November—1995 is shown in the table.

(a) Temporary employees by standard region

(Thousands—not seasonally adjusted)

	All	Male	Female
England	1,377	612	765
Northern	95	50	45
Yorkshire and Humberside	133	57	76
East Midlands	106	54	52
East Anglia	67	28	39
Greater London	224	103	120
Rest of South East	324	138	186
South West	131	49	82
West Midlands	133	57	76
North West	163	75	88

(b) Part-time employees by standard region

(Thousands—not seasonally adjusted)

	All	*Male*	*Female*
England	5,426	997	4,430
Northern	328	59	269
Yorkshire and Humberside	575	91	484
East Midlands	479	73	406
East Anglia	253	45	208
Greater London	651	174	478
Rest of South East	1,283	230	1,053
South West	611	114	497
West Midlands	588	97	491
North West	658	113	545

(c) Part-time temporary employees by standard region

(Thousands—not seasonally adjusted)

	All	*Male*	*Female*
England	624	170	455
Northern	37	12	25
Yorkshire and Humberside	56	12	43
East Midlands	50	15	35
East Anglia	34	[1]—	26
Greater London	95	37	58
Rest of South East	150	38	112
South West	70	14	55
West Midlands	64	15	49
North West	69	19	51

[1] Estimate below 10,000 not shown.

Manufactured Goods

Mr. Austin Mitchell: To ask the Chancellor of the Exchequer, pursuant to his answer of 3 April, *Official Report*, column *259*, if the price of exports has increased faster than the price of imports. [25541]

Mrs. Angela Knight: The prices of imported and exported manufactured goods since 1992, measured on a unit value index basis, have increased by the same amount.

Business Investment

Mrs. Beckett: To ask the Chancellor of the Exchequer if he will make a statement on how business investment is calculated. [25549]

Mrs. Angela Knight *[holding answer 19 April 1996]:* Business investment is calculated by the Office of National Statistics as the sum of all non-residential fixed investment by the private sector and public corporations—except national health trust hospitals—excluding investment in land and existing buildings. The data for business investment are available on the ONS central shared database, which can be accessed via the Library of the House.

European Union

Mr. David Shaw: To ask the Chancellor of the Exchequer what has been the gross payment, receipts and net payment made by the United Kingdom to the European Union in each year since 1973. [25789]

Mr. Heathcoat-Amory: The Government's estimates of the United Kingdom's gross contributions, receipts and net contributions to European Community institutions for the financial years 1973–74 to 1994–95, together with the latest estimate of our contribution in 1995–96, are set out in the table.

UK's gross and net contributions to the EC budget

£ million

Year	*Gross contribution before refunds or abatement*	*Negotiated refunds*	*Abatement*	*Gross contribution after refunds and abatement*	*Public sector receipts*	*Net contribution after refunds, abatement and public sector receipts*
1973–74	200	—	—	200	–104	96
1974–75	197	—	—	197	–232	–35
1975–76	370	—	—	370	–354	16
1976–77	544	—	—	544	–320	224
1977–78	941	—	—	941	–382	559
1978–79	1,323	—	—	1,323	–555	768
1979–80	1,665	—	—	1,665	–781	884
1980–81	1,900	–645	—	1,255	–1,022	233
1981–82	2,330	–959	—	1,371	–1,146	225
1982–83	2,820	–774	—	2,046	–1,308	737
1983–84	3,097	–239	—	2,858	–1,897	961
1984–85	3,614	–589	—	3,025	–1,892	1,133
1985–86	3,745	—	–823	2,922	–1,930	992
1986–87	5,121	—	–1,343	3,778	–2,557	1,221
1987–88	4,906	—	–1,137	3,769	–1,958	1,811
1988–89	5,167	—	–1,600	3,567	–2,400	1,166
1989–90	5,804	—	–1,317	4,487	–2,035	2,452
1990–91	6,411	—	–1,838	4,573	–2,388	2,185
1991–92	6,129	—	–2,428	3,701	–2,757	943
1992–93	6,970	—	–1,993	4,977	–2,810	2,168
1993–94	8,407	—	–2,350	6,057	–3,865	2,192
1994–95	6,892	—	–1,648	5,244	–3,603	1,641
1995–96	9,232	—	–1,564	7,668	–4,135	3,533

Inland Revenue (Computers)

Mr. Byers: To ask the Chancellor of the Exchequer what estimate he has made of the savings to be made from the privatisation of the Inland Revenue's computer system; what figure was provided for contingencies under the original agreement; and how much has been spent of this fund to date. [25883]

Mr. Jack *[holding answer 19 April 1996]:* In May 1994 savings were estimated at £225 million over 10 years. In January 1996 the last phase of work was transferred to the Inland Revenue's partner, EDS Ltd. Following that transfer, estimates of savings are being updated but there is no expectation of any significant change. There is no specific amount allocated for contingencies under the contract with EDS.

EDS Ltd.

Mr. Byers: To ask the Chancellor of the Exchequer on what date EDS reached the maximum limit on its earned profit from its contract with Inland Revenue; if excess profits are now being paid back to the Inland Revenue; and if he will make a statement. [25884]

Mr. Jack *[holding answer 19 April 1996]:* The Inland Revenue contract with EDS includes an annual profit-sharing mechanism. At the end of its financial year,

EDS provides the department with a statement showing the revenue received from the contract and the costs as included in the company's audited accounts. Where the profit exceeds a percentage target level, calculated in accordance with the contract formula, this is shared between the department and EDS equally.

TRADE AND INDUSTRY

Iron and Steel Employees Readaptation Benefits Scheme

Mr. MacShane: To ask the President of the Board of Trade what was the Government's expenditure on the iron and steel employees readaptation benefits scheme in each year between 1979 and 1994. [25825]

Mr. Page: The figures requested on the iron and steel employees readaptation benefit scheme are as follows:

£ million

Financial year	*Total ISERBS expenditure*	*Commission contribution*
1979–80	22.0	6.0
1980–81	40.0	6.0
1981–82	112.0	28.0
1982–83	106.0	43.0
1983–84	47.6	31.2
1984–85	31.6	16.2
1985–86	22.7	13.1
1986–87	19.6	8.3
1987–88	17.7	5.6
1988–89	5.7	5.7
1989–90	5.2	1.5
1990–91	12.6	0.5
1991–92	31.8	3.3
1992–93	51.1	5.4
1993–94	28.7	5.2

In addition, the UK Government received European Coal and Steel Community aid from the European Commission as a contribution towards the expenditure. There is a time lag between ISERBS payments being made and receipt of the contribution for the European Commission.

Fluorescent Lighting Tubes

Mr. Sheerman: To ask the President of the Board of Trade how many fluorescent tube lights were manufactured in the United Kingdom in the last year for which figures are available. [25746]

Mr. Page: Accurate data are available on the number of fluorescent tubes manufactured in the UK, although total exports of linear and compact tubes are recorded at 23,767,365 for 1994.

Mr. Sheerman: To ask the President of the Board of Trade how many major companies in the United Kingdom produce fluorescent lighting tubes. [25749]

Mr. Page: Three major companies manufacture fluorescent lighting tubes in the United Kingdom.

Mr. Sheerman: To ask the President of the Board of Trade how many fluorescent lighting tubes were imported into this country in the last year for which figures are available. [25745]

Mr. Page: The information is published by the Office for National Statistics in "Business Monitors" MM20 and MQ20, copies of which are available in the Library of the House. Fluorescent tubes are found in section 778.22 of the standard international trade classification.

Vehicle Batteries

Mr. Sheerman: To ask the President of the Board of Trade what steps he is taking to ensure the safe reclamation and recycling of vehicle batteries. [25750]

Mr. Page: A very high proportion of spent vehicle batteries has traditionally been recycled in the UK. Within the context of the Government's producer responsibility initiative, the industry has given a commitment to maintain a minimum 90 per cent. recycling rate.

The recycling of lead-acid batteries is controlled under part II of the Environmental Protection Act 1990. This ensures that recycling activities are not carried out in a manner that harms human health, or cause pollution of the environment. In addition, the movement of lead-acid batteries is subject to separate controls under the Control of Pollution (Special Waste) Regulations 1980.

Mr. Sheerman: To ask the President of the Board of Trade what steps he is taking to comply with European Union directives on the safe disposal and recycling of vehicle batteries. [25741]

Mr. Page: The GB Batteries and Accumulators (Containing Dangerous Substances) Regulations 1994, SI 1994 No. 232, implemented certain provisions of directives 91/157/EEC and 93/86/EEC, which relate to various battery types, including those normally used for starting, lighting and ignition in vehicles.

A provision requiring the separate collection of batteries caught by the directives was not transposed into law, since recycling rates in excess of 90 per cent. have traditionally been achieved for lead-acid batteries, and the industry is committed to maintaining this performance.

Chernobyl

Mr. Llew Smith: To ask the President of the Board of Trade what was his Department's *(a)* contribution towards and *(b)* participation in the conference on "One Decade After Chernobyl: Summing up the Consequences of the Accident" summing up the radiological consequences, held in Vienna on 8 to 12 April; and if he will place the papers to, and conclusions from, the conference in the Library. [26265]

Mr. Page: The conference on "One Decade After Chernobyl: Summing up the Consequences of the Accident" was sponsored by the European Commission, the International Atomic Energy Agency and the World Health Organisation. It was mainly directed at technical specialists with the aim of consolidating scientific international consensus on the health and environmental effects of the Chernobyl accident. It also reviewed the social, economic and political aftermath and considered the improvements in nuclear safety which have followed. Of the issues covered by the conference, nuclear safety is

the only one which falls directly to my Department. The Government's expert representation on that issue was provided by the Health and Safety Executives nuclear installations inspectorate. The IAEA, on behalf of the sponsors, will publish the proceedings of the conference. I will arrange for a copy of the final conclusions to be placed in the Library of the House as soon as these are available.

Nuclear Energy

Mr. Llew Smith: To ask the President of the Board of Trade (1) what discussions British Nuclear Fuels has had recently with Japanese electrical utilities or Japanese nuclear fuel companies for the provision of mixed oxide fuel; [26269]

(2) what proportion of the existing capacity at the British Nuclear Fuels Ltd. at the Sellafield mixed oxide plant has been contracted for the next 10 years; which countries have placed contracts for the production of MOX fuel at the plant; and what is the total value of contracts placed to date for MOX fuel production. [26270]

Mr. Page: Commercial and operational matters are the responsibility of the board of British Nuclear Fuels.

Mr. Smith: To ask the President of the Board of Trade if he will make a statement on *(a)* the current status of materials accountancy and *(b)* the application of nuclear safeguards at the British Nuclear Fuels Ltd. Sellafield mixed oxide plant. [26259]

Mr. Page: The Sellafield MOX plants are subject to Euratom safeguards and the terms of the UK—Euratom—IAEA safeguards agreement. The MOX demonstration facility has been in operation since 1993 and is subject to Euratom safeguards, with regular materials accountancy reports being supplied in accordance with regulation 3227/76. The Sellafield MOX plant is currently under construction, necessary documentation has been provided to Euratom and discussions are in progress on the detailed safeguard arrangements.

Trade (China)

Ms Quin: To ask the President of the Board of Trade what are the figures for imports and exports and for invisible and visible trade between the United Kingdom and the People's Republic of China for each of the past 10 years. [25205]

Mr. Oppenheim: Information on the UK's visible trade with the People's Republic of China between 1985 and 1994 is published by the Office for National Statistics in tables 12.5 and 12.6 of the "Annual Abstract of Statistics", 1996 edition. The same information for 1995 is published by the Office for National Statistics in table 2 of the most recent "Business Monitor", MM20. Copies of both the above publications are available in the Library of the House. Information on invisible trade between the UK and the People's Republic of China for 1994 will be published by the Office for National Statistics in the April 1996 issue of "Economic Trends". Information for previous years is not available.

Social Chapter

Mrs. Beckett: To ask the President of the Board of Trade, pursuant to his answer of 22 March, *Official Report*, columns *372–73*, what proportion of the difference in unit labour costs between United Kingdom employees and other EU countries' employees is attributable to the effects of the adoption of directives under the social chapter. [25553]

Mr. Lang *[holding answer 19 April 1996]:* The impact of directives, individually and collectively, on costs will differ between countries depending on national regulations and practice before the adoption of the directives at a European level. To date, directives adopted under the Maastricht agreement on social policy have not been implemented in member states.

European Works Council and Parental Leave Directives

Mrs. Beckett: To ask the President of the Board of Trade, pursuant to his answer of 22 March, *Official Report*, columns *372–73*, what is his Department's estimate of the effect on the number in employment if *(a)* the European works council directive and *(b)* the parental leave directive, were introduced; and if he will place in the Library the information upon which his estimates are based. [25552]

Mr. Lang *[holding answer 19 April 1996]:* Both the parental leave directive and the European works council directive would impose costs on business and reduce flexibility. This would result in the loss of jobs, both in the short and in the longer term. The number of jobs lost would depend on a range of factors—and, in particular, on how individual businesses respond to the additional cost. It is therefore not possible to make a reliable estimate of the effect the directives would have on employment.

HOUSE OF COMMONS

Strangers Gallery Tickets

Dr. Goodson-Wickes: To ask the Chairman of the Administration Committee what consultations he has had over facilitating the administration of Gallery tickets. [24748]

Mr. Michael J. Martin: The Administration Committee, at its meeting on 27 June 1995, reviewed the current arrangements for the allocation of tickets to the Special Galleries and Members' parties on the Line of Route. However, my Committee did not support a proposal that a formal visits office should be established to administer the arrangements for these visits.

Post Arrangements

Mr. Hawkins: To ask the Chairman of the Administration Committee what changes are planned to the system of transfer of post from the letterboard in the Members' Lobby to the internal post; and if he will make a statement. [24750]

Mr. Michael J. Martin: The Serjeant at Arms and Black Rod have commissioned a study into all aspects of the mail system for both Houses. This will include examination of the transfer of post which has not been collected from the Members' letterboard into the mail system.

I understand that the Serjeant at Arms will be writing to the hon. Member.

Hours and Procedures

32. **Mr. Gapes:** To ask the Lord President of the Council whether he will set up an all-party review of the hours and procedures of the House. [24753]

Mr. Newton: The hours at which the House sits were reviewed by the Select Committee on Sittings of the House—the Jopling Committee—in 1992, and changes in procedure designed to reduce sitting hours were agreed to by the House last year. The procedures of the House are also kept under review by the Select Committee on Procedure, which is itself an all-party Committee.

Oral Statements

32. **Mr. Skinner:** To ask the Lord President of the Council how many Government oral statements have been given in the Commons since January. [24755]

Mr. Newton: From 11 January until 3 April there were 26 oral statements given in the House of Commons.

Private Members' Balloted Motions

35. **Mr. Spearing:** To ask the Lord President of the Council what was the number of private Members' balloted motions debated in each of the Sessions *(a)* 1991–92, *(b)* 1992–93 and *(c)* 1993–94. [24757]

Mr. Newton: The numbers of private Members' balloted motions debated in each of the specified Sessions are as follows:

(a) 8

(b) 14

(c) 19.

Heads of Government

Mr. Tony Banks: To ask the Lord President of the Council if he will bring forward proposals to permit Heads of foreign Governments to address the House from within the Chamber. [24754]

Mr. Newton: No. I believe that the present arrangements for Heads of State or Heads of Government to address both Houses in the Royal Gallery or in Westminster Hall are satisfactory.

Legislation

Ms Mowlam: To ask the Lord President of the Council how many Henry VIII clauses have been contained in legislation each year since 1979; and if he will list the relevant clause, Act or statutory instrument in each case. [24528]

Mr. Newton: This information is not held centrally.

Mr. Simon Hughes: To ask the Lord President of the Council when he last reviewed the arrangements for dealing with urgent legislation in the House. [24756]

Mr. Newton: I have not undertaken such a review, but if the hon. Member has suggestions to make in the light of recent or current experience, I should be glad to consider them or to invite consideration by the Procedure Committee.

ATTORNEY-GENERAL

Anthony Duncan

Mr. Alex Carlile: To ask the Attorney-General if he will make a statement on Her Majesty's Government's application to Dublin district court for the extradition of Anthony Duncan. [25617]

The Attorney-General: Anthony Duncan was arrested in the Republic of Ireland on 11 April on domestic charges. He is wanted in this country to face charges in connection with bombs in Brighton and Bognor in August 1994. Extradition between the United Kingdom and the Republic of Ireland takes place under the Backing of Warrants (Republic of Ireland) Act 1965 and the corresponding legislation of the Republic of Ireland. In accordance with the provision of that legislation and following my hon. and learned Friend the Solicitor-General's decision to prosecute, the Metropolitan police delivered an arrest warrant for Duncan and supporting papers to their Irish counterparts on 12 April. The original arrest warrant, however, was not produced in the Irish court. There is a conflict of evidence as to how this came about, but a fresh warrant has now been delivered to the authorities in the Republic of Ireland.

FOREIGN AND COMMONWEALTH AFFAIRS

Entry Clearance (Indian sub-continent)

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the number of entry clearance officers at British high commission offices in *(a)* Pakistan, *(b)* Sri Lanka, *(c)* India and *(d)* Bangladesh on 30 March. [25572]

Mr. Hanley: The numbers of entry clearance officers serving at the British high commission offices in Bangladesh, India, Pakistan and Sri Lanka are as follows:

(a) Pakistan:
- i. Islamabad: 28
- ii. Karachi: 5

(b) Sri Lanka: 4 officers

(c) India:
- i. Bombay: 10
- ii. Calcutta: 1
- iii. Madras: 2
- iv. New Delhi: 12

(d) Bangladesh: 12

Mr. Madden: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the current average target time set for the United Kingdom post in Islamabad to *(a)* prepare and *(b)* dispatch to the United Kingdom explanatory statements concerning refusal to grant entry clearance; what the target times were in each quarter over the last five years; and if he will make a statement. [26237]

Mr. Hanley: Since 1989, the target times for the preparation and submission of appeal statements by the high commission in Islamabad have been one month for non-settlement appeals and three months for settlement appeals.

British Steel

Mr. MacShane: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the total value of commercial orders placed by his Department with British Steel plc in each year from 1988 to 1995. [25815]

Mr. Hanley: We have no record of any order having been placed with British Steel.

France (Middle East Visit)

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions took place with the French Government before the visit by the French Foreign Minister to Israel, Syria and Lebanon; and if he will make a statement. [25568]

Mr. Hanley: France has kept us fully informed of the progress of the visit and negotiations.

UN Peacekeeping Forces

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the countries in which the United Kingdom has United Nations peacekeeping forces; and what are the numbers of peacekeepers in each country. [25573]

Sir Nicholas Bonsor: Four hundred and twenty-two British troops are deployed as follows on United Nations peacekeeping operations:

Cyprus (UNFICYP): 388

Kuwait/Iraq (UNIKOM): 16

Angola (UNAVEM): 3

Croatia (UNPF, UNMOP, UNTAES): 5

Georgia (UNOMIG): 10

Lake Kojanovskoe, Russia

Mr. Dalyell: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his letter of 3 April to the hon. Member for Linglithgow, what conclusions have been drawn about funding action to counter contamination of Lake Kojanovskoe. [25532]

Sir Nicholas Bonsor: It is too early to consider what concrete assistance might be made available to counteract contamination of Lake Kojanovskoe. The conclusions of the EU-financed study are being considered and will be followed up with the Commission in due course.

Liberia

Mr. Tony Lloyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on the situation of British nationals remaining in Liberia. [25831]

Mr. Hanley: Our consular correspondent has reported that, of the 12 British nationals in Liberia, nine have elected to remain in Liberia and one is undecided. They are all well. The whereabouts and condition of the two other British nationals are unknown.

Council of Europe

Mr. Terry Davis: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about the proposal for a second summit of Heads of State and Government of the Council of Europe. [26279]

Mr. David Davis: We support the principle of a second summit. Such a summit might best be held in 1999 when the Council of Europe will, in any event, wish to mark its 50th anniversary.

Mrs. Shazia Bi

Mr. Madden: To ask the Secretary of State for Foreign and Commonwealth Affairs what decision has been taken on the application by Mrs. Shazia Bi, Ref: IMM/C7321, to the United Kingdom post in Islamabad to join her husband in the United Kingdom; and on what date that decision was taken. [26244]

Mr. Hanley: I have asked the high commission at Islamabad for details and will arrange for the hon. Member to receive a substantive reply from the migration and visa correspondence unit as soon as possible.

PRIME MINISTER

Sexual Exploitation of Children Congress

Mr. Cox: To ask the Prime Minister which Minister will attend the world congress against commercial sexual exploitation of children in Stockholm in August; and if he will make a statement. [26098]

The Prime Minister: The congress will be attended by the Under-Secretary of State for the Home Department, my hon. Friend the Member for Leeds, North-East (Mr. Kirkhope).

Nuclear Safety and Security Summit

Sir Anthony Durant: To ask the Prime Minister if he will make a statement on the outcome of the nuclear safety and security summit in Moscow. [26550]

The Prime Minister: I attended the Moscow summit on nuclear safety and security on 19 and 20 April. I have arranged for copies of the declaration and background documents to be placed in the Library of the House. The summit was chaired jointly by President Yeltsin and by President Chirac as the current chairman of the Group of Seven. Other G7 leaders attended, as did President Kuchma of Ukraine for the later part of the summit.

There was unanimous agreement at the summit on the priority that needs to be given to ensuring the safety of nuclear power plants and the security of nuclear materials. We agreed that the convention on nuclear safety must be ratified and brought into force as soon as possible; the United Kingdom has already ratified the convention.

At the same time, the summit endorsed the importance of market-oriented reforms in the energy sector, and the contribution this can make to nuclear safety. Investment strategies should be based on least-cost planning, and energy efficiency and conservation have an important role to play.

We also agreed on the need to work for the early adoption of a convention on the safety of radioactive waste management, which is currently under negotiation. The disposal of radioactive waste at sea is prohibited under the 1993 amendment to the London convention, which the UK and most other countries have accepted; at the summit, Russia gave a firm commitment to accept the amendment. We agreed to work together to identify strategies for the safe management and eventual disposal of fissile material no longer required for defence purposes.

President Kuchma attended the summit for the discussion on Chernobyl. We welcomed his decision to close Chernobyl by the year 2000 in accordance with the memorandum of understanding signed between the G7 and the Ukraine last year, and we confirmed our commitment to implement the memorandum.

The summit also discussed the need to prevent any illicit trafficking in nuclear materials. We agreed on a programme to combat any such trafficking, and to increase co-operation to ensure the safe storage and protection of nuclear materials. Existing co-ordination between national agencies will be enhanced.

The countries at the summit also committed themselves to conclude and sign a comprehensive nuclear test ban treaty by September 1996.

The summit also provided a timely opportunity to discuss the main international issues, particularly Lebanon and Bosnia. On Lebanon, we agreed on the need for an immediate ceasefire and a political solution to end the present crisis and enable the wider peace process to resume. We endorsed current diplomatic efforts to bring this about. On Bosnia, we agreed that the deployment of the implementation force and implementation of the military part of the Dayton agreement had gone well, but that more rapid progress was needed on key issues such as elections, reconstruction and the return of refugees.

Before the summit, I visited Prague and Kiev for discussions with the Governments of the Czech Republic and Ukraine. In Moscow I had meetings with President Yeltsin, Prime Minister Chernomydin and others. I also took the opportunity to have bilateral meetings with Prime Minister Chretien and President Clinton and to discuss our problems with the European Union over beef exports informally with the other EU leaders present.

In sum, therefore, the Moscow summit made a major contribution to nuclear safety, through agreements reached and endorsed. It was also an invaluable occasion to take forward other significant issues informally with my fellow Heads of State and Governments, and to reinforce links with them. It was a success on all counts.

Monarchy

Mr. Flynn: To ask the Prime Minister if he will introduce a measure to abolish the monarchy. [26282]

The Prime Minister: No.

Libya

Mr. Dalyell: To ask the Prime Minister what response Her Majesty's Government are suggesting to the United Nations as a reply to the initiative to the United Nations from Libya to send an inspection team to the alleged chemical weapons site at Rabta in the Libyan desert; and if he will make a statement. [26287]

The Prime Minister: We believe that if Libya seriously wishes to dispel concerns about chemical weapons activities at this or any other site, she should accede to and comply fully with the provisions of the chemical weapons convention.

OVERSEAS DEVELOPMENT ADMINISTRATION

Sub-Saharan Africa

Mrs. Dunwoody: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) how many advisers seconded by the British Government to sub-Saharan Africa are advising on the reorganisation of *(a)* health services and *(b)* education services; [25580]

(2) how many advisers seconded by the British Government to sub-Saharan Africa are advising on the reorganisation of *(a)* police, *(b)* army and *(c)* civil service; [25579]

(3) if he will list *(a)* the number of British advisers presently serving in sub-Saharan Africa, *(b)* their job description and *(c)* the length of their contracts. [25583]

Mr. Hanley: The ODA currently employs the following professional advisers in its overseas offices in sub-Saharan Africa:

Professional discipline	*Number*
Health	4
Education	1
Government institutions, including the civil service and the police	1
Others	27

It also employs technical co-operation officers to work on specific programmes and projects. The number of such personnel currently engaged is:

Professional discipline	*Number*
Health	18
Education	24
Government institutions, including the civil service and the police	52
Others	91

In addition to the above, there are 47 military and civilian personnel advising on a range of defence issues deployed by the Foreign and Commonwealth Office and MOD on behalf of the British Government to sub-Saharan Africa.

Individual terms and job descriptions vary widely between discipline, location, programme and project and can be provided only at disproportionate cost. The FCO and ODA also contract with consultancy services to provide advisers whose individual contract terms can also be provided only at disproportionate cost.

Liberia

Mr. Tony Lloyd: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement regarding the situation in Liberia. [25834]

Mr. Hanley: We condemn the recent fighting in Monrovia and call on all factions to re-establish the ceasefire and abide by the terms of the Abuja agreement. We support international efforts to restore order.

Mr. Lloyd: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what assessment he has made of the humanitarian requirements of the population of Liberia; [25832]

(2) what reports he has received about the withdrawal of aid agencies from Liberia. [25833]

Mr. Hanley: Latest UN reports indicate that nearly all aid agencies have withdrawn from Liberia and most are temporarily based in Abidjan and Freetown pending an improvement in the security situation. The UN hopes to carry out assessments very soon but, in the meantime, the World Food Programme is achieving a modest food distribution in Monrovia.

Mr. Lloyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the current political and security situation in Liberia. [25830]

Mr. Hanley: The fighting in Monrovia is a severe setback to the peace process. We welcome the efforts of the UN and the countries of the region to restore order.

Mr. Lloyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with *(a)* his EU counterparts, *(b)* the United States of America and *(c)* the UN regarding the situation in Liberia. [25829]

Mr. Hanley: We have participated in discussions in the UN Security Council and are in close touch with our EU partners and the US regarding the situation in Liberia.

The Gambia

Mr. Tony Lloyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the timetable for the transition to democracy programme in The Gambia. [25828]

Mr. Hanley: We regret that the Gambian Government has been unable to meet have their own timetable for transition to democracy, despite help from the donor community. We have urged the regime to press ahead and to lift the ban on political activity and release or bring to trial all detainees.

HEALTH

Bovine Spongiform Encephalopathy

Mr. Llew Smith: To ask the Secretary of State for Health what advice he has received on the health effects of the incineration of BSE-affected cattle; and how many suitable incinerators are available. [23840]

Mr. Horam: BSE—affected cattle are currently incinerated at nine incinerators authorised under part 1 of the Environmental Protection Act 1990 for animal carcase incineration. The Act requires that conditions are included in authorisations to achieve the objective of ensuring that the best available techniques not entailing excessive cost are used to prevent, minimise and render harmless emissions.

Public Bodies

Mr. Spring: To ask the Secretary of State for Health which of the advisory non-departmental public bodies sponsored by his Department were listed incorrectly in the answer given by my hon. Friend the Member for Bolton, West (Mr. Sackville) to the hon. Member for Cannock and Burntwood (Dr. Wright) on 4 May 1995, *Official Report*, column *276*. [26425]

Mr. Horam: I regret that the reply given by my predecessor contained two errors. The Standing Dental Advisory Committee was incorrectly listed as publishing its advice to Government as a statutory requirement; additionally, the Health Advisory Service was incorrectly listed as publishing an annual report as a statutory requirement. In neither case is there such a requirement.

Dr. Wright: To ask the Secretary of State for Health how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25956]

Mr. Horam: I refer the hon. Member to the reply that my hon. Friend the then Under-Secretary of State gave to the hon. Member for Darlington (Mr. Milburn) on 17 January 1995 at column *440*.

Dr. Wright: To ask the Secretary of State for Health which of the advisory non-departmental public bodies sponsored by his Department have a statutory base, and which *(a)* publish their advice to Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament (i) under a statutory requirement and (ii) voluntarily. [20098]

Mr. Horam *[holding answer 12 March 1996]:* The following Department of Health advisory non-departmental public bodies have a statutory basis:

Administration of Radioactive Substances Advisory Committee;

Advisory Board on the Registration of Homeopathic Products;

British Pharmacopoeia Commission;

Clinical Standards Advisory Group;

Committee on the Safety of Medicines;

Joint Committee on Vaccination and Immunisation;

Medicines Commission;

Standing Dental Advisory Committee;

Standing Medical Advisory Committee;

Standing Nursing and Midwifery Advisory Committee;

Standing Pharmaceutical Advisory Committee;

Unrelated Live Transplant Regulatory Authority.

The following Department of Health advisory non-departmental public bodies are required to:

Publish their advice to the Government:

(i) under a statutory requirement:

None;

(ii) *voluntarily:*

Committee on Medical Aspects of Food and Nutrition Policy;

Medical Workforce Standing Advisory Committee.

Publish and annual report:

(i) *under a Statutory requirement:*

Advisory Board on the Registration of Homeopathic Products;

British Pharmacopoeia Commission;

Committee on the Safety of Medicines;

Medicines Commission.

(ii) *voluntarily:*

Advisory Committee on Distinction Awards;

Advisory Committee on the Microbiological Safety of Food;

Committee on the Carcinogenicity of Chemicals in Food, Consumer Products and the Environment;

Committee on Medical Aspects of Food and Nutrition Policy;

Committee on the Mutagenicity of Chemicals in Food, Consumer Products and the Environment;

Committee on the Toxicity of Chemicals in Food, Consumer Products and the Environment;

Health Advisory Service.

Lay an annual report before Parliament:

(i) under a statutory requirement:

Advisory Board on the Registration of Homeopathic Products;

British Pharmacopoeia Commission;

Committee on the Safety of Medicines;

Medicines Commission.

(ii) *Voluntarily:*

None.

Attention Deficit Hyperactivity Disorder

Ms Quin: To ask the Secretary of State for Health what assessment he has made of a possible link between the incidence of attention deficit hyperactivity disorder in children and forceps deliveries of babies. [25203]

Mr. Bowis: Forceps deliveries have not been shown to be associated with the development of attention deficit hyperactivity disorder in children.

Ms Quin: To ask the Secretary of State for Health what estimate he has made of the incidence of attention deficit hyperactivity disorder in children *(a)* in England as a whole and *(b)* in each standard planning region. [25204]

Mr. Bowis: Information on the incidence of attention deficit hyperactivity disorder is not available centrally. Recent research suggests that severe hyperkinetic disorder, which is one form of attention deficit hyperactivity disorder, is found in about one in 200 children.

Psychiatric Care (Minors)

Mr. Milburn: To ask the Secretary of State for Health how many psychiatric beds have been provided for children and adolescents by *(a)* the NHS and *(b)* the independent sector for each year since 1979. [26186]

Mr. Bowis: Information on the number of psychiatric beds provided for adolescents is not available.

Data on the number of child psychiatric beds are contained in "Bed availability for England", copies of which are available in the Library. The latest year for which data are available is 1994–95.

Mr. Milburn: To ask the Secretary of State for Health how many children have been admitted to psychiatric care for each year since 1979. [26187]

Mr. Bowis: The information is shown in the table.

Admission to psychiatric care in national health service hospitals: England 1979–1986, 1989–90 to 1994–95

	Age group	
Year	*0–14*	*15–19*
1979	1,910	5,810
1980	2,040	5,960
1981	1,990	6,030
1982	1,890	5,450
1983	1,890	5,460
1984	1,870	5,530
1985	1,900	5,440
1986	1,780	5,270
1989–90	2,600	5,600
1990–91	2,600	5,000
1991–92	2,300	4,900
1992–93	2,900	5,600
1993–94	3,100	5,700
1994–95[1]	3,100	5,400

[1] Provisional figures

Notes:

1. Figures for 1979 to 1986 are based on calendar years and are derived from the Mental Health Enquiry.
2. Figures for 1989–90 to 1994–95 are estimates based on the number of hospital episodes in the financial year. The two sources are not consistent in their definition of admissions so there is some discontinuity in the data. Reliable data are not available for 1987–88 and 1988–89.

Source:

1979 to 1986 Mental Health Enquiry.

1989–90 to 1994–95 Hospital Episode Statistics.

Nursing and Residential Homes

Mr. Milburn: To ask the Secretary of State for Health what is the maximum number of beds permitted by his Department in *(a)* a nursing home and *(b)* a residential care home. [26188]

Mr. Bowis: We make no such prescription for either category of home.

Prescription Drugs

Mr. Flynn: To ask the Secretary of State for Health what is his estimate of the percentages of fatal side-effects of prescription drugs which are not reported under the yellow card scheme. [26276]

Mr. Malone: Under the yellow card scheme, reports of suspected adverse reactions to licensed medicines are received from doctors, dentists and coroners. A report of a suspected adverse drug reaction does not necessarily

mean that the reaction was caused by the drug. The scheme is voluntary and not all adverse reactions are reported. The percentage of all fatal adverse reactions which are not reported through the scheme is not known.

Cancelled Operations

Mr. Milburn: To ask the Secretary of State for Health if he will provide a quarterly analysis of the number of operations cancelled in each region since figures have been published. [19497]

Ms Coffey: To ask the Secretary of State for Health if he will place in the Library figures by *(a)* district health authority and *(b)* regional health authority, of the number of operations cancelled on the day of, or the day after, admission to hospital and the number of those patients not readmitted within a month for (i) the second and *(b)* and third quarter of 1995–96. [19471]

Mr. Horam *[pursuant to his reply, 7 March 1996, c. 324]:* I regret that my previous reply contained an error. The percentage of operations cancelled in 1994–95 should read less than 1 per cent., not 0.01 per cent.

DEFENCE

Menwith Hill

Mrs. Mahon: To ask the Secretary of State for Defence if *(a)* the squadron leader in charge and *(b)* other British employees at Menwith Hill have signed the US Official Secrets Act. [20631]

Mr. Soames: It is not our policy to comment on specific security arrangements.

Mrs. Mahon: To ask the Secretary of State for Defence how many United States personnel are under the command of the squadron leader in charge at Menwith Hill. [20627]

Mr. Soames: None.

Joint Rapid Deployment Force (Ferries)

Mr. Allen: To ask the Secretary of State for Defence if the roll-on roll-off ferries that are to be bought for the joint rapid deployment force, announced on 26 March, will be manned by British seafarers; and if he will make a statement. [25479]

Mr. Soames: No decision has yet been reached on the most appropriate manning arrangements for the roll-on roll-off ferries to support the joint rapid deployment force. An announcement will be made in the summer, once all relevant factors have been properly weighed.

RAF (Commitments)

Dr. David Clark: To ask the Secretary of State for Defence what assessment he has made of the capacity of the RAF to meet its commitments. [25797]

Mr. Soames: I am fully confident that the RAF continues to have the capacity to meet its operational commitments.

Dr. David Clark: To ask the Secretary of State for Defence what measures he has introduced to reduce overstretch in the RAF. [25798]

Mr. Soames: The Royal Air Force has introduced a number of temporary measures to minimise the burden on personnel during the current drawdown. These include provisions to postpone tactical and operational evaluations and scale down formal inspections and staff visits. Such measures are a sensible way of ensuring that operational capabilities are maintained over this transitional period.

British Steel

Mr. MacShane: To ask the Secretary of State for Defence what was the total value of commercial orders placed by his Department with British Steel plc in each year from 1988 to 1995. [25819]

Mr. Arbuthnot: In the years concerned, the value of the orders placed directly with British Steel plc by the Department was:

	£
1988	36,000
1989	836,000
1990	168,000
1991	80,000
1992	2,330,000
1993	297,000
1994	42,000
1995	37,000

All figures are approximate.

Most steel for the Ministry of Defence will be procured via MOD prime contractors for shipbuilding, tanks etcetera.

NATO

Mr. Colvin: To ask the Secretary of State for Defence what assessment he has made of the impact of the decision by the Chief of the Air Staff to postpone tactical evaluations and operational evaluations on the United Kingdom's ability to fulfil its NATO obligations. [25587]

Mr. Soames: The planned postponement of Tacevals and Opevals in the period to March 1997 will have no detrimental impact on the UK's ability to fulfil its obligations to NATO.

Oral Communication Classes

Mr. Redmond: To ask the Secretary of State for Defence what assistance he is giving Air Chief Marshall Sir Michael Graydon in implementing oral communication classes at the Royal Air Force's officer training school, Cranwell; what plans he has to recommend these classes to the other armed services training establishments; and if he will make a statement. [25565]

Mr. Soames: Oral communication is already taught at the officer training colleges of all three services. The syllabuses are kept under constant review and are subject to change as appropriate by the respective commanding officers. Contrary to recent reports in the press, there are no plans to change the existing oral communication syllabus at the RAF college, Cranwell.

Beaufort's Dyke

Mr. Foulkes: To ask the Secretary of State for Defence what explosions recorded by the British Geological Survey in the immediate vicinity of Beaufort's dyke in 1995 were related to his Ministry's activities. [25720]

Mr. Soames: From the data supplied by the British Geological Survey, one explosion in the immediate vicinity of Beaufort's dyke corresponds to the record of a controlled detonation of a second world war mine on 7 February 1995 on a beach in the West Freugh range area.

Battle of Trafalgar Bicentenary

Mr. Spellar: To ask the Secretary of State for Defence what preparations his Department is making for the commemoration of the bicentenary of the battle of Trafalgar and the death of Nelson. [25915]

Mr. Soames: It is too early for any arrangements or plans to have been considered by my Department for this important event in October 2005.

Trident Submarines

Ms Rachel Squire: To ask the Secretary of State for Defence what were the costs quoted in the original bid and what are the current estimated costs of *(a)* Project DI54 and *(b)* the nuclear refitting process for Trident strategic submarine ballistic nuclear; what are the reasons for the difference; and from what source additional expenditure will be met. [25616]

Mr. Arbuthnot: In respect of Project D154, I refer the hon. Member to the answer I gave on 16 April 1996, *Official Report*, column *458*. The financial projections which underpinned the 1993 decision to place nuclear work at Devonport took into account capital costs and total operating costs associated with conducting both nuclear and non-nuclear refitting work over a 15-year period. These amounted to some £5,284 million for the option selected. The cost of the Trident refitting programme will be influenced by the outcome of negotiations on the sale of Devonport royal dockyard and the actual duration of refits. The information is not available in the form requested.

Laser Weapons Protocol

Ms Quin: To ask the Secretary of State for Defence what assessment he has made of *(a)* the practical interpretation and *(b)* the implications of the laser weapons protocol, with particular reference to intentional and unintentional blinding. [25206]

Mr. Soames: We welcome the adoption by the UN weaponry convention review conference in October 1995 of the protocol on blinding laser weapons. We believe that the protocol meets humanitarian concerns without adversely affecting normal military uses of lasers. Our interpretation is that it would prohibit the employment of laser weapons specifically designed, whether as their sole combat purpose or as one of their combat purposes, to cause permanent blindness to unenhanced vision.

As to the employment of other lasers, states parties are required to take feasible precautions to avoid the incidence of permanent blindness to unenhanced vision. The user's intention—or lack of it—to cause blindness is not, as such, material. We are currently studying the implications of this protocol and will take a decision on whether to ratify it following the final session of the review conference.

RAF St. Athan (Training Flights)

Mr. Win Griffiths: To ask the Secretary of State for Defence if he will list the times and the days that training flights have been undertaken from RAF St. Athan indicating the land bearings below the airspace used for training. [25418]

Mr. Soames: Three types of flying training are undertaken from RAF St. Athan:

(a) Elementary flying training for the members of the University of Wales university air squadron using Bulldog aircraft.

(b) Air experience flying for air cadets using Bulldog aircraft.

(c) Air experience and training for air cadets using gliders.

The station is also used as a forward operating base for Hawk aircraft from RAF Valley using the Pembrey range for advanced fast jet training.

Hawk aircraft flying takes place during the station's normal hours of operation which are 0830 to 1700 hours Monday to Thursday and 0830 to 1600 hours on Fridays. Bulldog aircraft and gliders also operate outside of these hours during the summer months and at weekends throughout the year.

Training flights use much of the available airspace. Details of land bearings and the specific time and date for flights could be provided only at disproportionate cost.

Land Mines

Mr. Wigley: To ask the Secretary of State for Defence what progress is being made in the international discussions aimed at outlawing the use of land mines. [9385]

Mr. David Davis *[pursuant to the answer, 17 January 1996, c. 579]:* In order to make greater progress in achieving international agreement on effective measures to reduce the dangers to civilians from land mines, we have taken a series of national decisions following a review of our policy, as follows:

The UK will work actively towards a total, world-wide ban on anti-personnel mines. Should such a ban be agreed, we would give up our anti-personnel land mine capability, and would destroy our stocks accordingly.

All our current anti-personnel mines are non-self-destructing. We intend to destroy almost half our current stockpile as soon as practicable. Until a world-wide ban on all anti-personnel mines is agreed, we shall also pursue current procurement plans to replace our existing mines with self-destructing ones.

We shall also pursue, as an interim step, early international agreement on the elimination of all non-self-destructing anti-personnel mines, which pose the greatest danger to civilians.

The UK's armed forces do not currently use anti-personnel mines operationally, anywhere in the world. Nor will they use our current stocks of non-self-destructing anti-personnel mines in future operations unless, in exceptional circumstances, Ministers are satisfied that their use is essential to ensure that British troops are properly protected and there are no alternative ways of achieving that end.

In such exceptional circumstances, we would use non-self-destructing anti-personnel mines only in marked, fenced or monitored areas; would clear them as soon as feasible; and any use would be strictly in accordance with the laws of armed conflict, including the strengthened protocol II to the UN weaponry convention which we hope will be agreed shortly.

We shall also, as a matter of priority, pursue the development of alternatives to anti-personnel mines. Should viable alternatives emerge—none has yet—we would cease to use all anti-personnel mines, of any type, and would destroy all our stocks.

In addition, we shall with immediate effect extend the scope of our export moratorium, to prohibit the export of all types of anti-personnel mines to all destinations.

SOCIAL SECURITY

Benefit Claimants

Mr. Pike: To ask the Secretary of State for Social Security how many people in Lancashire received *(a)* income support and *(b)* housing benefit in each year from 1979 to 1996. [24879]

Mr. Roger Evans: The administration of income support is a matter for Peter Mathison, the chief executive of the Benefits Agency. He will write to the hon. Member.

Letter from Ursula Brennan to Mr. Peter Pike, dated 19 April 1996:

As Peter Mathison is away from the office on annual leave at the moment, the Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking how many people in Lancashire received (a) Income Support (IS) and (b) Housing Benefit (HB) in each year from 1979 to 1996.

The information is not available in the format requested. IS statistics are collated by Benefits Agency (BA) Districts and not for specific geographical areas. The areas covered by some Districts may fall outside of the County boundaries. Additionally, data prior to 1991 is only available on a national basis. Information has been provided for the BA Districts of Blackburn and Accrington; Blackpool; Bolton; Burnley, Pendle and Rossendale; Lancashire and South Cumbria; Preston; West Pennine; and South West Lancashire. Further breakdown of District information is not possible. Available IS statistics are in the attached Table 1.

HB statistics are collated by Local Authority area. Information is only available from 1988. For 1988 and 1989 some information has been estimated as some Local Authorities did not provide statistical data. Information has been provided for the Local Authorities of Blackburn; Blackpool; Burnley; Chorley; Fylde; Hyndburn; Lancaster; Pendle; Preston; Ribble Valley; Rossendale; South Ribble; West Lancashire; and Wyre. HB statistics relate to claims from both IS and non-IS recipients. Available HB statistics are in the attached Table 2.

I hope you find this reply helpful.

Table 1: Income Support Live Claims for Lancashire from 1991

	Income Support live claims
May 1991	212,329
May 1992	228,417
May 1993	248,700
May 1994	252,941
May 1995	251,972

Table 2: Housing benefit claims for Lancashire from 1988

	Housing benefit cases for Lancashire
May 1988[1]	80,570
May 1989[1]	77,550
May 1990	82,080
May 1991	81,240
May 1992	86,720
May 1993	88,840
May 1994	93,970
May 1995	96,880

[1] Estimated figures.

Information refers to the number of benefit units, which may be for a single person or a couple.

Mr. Bradley: To ask the Secretary of State for Social Security (1) how many persons were receiving sickness benefit and invalidity benefit on 31 March 1995; [25801]

(2) how many persons are currently receiving incapacity benefit. [25802]

Mr. Burt: The available information is in the table.

	Number (million)
Persons receiving sickness and invalidity benefit at 12 April 1995[1]	[2]1.88
Persons receiving incapacity benefit at 31 March 1996	[3]1.81

[1] Information from the day before the introduction of incapacity benefit, the nearest date to the 31 March 1995 for which information is available.

[2] From 1 per cent. sample of all claims in Great Britain.

[3] 100 Per cent. count of all claims in Great Britain. Excludes a small number of cases paid clerically.

Incapacity Benefit

Mr. Steinberg: To ask the Secretary of State for Social Security how many people have *(a)* passed and *(b)* failed the incapacity benefit all-work test in the City of Durham constituency since its introduction. [24917]

Mr. Burt: The administration of incapacity benefit is a matter for Peter Mathison, the chief executive of the Benefits Agency. He will write to the hon. Member.

Letter from Ursula Brennan to Mr. Gerry Steinberg, dated 19 April 1996:

As Peter Mathison is away from the office on annual leave at the moment, the Secretary of State for Social Security has asked me to reply to your recent Parliamentary Questions asking how many people have (a) passed and (b) failed the Incapacity Benefit's all-work test in the City of Durham constituency since its introduction.

The information is not available in the format requested. Statistics are not kept which are specific to Parliamentary Constituencies, but are kept for Benefits Agency (BA) Districts. The BA District of North Durham comprises the BA Offices of Durham, Chester-Le-Street, Peterlee, Seaham and Stanley.

The information available for North Durham District is contained in the table below:

Allowed following reference to BA Medical Services (BAMS) on the all work test	*Disallowed following reference to BAMS on the all work test*
7,512	1,787

Notes:
1. The information is for the period 13 April 95 to 29 February 96.
2. Data is only available for cases counted by the computer system and therefore does not include details of any cases paid clerically, the numbers of which are very low.
3. Figures are provisional and subject to change.

I hope you find this reply helpful.

Mr. Bradley: To ask the Secretary of State for Social Security (1) how many people who have been found capable for work under the all-work test of capacity have subsequently signed on as unemployed *(a)* in total and *(b)* for each month since April 1995; [25364]

(2) how many people who have been found capable of work under the all-work test of capacity who have subsequently signed on as unemployed receive *(a)* unemployment benefit only, *(b)* income support only and *(c)* unemployment benefit and income support. [25365]

Mrs. Angela Knight: I have been asked to reply.

In the period 1995 to February 1996, 33,454 people who have been disallowed incapacity benefit following the all-work test have made a claim for unemployment-related benefits. A monthly breakdown is given in the table. No figures are available regarding the type of unemployment benefit that these claimants have received.

April 1995 to February 1996

Month	*Number of claimants*	*Cumulative total*
April	153	153
May	275	428
June	510	938
July	1,448	2,386
August	2,880	5,266
September	3,708	8,974
October	4,519	13,493
November	5,059	18,552
December	4,366	22,918
January	4,801	27,719
February	5,735	33,454

Equality Monitoring

Mr. Derek Foster: To ask the Secretary of State for Social Security (1) what changes he has made to the funding of equality monitoring in his Department; for what reasons; and what representations he has received in respect of these changes; [25944]

(2) what assessment he has made of the impact of the reduction in equality monitoring in his Department and its agencies on *(a)* promoting equal opportunities and *(b)* eliminating discrimination; [25946]

(3) what factors underlay his decision to abandon ethnic origin re-survey exercises among staff in *(a)* the Child Support Agency and *(b)* the Contributions Agency. [25945]

Mr. Burt: There is no separate resource allocation for equality monitoring. The great majority of equal opportunities monitoring is carried out as an integral part of the wider monitoring of the Department's personnel policies and practices. This monitoring will continue in order to highlight both best practice and areas of concern, and to work to improve equality of opportunity for all staff.

Along with other civil service Departments, this Department has been looking at ways of reducing costs and, as part of this wider review, has looked at its work plans for equal opportunities. We have decided not to undertake any ethnicity follow-up surveys within the Department or its agencies in the next three years. The Department already has a very good overall response rate of 86 per cent., and this action will not affect our ability to promote equal opportunities and eliminate discrimination in the workplace.

Representations about changes to equality monitoring have been received from the trade union sides in DSS headquarters and the Contributions Agency.

Benefits Agency Advice Line

Mr. Frank Field: To ask the Secretary of State for Social Security (1) on what date the review of the Benefits Agency's freeline benefit advice line service will be published; when he evaluated a preliminary draft of the report; and if he will make a statement on the future of this service; [26280]

(2) on what date the review of the Benefits Agency's freeline benefit advice line service will be published; and what evaluation he has made of preliminary drafts of the report. [25440]

Mr. Roger Evans: This is a matter for Peter Mathison, the chief executive of the Benefits Agency. He will write to the hon. Member.

Letter from Ursula Brennan to Mr. Frank Field, dated 22 April 1996:

As Peter Mathison is away from the office on annual leave at the moment, the Secretary of State for Social Security has asked me to reply to your recent Parliamentary Questions asking on what date the review of the Benefits Agency's freeline benefit advice line service will be published; what evaluation he has made of preliminary drafts of the report; and if he will make a statement on the future of this service.

This is an internal review, which is still continuing, and I cannot comment on any possible findings in advance of its completion. Once the review has been completed, the results will be evaluated in the context of the Agency's overall benefit advice services and running costs.

I hope you find this reply helpful.

Public Bodies

Dr. Wright: To ask the Secretary of State for, Social Security how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25961]

Mr. Burt: There was one such appointment in the year ending 31 March 1995, Mrs. Nicole Davoud OBE, to the Disability Living Allowance Advisory Board.

Family Credit

Mr. Steinberg: To ask the Secretary of State for Social Security if he will estimate the effect on public revenues

in 1996–97 and 1997–98 of allowing families in receipt of family credit to claim a child care disregard for each dependent child. [18241]

Mr. Roger Evans *[pursuant to his reply, 11 March 1996, c. 477]:* The estimated cost of disregarding all child care expenses for recipients of family credit would be in the region of £40 million in the long run, without allowing for behavioural effects. If all such costs were disregarded, there would be a strong incentive for people not paying for child care at the moment, to declare some payment. There are around 100,000 people on family credit who would be faced with such an incentive, which could lead to very substantial further costs.

Notes:

Estimates based on data 1991–92 and 1993 family expenditure surveys, and the 1994 annual statistical inquiry, uprated to 1996–97 and 1997–98 levels adjusted using data on child care in the 1993–94 family resources survey.

Cold Weather Payments

Mr. Malcolm Bruce: To ask the Secretary of State for Social security what has been the annual expenditure on cold weather payments for each of the last five years. [22779]

Mr. Roger Evans: The information is set out in the table:

Year	*Expenditure (£000s)*
1990–91	8,600
1991–92	23,000
1992–93	15,000
1993–94	12,400
1994–95	77
1995–96[1]	63,000

1. Up to and including 19 March 1996.

LORD PRESIDENT OF THE COUNCIL

Ministerial Duties

31. **Mr. Mackinlay:** To ask the Lord President of the Council what proportion of his time is spent on *(a)* presiding at Cabinet Committees, *(b)* other Privy Council duties and *(c)* his duties as Leader of the House of Commons; and if he will make a statement. [24752]

Mr. Newton: As much time as the respective duties require.

EDS Ltd.

Mr. Redmond: To ask the Lord President of the Council what savings to date have been made by his Department as a result of outsourcing arrangements made with the EDS computer system; what assessment he has made of the equivalent costs for carrying out this work in-house; and if he will make a statement. [24234]

Mr. Newton: I refer the hon. Member to my answer of 28 February to the hon. Member for Wallasey (Ms Eagle), *Official Report*, column *612*.

TRANSPORT

Railways (Safety)

12. **Mr. Heppell:** To ask the Secretary of State for Transport if he will make a statement on safety arrangements for the railways. [24728]

Mr. Watts: We have implemented in full the Health and Safety Commission's recommendations for an enhanced safety regime. The independent Health and Safety Executive will continue to enforce health and safety requirements.

Rail Freight

16. **Mr. Sutcliffe:** To ask the Secretary of State for Transport what measures he intends to take to increase freight traffic on the rail system. [24733]

21. **Mr. Brazier:** To ask the Secretary of State for Transport what plans the Government have to increase rail freight. [24738]

Sir George Young: Privatisation and liberalisation are essential if rail is to attract and retain freight customers. British Rail's trainload freight subsidiaries and rail express systems have been sold; final bids for Freightliner are being evaluated. Two companies have set up own-account rail freight operations using powers in the Railways Act 1993. We continue to provide targeted support for the industry through the two freight grant schemes.

Motorways (Repairs)

19. **Mrs. Clwyd:** To ask the Secretary of State for Transport what representations he has received on the state of repair of *(a)* the M4 and *(b)* other motorway routes. [24736]

Mr. Watts: Over the last 12 months there have been no representations on the state of repair of the M4 in England.

On other motorway routes there have been a total of four representations, relating to the M11 in Cambridgeshire and near Bishop's Stortford, the M25 between junctions 2 and 3, the M69 in Leicestershire and the M42 in the west midlands.

Rail Franchising

20. **Mr. Merchant:** To ask the Secretary of State for Transport if he will make a statement on progress on franchising passenger services in the south of England. [24737]

Mr. Watts: Franchises have been awarded for South West Trains, Great Western, Gatwick Express and Network SouthCentral. Grants will reduce from £243 million paid to British Rail in 1995–96 to £95 million in year seven for private operators.

All franchises will operate at least the existing number of trains with some service enhancements. London and South Coast Railways, which has been awarded the Network SouthCentral franchise, intends to introduce new off-peak and Sunday services to south London.

Invitations to tender have been issued for other south of England franchises—South Eastern, Chiltern and South Wales and West—and LTS Rail has been re-tendered to previously shortlisted bidders.

Road Fatalities

22. **Mr. Spring:** To ask the Secretary of State for Transport what has been the trend in the numbers of road fatalities in the past 10 years. [24740]

Mr. Norris: In the 10 years to 1994, fatalities have fallen by 35 per cent., from 5,599 in 1984 to 3,650 in 1994.

Public Transport (Investment)

24. **Mr. Roy Hughes:** To ask the Secretary of State for Transport what increases in the level of investment in public transport have taken place following reductions in the roads budget within the last year. [24742]

Mr. Norris: Our priority, as far as possible, has been to maintain funding for public transport in the face of an overall reduction in the transport budget. Rail investment is expected to increase significantly above the £1 billion spent last year, following privatisation of Railtrack and other businesses, while investment in London Transport this year will be at around last year's historically high level of £1.1 billion. Details are set out in the Transport report 1996, CM 3206.

Buses (Standing Passengers)

25. **Mr. Pike:** To ask the Secretary of State for Transport what recent representations he has received about standing passengers on buses. [24744]

Mr. Norris: I have received representations over the past 12 months which reflect concerns ranging from safety to the comfort of standing passengers. They have been in the context of both the current United Kingdom legislation and the effects of possible harmonisation of bus and coach construction requirements across the EU.

East London Line

26. **Mr. Dowd:** To ask the Secretary of State for Transport what discussions he has recently had with London Transport on the East London line; and if he will make a statement. [24745]

Mr. Norris: I often discuss the East London line with the chairman of London Transport at our regular meetings.

Robin Hood Line

Mr. Skinner: To ask the Secretary of State for Transport when he next expects to meet local authorities in the east midlands to discuss the completion of the Robin Hood line. [24741]

Mr. Norris: My officials are in regular contact with officers of Nottinghamshire county council and partner local authorities about the line. We currently await further information in support of the value for money case for stage 3. I would be happy to meet the local authorities myself if such a meeting would serve a useful purpose but have no current plans to do so.

Supplementary Track Access Charges

Ms Short: To ask the Secretary of State for Transport how much additional subsidy has been made available to train operating companies and freight operating companies to cover the cost of supplementary track access charges. [24548]

Mr. Watts: The level of grant paid by the Office of Passenger Rail Franchising to passenger train operating companies takes into account all factors, including likely financial efforts of the introduction of the track access performance regime and the expected level of compensation payments from Railtrack.

Overall the level of grant paid by Opraf to the first five franchises by year seven will be one third the current funding paid to BR.

Crash Barriers

Mr. Nicholls: To ask the Secretary of State for Transport (1) what studies he has *(a)* commissioned and *(b)* evaluated into (i) the need to erect a barrier fence to prevent vehicles coming into collision with mature trees planted on embankments and verges, (ii) hazards posed by the installation of an intermittent barrier, (iii) means to prevent the impact of vehicles with lighting columns installed on verges and embankments and (iv) the use of barriers to prevent vehicles coming into contact with adjacent roads, waterways and other hazards; [25144]

(2) what his policy is on the installation of crash cushions; [25148]

(3) what criteria determine whether the drop on the verge side of a road or carriageway should be protected by a verge barrier; and when such criteria were last revised; [25142]

(4) what assessment he has made of the effect of the installation of crash cushions on *(a)* the Birmingham ring road, *(b)* the Aston expressway, *(c)* the Stourbridge ring road, *(d)* the black country route and *(e)* the Queen Elizabeth II bridge; [25150]

(5) if he will commission a study to consider the provision of a continuous verge barrier on roads, motorways and dual carriageways (i) with traffic flows of greater than 10,000 vehicles per day and (ii) with an accident incidence rate of more than 1.5 times the average for that class of road. [25145]

Mr. Watts: I have asked the chief executive of the Highways Agency to write to my hon. Friend.

Letter from Lawrie Haynes to Mr. Patrick Nicholls, dated 22 April 1996:

The Secretary of State for Transport has asked me to reply to your recent questions about the use of crash cushions and safety fences and barriers at the roadside verge.

Where a safety problem is identified on the highway it is the Agency's practice to consider what the range of options are for dealing with it. These options would embrace both measures that would help to avoid the risk occurring in the first place and those that would mitigate the effect of an accident should one occur. Thus, should a situation arise where the use of crash cushions was an option, then it would be considered alongside other possible options. It is difficult to generalise as to where and in what circumstances they would be used since this depends to a large extent on the local situation in terms of type of problem, highway layout and other local factors.

The Highways Agency has made no assessment of the crash cushions installed on the following roads since none of them form part of the trunk road network:

(a) Birmingham Ring Road,

(b) Aston Expressway,

(c) Stourbridge Ring Road and

(d) Black Country Route.

Since 1991 the operator of the Queen Elizabeth II Bridge has reported 9 incidents of vehicular impact with the crash cushions installed at the toll booth buffers.

Regarding the use of vehicle restraint systems along the verges of highways, the criteria for their application, last revised in 1985, are given in the Highways Agency Standard TD19/85 "Safety Fences and Barriers". A copy is in the House of Commons Library. Prior to this revision a study was carried out into the need to protect vehicles from mature trees on the embankments or verges of highways as well as the need to protect adjacent roads, waterways and other hazards. The results of this study were incorporated into the advice given in TD19/85. This Standard is currently under review to see whether any changes are required to cater for example, intermittent safety fences and barriers and protection to lighting columns. In making the review we will be taking account of international best practice.

Regarding your question on the use of continuous verge barriers, I would point out that nearly all trunk roads have traffic flows greater than 10,000 vehicles per day. The cost of providing continuous verge barriers on all motorways and trunk roads is estimated at over £500 million and unlikely to be cost effective. Where accident rates are above average along a stretch of road, or at a particular site or junction, they are investigated to determine if there is an identifiable cause that can be remedied. Verge barriers would be provided if that was the appropriate solution.

The present policy of only providing vehicle protection at identified obstructions and hazards is well tested and considered to be cost effective. It is reviewed from time to time and amended in the light of changing circumstances if this was cost effective to do so. In the circumstances I see no need to commission a study to consider the provision of continuous verge barriers at the moment.

I hope that this is helpful.

Channel Tunnel Rail Link

Mr. Allen: To ask the Secretary of State for Transport what is the estimated value of each of the publicly owned assets which will be handed over to London and Continental Railways in respect of the channel tunnel rail link. [25594]

Mr. Watts: The two Government-owned companies, Union Railways and European Passenger Services, will be transferred to London and Continental Railways. The net assets of these companies are contained in their annual report and accounts, copies of which are in the Library of the House. Valuations of certain specific assets—including valuations for the King's Cross and Stratford railway lands and St. Pancras Station, which are to be leased or transferred to London and Continental but which do not form part of Union Railways—were given in answers to the hon. Member for Pendle (Mr. Prentice) on 12 March 1996, *Official Report*, column *572*, on 13 March 1996, columns *606-607* and on 14 March 1996, columns *720-21*.

Parking

Mr. Harry Greenway: To ask the Secretary of State for Transport what assessment he has made of the adequacy of local government control of parking; and if he will make a statement. [25033]

Mr. Norris: The enforcement of on-street parking restrictions by London boroughs since they assumed this responsibility in July 1994 has proved a success. Enforcement has been more effectively directed to support traffic management priorities, and traffic flow has improved as a result. Local authorities outside London have been invited to apply to the Secretary of State to assume this responsibility.

Heavy Goods Vehicles

Mr. Flynn: To ask the Secretary of State for Transport how many heavy goods vehicles on Department of Transport contracts in relation to *(a)* the second Severn crossing and *(b)* other contracts have been found to be in breach of transport regulations. [26278]

Mr. Norris: The information requested can be provided only at disproportionate cost.

Public Bodies

Dr. Wright: To ask the Secretary of State for Transport how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25962]

Mr. Norris: One such appointment was made—Mr. Kenneth Ashcroft, who was appointed to Trinity House lighthouse authority in April 1994.

Rural Bus Services

Mr. Llwyd: To ask the Secretary of State for Transport what research he has *(a)* commissioned and *(b)* evaluated on the provision of rural bus services; and if he will make a statement. [24739]

Mr. Norris: The provision of rural bus services has been monitored and evaluated in an extensive programme of research undertaken by the Transport Research Laboratory on behalf of the Department of Transport.

Transportation Links (North-west)

Mr. Tony Lloyd: To ask the Secretary of State for Transport what representations he has received from industry regarding improvement of transportation links to the north-west. [24731]

Sir George Young: I regularly receive representations from industry about the improvement of transportation links to the north west.

Pollution

Mr. Simon Hughes: To ask the Secretary of State for Transport what action he is taking to reduce *(a)* the number of vehicle journeys and *(b)* pollution from motor vehicles following the two most recent reports from the Committee on the Medical Effects of Air Pollutants; and if he will make a statement. [24743]

Mr. Norris: Following the publication in November 1995 on "Non Biological Particles and Health" by the Committee on the Medical Effects of Air Pollutants, the Government issued a preliminary response. The response set out policy measures from all sectors including road transport to abate emissions of particles to address both the findings of this report and the recommendation for an

air quality standard for particles from the expert panel of air quality standards published at the same time. The Government undertook to progress the matter in the context of the air quality strategy being prepared under the Environment Act 1995 which will be issued for consultation later this year.

The Committee on the Medical Effects of Air Pollutants report, "Asthma and Outdoor Pollution", was published in October 1995. The report found that the link between air pollution and asthma in the United Kingdom was much less definite than has been suggested. Further research will be carried out as a part of a programme of work into air pollution and respiratory disease funded by the Department of Health, the Department of the Environment and the Medical Research Council.

Network SouthCentral

Lady Olga Maitland: To ask the Secretary of State for Transport if he will make a statement on the levels of investment in Network SouthCentral. [24729]

Mr. Watts: Earlier this month, the Network SouthCentral rail franchise was awarded to London and South Coast Ltd. The company plans to invest some £10 million over the next three years, the bulk of it in rolling stock and stations.

WALES

Neighbourhood Hospitals

Mr. Morgan: To ask the Secretary of State for Wales which neighbourhood hospitals have general practice beds; on what terms; in what numbers; and if he will make a statement. [26242]

Mr. Hague: As there is no official definition of "neighbourhood hospital", all hospitals which had general practice beds during 1994–95 are listed in the following table. Information on the terms on which these beds are administered is not held centrally.

Hospital	*GP beds*[1]
Aberbargoed	6.5
Aberdare	3.7
Abertillery	16.2
Amman Valley	14.0
Barry Community	30.0
Blaenavon Health Care Unit	10.0
Blaina and District	17.2
Breconshire War Memorial	40.0
Bridgend General	10.1
Broddyfi Community	14.0
Bronllys	11.0
Bronygarth	10.2
Bryn Beryl	23.0
Builth Wells Cottage	23.0
Cardigan and District	30.0
Chirk Community	31.0
Colwyn Bay Community	42.0
County	17.7
Deeside Community	31.0
Denbigh Community	50.3
Dewi Sant	12.0
Dollgellau and Barmouth	20.6
Ebbw Vale	13.8
Ffestiniog Memorial	17.0
Flint Community	18.0
Holywell Community	19.0
Knighton	15.0
Llandovery	18.4
Llandrindod Wells	36.0
Llangollen Community	18.0
Llanidloes and District War Memorial	17.0
Llwynypia	2.7
Maesgwyn	10.0
Maesteg General	44.6
Mold Community	40.0
Monmouth General	15.0
Montgomeryshire County Infirmary	25.1
Mount Pleasant, Gwent	20.0
Mountain Ash General	35.8
Mynydd Mawr	0.3
Nevill Hall	6.8
Prestatyn Community	11.8
Redwood Memorial	11.0
Royal Alexandra	23.0
Royal Gwent	11.1
Ruthin Community	46.2
South Pembrokeshire	41.8
Stanley Sailors	16.0
Tenby Cottage	16.0
Tredegar General	9.5
Treherbert	33.0
Tywyn and District War Memorial	14.7
Valley	12.7
Victoria Memorial	23.0
Withybush General	7.9
Ysbyty George Thomas	10.1
Ystradgynlais Community	14.0

[1]Average daily available.

Dental Services

Mr. Morgan: To ask the Secretary of State for Wales which Welsh NHS community health care trusts employ salaried dentists. [26288]

Mr. Hague: At 30 September 1995, the following Welsh NHS trusts employed community dental officers:

Cardiff Community Healthcare
Carmarthen and District
Ceredigion and Mid Wales
Clwydian Community Care
Gwent Community
Gwynedd Community
Llandough
Llanelli Dinefwr
Pembrokeshire
Powys Health Care
University Dental hospital

Training and Enterprise Councils

Dr. Wright: To ask the Secretary of State for Wales what *(a)* was the gross public spending for each year since 1990–91, in 1995–96 prices and *(b)* is the projected expenditure for each year to 1997–98, in 1995–96 prices, of training and enterprise councils. [25977]

Mr. Richards: Information is not available centrally in the form requested. Expenditure by Departments on training and enterprise services delivered via TECs in Wales since their inception in 1990–91, together with planned expenditure on such programmes over the next two years, is given in the following table.

	£ thousand
1990–91[1]	44,912
1991–92 outturn	112,199
1992–93 outturn	113,299
1993–94 outturn	106,564
1994–95 outturn	108,404
1995–96 provisional outturn	103,585
1996–97 provision	102,480
1997–98 provision	101,206

All figures at 1995–96 prices. Figures exclude any EU funding claimed by TECs on their own behalf.
[1]Development phase of TECs in Wales. Network completed in April 1991.

Public Bodies

Dr. Wright: To ask the Secretary of State for Wales how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25963]

Mr. Gwilym Jones: Of the appointments made by the Secretary of State during 1994–95, none was of a candidate whose name had been supplied by the public appointments unit.

NORTHERN IRELAND

Industrial Research and Technology Unit

Mr. Illsley: To ask the Secretary of State for Northern Ireland (1) how much money was spent on the Industrial Research and Technology Unit of the Department of Economic Development in each year since 1990–91; and what is the planned spending for *(a)* 1996–97 and *(b)* 1997–98; [26225]

(2) how much money is spent on technical clubs established in the textile and food sectors to promote the level of environmental awareness; [26222]

(3) if he will make a statement on the nature and business of the technology development programme in the Department of Economic Development. [26224]

Mr. Ancram: Responsibility for the subject in question has been delegated to the Industrial Research and Technology Unit under its chief executive, Mr. Greg McConnell. I have asked him to arrange for a reply to be given.

Letter from F. G. McConnell to Mr. Eric Illsley, dated 22 April 1996:

The Secretary of State for Northern Ireland has asked me as Chief Executive of the Industrial Research and Technology Unit (IRTU) to reply to your questions about expenditure on IRTU and on Technical Clubs in the textile and food sectors and about the nature and business of the Technology Development Programme.

IRTU's total expenditure since its establishment in March 1992 and planned expenditure for future years is as follows:

	£ million
1992–93	14.3 (actual)
1993–94	18.2 (actual)
1994–95	18.2 (actual)
1995–96	16.9 (estimate)
1996–97	17.8 (planned)
1997–98	17.8 (planned)
1898–99	17.8 (planned)

Expenditure on environmental awareness raising for industry and commerce as a whole in Northern Ireland was £29,339 in 1994/95 and £44,999 in 1995/96. Within this, the total expenditure on the textile and food Technical Clubs is small (£800 to date) and relates only to the administrative expenses of meetings.

The Technology Development Programme (TDP) is administered by IRTU and funded through EU Structural Funds. The total allocation for TDP is £19.4 million for the period 1994–99. To date £11.4 million has been committed to 9 projects; a further £8 million will be committed in October 1996.

The aim of TDP is to assist industry and the universities to develop their ability to undertake leading edge, industrially exploitable and commercially focused research. The programme concentrates on five main areas of activity—R&D Facilities, Demonstration Projects, Physical Infrastructure, Collaboration and Calibration, Testing and Standardisation.

I hope you will find this reply useful.

New Housing and Roads

Mr. Illsley: To ask the Secretary of State for Northern Ireland what mechanisms facilitate formal consultation between the various Departments in Northern Ireland regarding the building of *(a)* new stock by the Housing Executive and *(b)* new roads. [26196]

Mr. Ancram: Responsibility for the subject in question has been delegated to the Planning Service under its chief executive, Mr. T. W. Stewart. I have asked him to arrange for a reply to be given.

Letter from T. W. Stewart to Mr. Eric Illsley, dated 22 April 1996:

Mr. Moss has asked me to reply to your Question about what mechanisms facilitate formal consultations between various Departments in Northern Ireland regarding the building of (a) new stock by the Housing Executive and (b) new roads.

All formal consultation on new developments including housing and roads proposals are dealt with through the normal planning procedure set out in the Planning (Northern Ireland) Order 1991. This involves a wide range of consultations with statutory and non-statutory bodies including local district councils, the Department of the Environment and its various Agencies (Roads, Water, Environment and Heritage), plus the public and interested community groups. There is also wide consultation at the inception stage through the Area Plan consultation process for each local district area.

Community Projects

Mr. Illsley: To ask the Secretary of State for Northern Ireland for what reasons there is a planned decrease in spending on community projects within the Department of Economic Development in *(a)* 1996–97 and *(b)* 1997–98. [26203]

Mr. Ancram: Responsibility for the subject in question has been delegated to the Training and Employment Agency under its chief executive, Mr. Ian Walters. I have asked him to arrange for a reply to given.

Letter from Ian Walters to Mr. Eric Illsley, dated 22 April 1996:

The Secretary of State for Northern Ireland has asked me as Chief Executive of the Training and Employment Agency to reply to your question about the funding of community projects.

The decision to reduce the budget allocated to the Action for Community Employment (ACE) programme was taken against the background of the very encouraging performance of the Northern Ireland economy. With unemployment now at its lowest level for 14 years, employment opportunities increasing and with record numbers of job vacancies being notified by employers to Training and Employment Agency offices, the need to maintain community based temporary work programmes at former levels has diminished. Public Expenditure priorities have moved towards measures which will further encourage and sustain these very positive economic trends.

This Agency recognises a continuing need to assist job seekers and, in addition to its many other services and programmes, still expects to spend £46 million this financial year to provide over 8000 places for the long term unemployed on community based projects funded under ACE and the pilot Community Work Programme. In addition, £2 million is available under the package of support for ACE schemes announced by Baroness Denton on 19 February 1996.

I hope that you find this reply helpful.

Out-of-town Retail Centres

Mr. Illsley: To ask the Secretary of State for Northern Ireland what formal public consultation is required in respect of plans to develop out-of-town retail centres. [26205]

Mr. Ancram: Responsibility for the subject in question has been delegated to the Planning Service under its chief executive, Mr. T. W. Stewart. I have asked him to arrange for a reply to be given.

Letter from T. W. Stewart to Mr. Eric Illsley, dated 22 April 1996:

Mr Moss has asked me to reply to your Question about formal public consultations in respect of plans to develop out of town retail centres.

Where an application for planning permission is made, except in certain minor cases, Article 21 of the Planning (Northern Ireland) Order 1991 requires that a notice of the application is published in at least one newspaper circulating in the locality in which the land to which the application site relates is situated. In addition, occupiers of land adjoining the application site are notified by means of a non statutory Neighbour Notification Scheme. The appropriate local District Council is also consulted on all applications.

Certain major applications are subjected to special procedures under Article 31 of the 1991 Order which may involve the holding of a local public inquiry by the Planning Appeals Commission for the purpose of considering and reporting on representations made in respect of an application.

Political Organisations

Rev. Martin Smyth: To ask the Secretary of State for Northern Ireland if he will list the evidence he has collated about the existence of *(a)* the British Ulster Unionist party, *(b)* Democratic Partnership, *(c)* Independent Democratic Unionist party, *(d)* No Going Back, *(e)* the Northern Ireland party, *(f)* the Northern Ireland Women's Coalition, *(g)* Ulster Christian Democrat party and *(h)* Ulster's Independent Voice; and which have functioned as political parties. [25979]

Sir Patrick Mayhew: Each of these organisations responded to the consultation paper issued by the Government on 3 April, and made representations to be included on the list of political parties eligible to contest the forthcoming elections in Northern Ireland.

SCOTLAND

Barlinnie Prison (Asbestos)

Mr. McFall: To ask the Secretary of State for Scotland on what date the Scottish Prison Service chief executive received the report of the Institute of Occupational Medicine on residual asbestos remaining in Barlinnie prison. [24871]

Lord James Douglas-Hamilton: The subject of the question relates to matters undertaken by the Scottish Prison Service. I have asked its chief executive, Mr. E. W. Frizzell, to arrange for a reply to be given.

Letter from E. W. Frizzell to Mr. John McFall, dated 22 April 1996:

Lord James Douglas-Hamilton has asked me to reply to your question asking about the date on which I received the report of the Institute of Occupational Medicine (IOM) on residual asbestos remaining in Barlinnie Prison.

The report was received in SPS HQ on 25 January and was passed to Barlinnie on 26 January. Subsequent tests which the IOM undertook on Barlinnie's behalf during March confirmed that asbestos levels were well within the safety limits. Tenders are now being sought for the immediate removal of what has been classified as "poor" quality asbestos. Other areas where asbestos is present but is classified as being either in a good or fair condition will be removed as part of an action plan being prepared by local management. In the meantime such areas will be monitored regularly at 3 monthly intervals, and where there are any signs of deterioration, arrangements will be made immediately for appropriate removal.

Electricity Generating Plants

Mr. Stewart: To ask the Secretary of State for Scotland what estimate he has made of the capacity utilisation of electricity generating plants in Scotland; and if he will make a statement. [25315]

Mr. Michael Forsyth: The total electricity generating capacity in Scotland is approximately 10 GW. This total excludes the oil-fired generating station at Inverkip which is presently under care and maintenance. Scotland's peak winter demand is about 6 GW.

Gas-fired Generating Unit (Gartcosh)

Mr. Stewart: To ask the Secretary of State for Scotland what assessment he has made of the consequences for the Scottish coal industry of the proposed gas-fired generating unit at Gartcosh. [25314]

Mr. Michael Forsyth: PowerGen's application for consent under section 36 of the Electricity Act 1989 to build a gas-fired generating plant at Gartcosh is at present the subject of a consultation exercise. It would not be appropriate for me to make any assessment of the possible impact of PowerGen's proposals until the consultation exercise is complete. It may be appropriate to hold a public inquiry.

Mr. Stewart: To ask the Secretary of State for Scotland when he plans to make a decision on a public inquiry into the application under section 36 of the Electricity Act 1989 by Powergen to construct a gas-fired generating unit at Gartcosh. [25316]

Mr. Forsyth: The relevant planning authority has a statutory period of four months in which to submit a report to me on PowerGen's proposal to build a power station at Gartcosh. Once the report is received, I will consider it together with the advice of my consultees and any representations I may receive from other interested parties. I will then decide whether it is necessary to hold a public inquiry. Such an inquiry is mandatory if the planning authority formally objects to the proposals.

Mr. Stewart: To ask the Secretary of State for Scotland what consultations he plans to hold before reaching a decision on the application under section 36 of the Electricity Act 1989 submitted to him by Powergen. [25317]

Mr. Forsyth: Before determining PowerGen's application, I shall follow the procedures set out in the Electricity Act 1989 and the Environmental Assessment (Scotland) Regulations 1988, which entail giving due consideration to the views of the relevant planning authority. I shall also consult other interested parties, including Scottish Natural Heritage and the Scottish Environment Protection Agency. It is open to interested parties to respond to the proposals. I shall take account of all representations received.

Mr. Stewart: To ask the Secretary of State for Scotland when he plans to make a decision on the application by PowerGen for consent under section 36 of the Electricity Act 1989 to construct a gas-fired generating unit at Gartcosh. [25318]

Mr. Forsyth: PowerGen's application for consent under section 36 of the Electricity Act 1989 was received in the Scottish Office on 5 March. It is not possible at this stage for me to give an idea as to when I will be in a position to reach a decision on the application.

Mr. Stewart: To ask the Secretary of State for Scotland if he will list the applications for consent he has received under section 36 of the Electricity Act 1989; and what decisions he has made on those applications. [25319]

Mr. Forsyth: The information is set out in the table, which lists all section 36 applications received in the Scottish Office since the Electricity Act 1989 was introduced.

Applicant	*Application date*	*Proposals*	*Decision date*	*Decision*
Hydro-Electric	4 March 1991	Extension to Peterhead power station	5 June 1991	Approved
Scottish Nuclear Ltd.	1 may 1992	Dry Store for spent fuel Storage, Torness, East Lothian	Application withdrawn 10 May 1995	—
ScottishPower	16 September 1992	Extension to Valleyfied Ash Lagoons, Valleyfied, Fife	12 May 1994	Approved
Global Energy Ltd.	24 March 1993	Integrated Gasification Combined Cycle power station (75mw) Westfield, Fife	15 July 1993	Approved
Hydro-Electric	6 April 1994	Extension to Lerwick power station	31 May 1994	Approved
Scottish Power	1 July 1994	Flue Gas Desulphurisation Plant at Longannet Power Station, Fife	23 February 1995Approved	
Norweb	10 March 1995	Hydro electricity generating scheme (3.2mw), Inverbroom, Wester Ross	Under consideration	—
Highland Light and Power	22 December 1995	Hydro electricity generating scheme (2.1mw), Gairloch Estate, Wester Ross	Under consideration	—
PowerGen	1 March 1996	Combined Cycle Gas Turbine power station (350mw x 2), Gartcosh, Near Coatbridge	Under consideration	—

Electricity Interconnector

Mr. Stewart: To ask the Secretary of State for Scotland what assessment he has made of the present arrangements for the electricity interconnector between England and Scotland; and if he will make a statement. [25321]

Mr. Michael Forsyth: The arrangements for the operation of the electricity interconnector between Scotland and England are a matter for its owners, those who have contracted to use it and the regulator.

Charities

Mr. Wilson: To ask the Secretary of State for Scotland what restrictions are placed on the activities of registered charities which bring financial benefit to private companies. [25450]

Lord James Douglas-Hamilton: If a Scottish charity that is a recognised body under the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 were to apply its funds to bring financial benefit to a private company, the Inland Revenue would consider the extent to which its tax exemption would be restricted. In addition, the Scottish Charities Office has power to investigate any alleged misconduct or mismanagement in the administration of a Scottish charity.

Environmentally Sensitive Areas

Mr. Wallace: To ask the Secretary of State for Scotland (1) how many consultants have been engaged by the Scottish Office Agriculture and Fisheries Department to monitor the implementation and operation of environmentally sensitive area plans; and what is the cost of such monitoring operations; [23013]

(2) if he will make a statement on the remit of consultants engaged by his Department to evaluate the existing management plans in environmentally sensitive areas; [23014]

(3) steps have been taken by his Department to identify the extent to which locally based farmers or crofters may be employed by his Department for the purposes of monitoring and evaluating environmentally sensitive area plans. [23015]

Mr. Michael Forsyth *[holding answer 1 April 1996]:* A 10-year contract for monitoring the environmentally sensitive area scheme was won in competition by a consortium comprising the Macaulay Land Use Research Institute, the Institute of Terrestrial Ecology, Biomathematics and Statistics Scotland and AOC Scotland Ltd. Their remit is to assess the impact of the scheme on the biological, landscape and archaeological interest within each area. The average annual cost is £300,000.

To complement this work, local agricultural staff undertake an annual review of individual farm and croft conservation plans to ensure that the requirements of the scheme are being met and the conservation objectives achieved. I am satisfied that this co-ordinated approach represents the best value for money.

EDUCATION AND EMPLOYMENT

Youth Training Allowance

Mr. Etherington: To ask the Secretary of State for Education and Employment how much the present minimum weekly training allowance for youth training would be currently, if it had been uprated in line with inflation since 1990. [25443]

Mr. Paice: The present minimum weekly training allowance for youth training, which may be supplemented by employers, would be £37.93 for 16-year-olds and £45 for 17-year-olds and above if it had been uprated in line with inflation since 1990.

Mr. Etherington: To ask the Secretary of State for Education and Employment if she will give the number and percentage of young people in Sunderland who are participating in youth training and the percentage who are receiving more than the minimum allowance from employers or training provider. [25444]

Mr. Paice: Some 2,100 young people in Sunderland are currently participating in youth training. Of the 16-year-old cohort eligible to leave school in the summer of 1995, 25 per cent. in Sunderland went into youth training. Information on those who are receiving more than the minimum allowance in Sunderland is not available.

Mr. Etherington: To ask the Secretary of State for Education and Employment what plans she has to increase the minimum weekly training allowance for youth training. [25442]

Mr. Paice: There are no plans to increase the minimum weekly training allowance.

Training and Enterprise Councils

Mr. Etherington: To ask the Secretary of State for Education and Employment which TECs have set *(a)* higher minimum levels of training allowance for non-employed trainees than the minimum permitted and *(b)* more than the 19.5 days per annum holiday. [25445]

Mr. Paice: Training and enterprise councils are free to set allowances above the minimum. Information on TEC practice in this connection is not held centrally.

British Steel

Mr. MacShane: To ask the Secretary of State for Education and Employment what was the total value of commercial orders placed by her Department, and by the Education and Employment Departments prior to merger, with British Steel plc in each year from 1988 to 1995. [25813]

Mr. Robin Squire: The information requested is not available without incurring disproportionate cost.

Nursery Voucher Scheme

Mr. Blunkett: To ask the Secretary of State for Education and Employment how many of the providers participating in phase 1 of the voucher scheme will be inspected *(a)* within three months, *(b)* within six months, *(c)* within nine months and *(d)* within 12 months of beginning to operate under the voucher scheme. [25605]

Mr. Robin Squire: Inspections by registered nursery education inspectors cannot begin until after the Nursery Education and Grant-Maintained Schools Bill has received Royal Assent. The Office for Standards in Education's initial planning estimate is that all voluntary and private providers will be inspected within their first year of operation—that is, by April 1997.

Mr. Blunkett: To ask the Secretary of State for Education and Employment (1) how many providers who have been given initial validation in respect of phase 1 of the voucher scheme will provide *(a)* one session a week, *(b)* two sessions a week, *(c)* three sessions a week, *(d)* four sessions a week and *(e)* five sessions a week; [25601]

(2) what proportion of vouchers in phase 1 of the voucher scheme have been redeemed in respect of places *(a)* in the private sector, *(b)* in the voluntary sector and *(c)* in the maintained sector. [25598]

Mr. Squire: Information on where parents have chosen to redeem nursery education vouchers, and on the number of sessions provided, will be available once vouchers returned from providers have been analysed.

Mr. Spearing: To ask the Secretary of State for Education and Employment if she will set out the calculation which underlay the ministerial statement that under the scheme of vouchers for pre-school education a local authority will be better off if just one additional four-year-old is able to use its provisions. [25851]

Mr. Squire: In phase 2, the deduction from each local authority's budget will be the voucher value multiplied by the number of four-year-olds in maintained provision in that local education authority area in the 1995–96 academic year, taking into account the number of terms for which each child attends. If the LEA recruits the same number of four-year-olds in the same termly pattern, all this money will be recovered. If the local authority provides for an additional four-year-old, an additional voucher, or a portion of that sum, depending on the number of terms that child is in school, will pass to the LEA. The arrangements in phase 1 are similar, except for an adjustment to allow for four-year-old pupils resident outside the phase 1 areas and who therefore do not hold vouchers.

Mr. Blunkett: To ask the Secretary of State for Education and Employment how many institutions in the *(a)* private, *(b)* voluntary and *(c)* maintained sectors have applied for initial validation in phase 1 of the voucher scheme; and how many such institutions did not previously provide places for four-year-olds. [25604]

Mr. Squire: Six hundred and twenty-eight private and voluntary sector and 494 maintained sector providers have been initially validated to date. Forty of these did not have any four-year-olds on roll at the time of registration, but had capacity to provide for them.

Implementation Group on Information Technology

Ms Rachel Squire: To ask the Secretary of State for Education and Employment (1) what were the total preparation and publication costs of the Follett report; [25596]

(2) what have been the total operational costs of the Follett implementation group on information technology; and to whom that money was awarded. [25597]

Mr. Forth: These are matters for the higher education funding bodies. I have asked the chief executive of the Higher Education Funding Council for England to respond in writing to the hon. Member.

Sight and Sound

Mr. Byers: To ask the Secretary of State for Education and Employment if she will investigate the award of contracts to Sight and Sound by the former South Thames training and enterprise council. [26285]

Mr. Paice: Training and enterprise councils are private companies. The award of contracts by TECs to providers of training is a matter for the companies concerned.

Mr. Byers: To ask the Secretary of State for Education and Employment if she will investigate the quality of courses being operated by Sight and Sound through training and enterprise councils. [26284]

Mr. Paice: This is for the training and enterprise councils to investigate under the "TEC Quality Assurance: Supplier Management" framework.

NATIONAL HERITAGE

Acceptance in Lieu of Inheritance Tax

Mr. Faulds: To ask the Secretary of State for National Heritage if she will list the objects and property accepted in satisfaction of inheritance tax during the financial year ended 31 March; and if she will specify *(a)* the amount of tax satisfied in each case, *(b)* which offers carried conditions as to destination, *(c)* the date in each case of the recommendations received by her from the Museums and Galleries Commission for the acceptance of objects, *(d)* the total for the financial year of the tax thus satisfied and *(e)* how much of this total was covered in the public accounts by means of resort to the reserve in accordance with Government policy as announced on 26 July 1985, *Official Report*, column *779*. [25516]

Mr. Sproat: The information requested is as follows:

Item	*Tax satisfied* £	*Conditions as to destination*	*Date of MGC recommendations*
George I pier glasses	128,086.00	Conditional	20 January 1994
Reynolds' Count Ugolino	121,067.00	Conditional	15 December 1994
Three Nicholson paintings, two Hepworth drawings and collection of miscellaneous	225,400.00	Conditional	17 November 1994
Chattels from Killerton	206,816.65	Conditional	31 October 1994
Two silver gilt steeple cups	84,000.00	Conditional	6 September 1994
Drais gold snuff box	8,750.00	Conditional	1 June 1995
Eddison collection of theatre material	117,660.00	Wish	20 December 1994
Paris Bordon "Return from the Flight to Egypt"	430,794.00	Conditional	25 April 1995
Luca Cambiaso "Christ brought before Pontius Pilate"	70,000.00	Unconditional	29 August 1995
Yves Tanguy "La Journée Bleue"	280,000.00	Conditional	22 May 1995
Lord Keeper's Cup	47,985.15	Unconditional	27 April 1995
Langford-Brooke Archive	42,000.00	Wish	26 July 1995
Aboriginal Bark paintings and prints	12,201.00	Unconditional	15 August 1995
Joseph Wright "Two Girls Dressing a Kitten"	31,339.41	Conditional	1 March 1996
Böttger Teapot	35,000.00	Unconditional	20 April 1995
German Stoneware	140,000.00	Unconditional	1 June 1995
Gell Family Papers	79,359.79	Wish	7 March 1996
Stubbs "Lemon and White Spaniel"	840,000.00	Wish	28 July 1995
French Furniture	2,170,000.00	Conditional	18 July 1994
Six works of art including paintings by Dubuffet, Hodgkin, and Caulfield and a sculpture by Brancusi	4,336,500.00	Wish	27 April 1995

The total expenditure in respect of the AIL scheme for the financial year 1995–96 was £9,406,959. Three offers, for which a total of £7,346,500 tax was forgone, and for which the DNH accordingly paid the Inland Revenue, were met by calls on the reserve.

AGRICULTURE, FISHERIES AND FOOD

Agriculture Council

Sir Jim Lester: To ask the Minister of Agriculture, Fisheries and Food what was the outcome of the Agriculture Council held in Luxembourg on 1 April; and if he will make a statement. [24702]

Mr. Douglas Hogg: I refer the hon. Member to my statement to the House on 3 April 1996, *Official Report*, columns 405-408.

Common Agricultural Policy

Mr. Illsley: To ask the Minister of Agriculture, Fisheries and Food how much money was spent, under the common agricultural policy, on set-aside in the United Kingdom in 1995; and how much will be spent in 1996. [26230]

Mr. Baldry: Payments for set-aside in the UK in the 1995–96 financial year are estimated to total £214.6 million. The estimate for payments in 1996–97 is £226.3 million.

Mr. Illsley: To ask the Minister of Agriculture, Fisheries and Food how many cases of CAP fraud were reported in each year since 1993, in Great Britain. [26216]

Mr. Baldry: Fraud is difficult to define, being a matter of criminal intention. However, the United Kingdom, along with all other member states, is required to report to the Commission cases of irregularity in CAP schemes,

exceeding 4,000 ecu. An irregularity is an overclaim on the part of the claimant, either deliberately or through error. The information for the period in question for the United Kingdom is as follows:

Number of cases

Year	*Totals*
1993	179
1994	228
1995	219

Source:
UK CAP scheme irregularities reported under Council regulation 595/91.

Public Bodies

Dr. Wright: To ask the Minister of Agriculture, Fisheries and Food if he will list those of his Department's advisory non-departmental public bodies which *(a)* the Government are required to consult prior to legislative proposals and *(b)* the Government are required to publish their response to advice supplied by them. [21852]

Mr. Boswell *[holding answer 21 March 1996]:* Under section 62(3) of the Medicines Act 1968, Agriculture Ministers are required to consult the Veterinary Products Committee before making an order. There is no requirement to consult our other advisory non-departmental public bodies prior to legislative proposals nor to publish our response to advice supplied by them, or the Veterinary Products Committee.

DUCHY OF LANCASTER

Public Bodies

Dr. Wright: To ask the Chancellor of the Duchy of Lancaster how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25949]

Mr. Willetts: Seventeen new appointments were made in 1994–95 to the public bodies sponsored by the Departments and agencies for which my right hon. Friend is responsible. None was as a result of information supplied by the public appointments unit.

Public Appointments Unit

Dr. Wright: To ask the Chancellor of the Duchy of Lancaster how many people from each region appear on both the public appointments unit central and reserve lists. [25964]

Mr. Willetts: It is not possible to give fully accurate information as individuals may be counted as being in more one region if they live in one area and work in another, or if they have homes in different areas.

Scotland, Wales and Northern Ireland also maintain their own central lists.

The available information requested is as follows:

Region	*Number of people on the public appointments unit list*
East Anglia	708
East Midlands	258
West Midlands	315
South East	2,622
Northern	174
North West	282
South West	401
Yorkshire and Humberside	286
Northern Ireland	[1] 9
Scotland	[1] 130
Wales	[1] 106
Elsewhere	[2] 36
Total	5,327

[1]Individuals in this category are those who are currently living or working overseas.
[2]This figure is higher than the total number of people currently on the public appointments unit's list (5,085 at 18 April 1996).

Dr. Wright: To ask the Chancellor of the Duchy of Lancaster how many of the public appointments made in 1994–95 were public appointments unit nominees; and if he will list these appointments. [25947]

Mr. Willetts: The public appointments unit believes that 180 appointments were made following nomination by the unit during 1994–95. A list of these appointments is as follows:

Nationalised Industries and Public Corporations:
Commonwealth Development Corporation—1 appointment
Independent Television Commission—1 appointment
Radio Authority—4 appointments

Executive Bodies:
Biotechnology and Biological Sciences Research Council—2 appointments
British Association for Central and Eastern Europe—1 appointment
Broadcasting Standards Council—1 appointment
Central Council for Education and Training in Social Work (UK)—2 appointments
Coal Authority—3 appointments
Engineering and Physical Sciences Research Council—1 appointment
Equal Opportunities Commission—1 appointment
Gaming Board for Great Britain—1 appointment
Home Grown Cereals Authority—1 appointment
Housing Action Trust—1 appointment
Legal Aid Board—2 appointments
Marshall Aid Commemoration Commission—1 appointment
Particle Physics and Astronomy Research Council—3 appointments
Police Complaints Authority—1 appointment
Public Health Laboratory Services Board—1 appointment
Regional Flood Defence Committees—3 appointments
Remploy—1 appointment
Royal Armouries Board of Trustees—1 appointment
Sea Fish Industry Authority—1 appointment
Teacher Training Agency—1 appointment
Trinity House Lighthouse Board—1 appointment
Water Customer Service Committee—1 appointment
Welsh Consumer Council—1 appointment

Advisory Bodies:

Advisory Board on Restricted Patients—1 appointment

Advisory Committee on the Safety of Nuclear Installations—2 appointments

Advisory Council on Public Records—1 appointment

Armed Forces Pay Review Body—1 appointment

Agricultural Marketing Act Committees of Investigation—1 appointment

Animal Procedures Committee—1 appointment

Business Advisory Committee on Telecommunications—1 appointment

Committees for the Employment of People with Disabilities—10 appointments

Council on Tribunals—1 appointment

Disability Living Allowance Advisory Board—1 appointment

Doctors' and Dentists' Review Body—2 appointments

Electricity Consumer Committees—2 appointments

English Advisory Committee on Telecommunications—1 appointment

Nurses', Midwives' and other NHS Professions' Review Body—4 appointments

Parole Board—1 appointment

Race Relations Employment Advisory Group—4 appointments

Schoolteachers' Review Body—1 appointment

Senior Salaries Review Body—3 appointments

Standing Committee on Postgraduate Medical Education—1 appointment

Transport Users' Consultative Committee—1 appointment

Tribunals:

Employment Appeal Tribunal— 3 appointments

Financial Services Tribunal—7 appointments

Social Security Appeal Tribunals—1 appointment

National Health Service Bodies:

District Health Authority—1 appointment

Family Health Service Authority—2 appointments

National Health Service Trusts—6 appointments

Special Health Authorities—2 appointments

Executive Agency and other Management Boards:

CCTA Programme Management Advisory Board—3 appointments

Driving Standards Advisory Board—1 appointment

Driving and Vehicle Licensing Agency—1 appointment

Ordnance Survey Management Board—1 appointment

MOD Disposal Sales Agency Management Board—1 appointment

MOD Management Audit Board—1 appointment

Pesticides Safety Directorate Ownership Board—1 appointment

Prison Service Industries and Farms Management Board—1 appointment

Security Facilities Executive Agency—1 appointment

Services Sound and Vision Corporation Management Board—1 appointment

Other Appointments:

Advisory Group on Eco Management and Audit—1 appointment

Assessment Panel for Construction Research—1 appointment

British Coal Pension Scheme—1 appointment

Central Bureau for Educational Visits and Exchanges Steering Committee—1 appointment

Charity Commissioner (part-time)—1 appointment

General Medical Council—1 appointment

HM Inspectorate of Pollution Advisory Committee—1 appointment

Insurance Brokers Registration Council—1 appointment

MOD Review of Service Career and Manpower Structures and Terms and Conditions of Service—1 appointment

National Theatre Board—1 appointment

New Horizons for Women Event (Norwich)—1 appointment

Office of Fair Trading Senior Management Review—1 appointment

Police Authorities—15 appointments

Police Authorities Selection Panels—39 appointments

Public Works Loan Board—1 appointment

Solicitors Complaints Bureau Adjudication and Appeals Committee—1 appointment

Written Answers to Questions

Tuesday 23 April 1996

DUCHY OF LANCASTER

Information Superhighway

Mr. French: To ask the Chancellor of the Duchy of Lancaster when he expects the publication of the report "Ethical Issues of Information Superhighways". [25245]

Mr. Freeman: The CCTA research paper on "Ethical Issues of Information Superhighways" will be published shortly.

Public Appointments

Mr. Redmond: To ask the Chancellor of the Duchy of Lancaster what are the working hours of Sir Leonard Peach, Commissioner for Public Appointments. [25566]

Mr. Freeman: Sir Len Peach's contract is for three days a week.

Mr. Luff: To ask the Chancellor of the Duchy of Lancaster when the Commissioner for Public Appointments intends to publish guidance on public appointments, incorporating a code of practice, in line with the recommendations of the first report of the Committee on Standards in Public Life. [26747]

Mr. Freeman: The Commissioner for Public Appointments, Sir Len Peach, published earlier today a code of practice and guidance on public appointments. Copies have been placed in the Libraries of the House.

LORD CHANCELLOR'S DEPARTMENT

Mr. Asif Majid

Mr. Madden: To ask the Parliamentary Secretary, Lord Chancellor's Department when the explanatory statement relating to the refusal of entry to the United Kingdom of Mr. Asif Majid, Ref: GV100/31308, sent to the Immigration Appellate Authority in the United Kingdom by the post in Islamabad on 16 February 1995 was received by the IAA; and if he will make a statement. [26352]

Mr. Jonathan Evans: The explanatory statement was received by the immigration appellate authorities on 24 February 1995.

Mentally Handicappped Witnesses

Mr. Dafis: To ask the Parliamentary Secretary, Lord Chancellor's Department in how many cases in each year since 1993 the courts have used the testimony of mentally handicapped individuals in order to secure a conviction. [25209]

Mr. Jonathan Evans: The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

Letter from M. D. Huebner to Mr. Cynog Dafis, dated 23 April 1996:

The Parliamentary Secretary, Lord Chancellor's Department, has asked me to reply to your Question about mentally handicapped witnesses.

I am sorry to have to tell you that this information is not available and could only be obtained at a disproportionate cost.

Primary Legislation (Availability)

Mr. Barry Field: To ask the Parliamentary Secretary, Lord Chancellor's Department what proportion of primary legislation was readily available in its current amended form *(a)* November 1992 and *(b)* at the latest date for which figures are available. [25141]

Mr. Jonathan Evans: Approximately one third of primary legislation was available in its current amended form in November 1992 and approximately the same proportion is available at the present time.

Magistrates Court Closures

Sir Roger Moate: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement about the consequences of local government reorganisation, with particular reference to the creation of unitary authorities, for the statutory rights of objection to the proposed closure of magistrates courts where such rights are currently held by county councils; and what assessment he has made of transferring this right in all cases to district and borough councils. [24995]

Mr. Jonathan Evans: After local government reorganisation in a magistrates courts committee's area, the statutory rights of appeal in relation to the proposed closure of a magistrates court will be held by any unitary authority in the area or by the county council insofar as it is not a unitary authority. The same bodies will be responsible for the funding of the magistrates courts service in their area. No assessment has been made of transferring the right of appeal to local authorities which do not contribute to the funding of the magistrates courts service, as would happen if the right were transferred in all cases to district and borough councils.

Industrial Tribunal Appeals (Northern Ireland)

Mr. Trimble: To ask the Parliamentary Secretary, Lord Chancellor's Department how many appeals there have been from industrial tribunals in Northern Ireland to the Court of Appeal since 1 January 1990. [24989]

Mr. Jonathan Evans: The number of appeals from industrial tribunals in Northern Ireland to the Court of Appeal since 1 January 1990 is 32.

The figures for each year from 1990 to 1995 are as follows:

	Number
1990	5
1991	5
1992	6
1993	3
1994	5
1995	8
Total	32

Mr. Trimble: To ask the Parliamentary Secretary, Lord Chancellor's Department how many awards of an industrial tribunal in Northern Ireland have been altered on appeal on the grounds that the tribunal misdirected itself. [24990]

Mr. Evans: The number of awards of an industrial tribunal in Northern Ireland which have been altered by the Court of Appeal since 1990 is two.

The figures for each year from 1990 to 1995 are as follows:

	Number
1990	1
1991	1
1992	0
1993	0
1994	0
1995	0
Total	2

Land Registry

Sir Michael Shersby: To ask the Parliamentary Secretary, Lord Chancellor's Department what consultations the Land Registry has had with other parties regarding disclosure of the price paid for a property; and if he will make a statement. [24951]

Mr. Jonathan Evans: The Land Registry became open to public inspection in 1990 and in December 1993 the Land Registry issued a consultation paper on a proposal to restore "price paid" information to the Land Register.

Some 45 responses were received from professional bodies and other interested parties. The Lord Chancellor and the Chief Land Registrar decided that other proposals—to extend the mechanisms for bringing unregistered property on to the Land Register—should take higher priority. The Lord Chancellor plans to proceed with those proposals when there is an appropriate legislative opportunity.

Contempt of Court Act 1981

Mr. Redmond: To ask the Parliamentary Secretary, Lord Chancellor's Department what plans he has to amend section 10 of the Contempt of Court Act 1981; and if he will make a statement. [25455]

Mr. Jonathan Evans: The Government at present have no plans to introduce amending legislation.

TREASURY

St. Thomas's Hospital

Ms Harman: To ask the Chancellor of the Exchequer of St. Thomas's hospital has been listed by the private financial panel in the Department of Health section for a private finance investment. [25529]

Mr. Jack *[holding answer 18 April 1996]:* A private finance initiative project for St. Thomas's hospital was included in the illustrative list published by the private finance panel on 29 November 1995.

Investments

Mrs. Beckett: To ask the Chancellor of the Exchequer what was the percentage growth in business investment in 1995 over its level in 1994; if he will make a statement on the differences between the growth in business investment in 1995 and his forecast in the November 1995 Red Book; and what is his revised forecast of business investment for 1996 and 1997. [25550]

Mr. Waldegrave *[holding answer 19 April 1996]:* Business investment, as defined in chapter 3 of the "Financial Statement and Budget Report", grew by 1.8 per cent. in 1995 compared with the November FSBR forecast of $3\frac{1}{4}$ per cent. This difference reflects subsequent revisions to the Office for National Statistics data for 1994 and earlier quarters of 1995. Business investment actually grew more quickly in 1995 Q3 and Q4 than forecast. The FSBR forecast shows business investment growth of 9 per cent. in 1996 and $6\frac{3}{4}$ per cent. in the year to the first half of 1997.

Private Finance Initiative

Ms Janet Anderson: To ask the Chancellor of the Exchequer what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26167]

Mr. Jack: Estimated levels of private sector capital spending for private finance initiative projects within the Chancellor's departments for 1995–96, 1996–97 and 1997–98 are nil, £40 million and £40 million respectively. Further details about the private finance initiative and capital spending can be found in table 6.4 and 6.5 of the Treasury "Financial Statement and Budget Report" for 1995–96.

Environmental Accounts

Mr. Dafis: To ask the Chancellor of the Exchequer what use he plans to make of the data on the interactions between the economy and the environment contained in the Government's satellite environmental accounts, referred to in paragraph 154 of "This Common Inheritance" annual report 1996. [25841]

Mrs. Angela Knight: Environmental factors have performed an important role in economic policy decisions in recent year. The pilot environmental accounts will improve Government's ability to judge the environmental effects of economic policy.

Women's Pay

Mr. Meacher: To ask the Chancellor of the Exchequer what were the average hourly earnings for *(a)* female part-time employees, *(b)* female full-time manual employees and *(c)* female full-time non-manual employees as a percentage of those of the equivalent male employees by standard region. [26245]

Mrs. Angela Knight: Average hourly earnings of male and female full-time manual and non-manual employees in April 1995, by standard region, are published in "New Earnings Survey 1995", part A, a copy of which is held in the House of Commons Library. Average hourly earnings of female part-time employees, by standard region, is published in part F of the same publication. There are no available estimates for male part-time employees, except in the south-east where they were £6.07 in April 1995.

Paracetamol

Mr. Flynn: To ask the Chancellor of the Exchequer how many people died as a result of paracetamol use and the use of compounds containing paracetamol in 1992 and for the five previous years. [26434]

Mrs. Angela Knight: The data are published for each year separately in table 10 of "Mortality statistics: injury and poisoning, England and Wales" series DH4, Nos. 13 to 18, copies of which are available in the House of Commons Library.

In table 10, the drugs are listed alphabetically, and when two or more drugs are listed together they are put under the drug which comes first alphabetically. Any such combination of drugs is not cross-referenced under the other drugs in the combination, so there is no double counting.

Since the principle of showing combinations of poisons is alphabetical, it therefore follows that no conclusions can be drawn concerning which drug, if any, played the major role. In addition, the inclusion of any substance in table 10 does not necessarily imply that it is toxic.

The listing of a substance on its own signifies that only that drug was mentioned on the death certificate. It does not therefore include those cases where the drug occurred in combination with other drugs.

Registration Service

Mr. Matthew Banks: To ask the Chancellor of the Exchequer what arrangements have been made following the establishment of the Office for National Statistics for the approval of local schemes and regulations for the registration service in Wales. [26676]

Mrs. Angela Knight: Under the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996 No. 273, the Chancellor of the Exchequer is responsible for approving local schemes and regulations relating to the registration service in England and Wales. The agreement of the Secretary of State for Wales will also be necessary for those local schemes for regulations relating to Wales.

ENVIRONMENT

"Policy Appraisal and the Environment"

Ms Ruddock: To ask the Secretary of State for the Environment if it is Government policy to apply the guidance contained in "Policy Appraisal and the Environment" to all Government policy statements where they are likely to have a significant direct or indirect effect on the environment. [25624]

Mr. Clappison: The guidance contained in "Policy Appraisal and the Environment" stresses that policy appraisal is applicable across the whole range of policies and programmes, and not just those with environmental objectives. The guide therefore raises awareness of the role of appraisal in the development of policies which have both direct and indirect environmental impacts.

Ms Ruddock: To ask the Secretary of State for the Environment what criteria are used to determine when the guidance contained in "Policy Appraisal and the Environment" is to be applied to *(a)* Government consultation papers, *(b)* Bills before Parliament, *(c)* White Papers and *(d)* planning policy guidance notes. [25623]

Mr. Clappison: Systematic appraisal, as described in "Policy Appraisal and the Environment", should automatically be part of effective policy formulation where there are likely to be both direct and indirect effects on the environment. No other criteria are required to determine cases where the guidance in "Policy Appraisal and the Environment" should be applied.

Ms Ruddock: To ask the Secretary of State for the Environment if the guidance contained in "Policy Appraisal and the Environment" pertains to *(a)* Government consultation papers, *(b)* Bills before Parliament, *(c)* White Papers, *(d)* planning policy guidance notes and *(e)* policy statements. [25622]

Mr. Clappison: The guidance contained in "Policy Appraisal and the Environment" has been designed so that it is relevant for all stages of policy development, from the consultation stage through to policy statements.

Toxic Waste

Mr. Sheerman: To ask the Secretary of State for the Environment what steps he is taking to reduce the quantities of toxic waste going to landfill. [25753]

Mr. Clappison: Reducing the amount of waste we produce is our first priority. But it is equally important that we reduce its hazardousness. In Great Britain hazardous waste is called "special waste". Defined in this way, it covers approximately 1 per cent. of controlled waste arisings.

Because of the threat posed by hazardous wastes to human health and the enviornment, we agree that it is important to minimise the quantities of these substances in waste arisings. The waste minimisation measures we have taken relating to the hazardousness of waste often take the form of regulations, such as the marketing and use directive amendments, which restrict or prohibit harmful materials such as chlorofluorocarbons, found in refrigerators, asbestos, polychlorinated biphenyls, formerly used in electrical equipment, and now certain types of battery.

In the White Paper "Making Waste Work: A Strategy for Sustainable Waste Management in England and Wales", we have set a target to reduce the proportion of all controlled waste going to landfill from 70 per cent. to 60 per cent. by 2005.

British Steel

Mr. MacShane: To ask the Secretary of State for the Environment what was the total value of commercial orders placed by his Department with British Steel plc in each year from 1988 to 1995. [25818]

Sir Paul Beresford: A total of £77,000 was paid to British Steel plc and its associate companies during 1995–96. This figure also covers payments amounting to £39,258.50 made by Property Advisers to the Civil Estate, which was part of this Department during the period in question.

Figures for preceding years are obtainable only at disproportionate cost.

Water Leaks

Mr. Cohen: To ask the Secretary of State for the Environment what research his Department has *(a)* commissioned and *(b)* evaluated into the connection between rising groundwater and water lost through leaks from water company pipes; and if he will make a statement. [25714]

Mr. Clappison: None. Although most water leaking from the distribution system is likely to find its way into groundwater, it is unlikely to contribute significantly to rising levels of groundwater in the London area, where water in the distribution system is generally drawn from groundwater. The rise in groundwater levels in London is believed to be due chiefly to the reduction in abstractions for industrial purposes.

Asthma

Mr. Ian McCartney: To ask the Secretary of State for the Environment what has been the incidence of occupational asthma *(a)* nationally and *(b)* by region among (i) men and (ii) women in each of the past five years; and for each category and year what has been the change, by number and percentage, over the previous year. [25785]

Sir Paul Beresford: The information is not available in the format requested.

The surveillance of work-related and occupational respiratory disease scheme, based on reporting by specialist doctors, provides national estimates of the number of new cases of occupational asthma diagnosed by specialists. The available information from SWORD for 1991 to 1995 inclusive is shown in table 1.

Table 1: Reports of occupational asthma to SWORD, United Kingdom 1991–1995

Year	*1991*	*1992*	*1993*	*1994*	*1995*
Estimated total cases seen by specialists[1]	—[2]	1,047	879	941	851
Percentage male[3]	71	72	70	66	65

Notes:
[1]System of estimating total cases using one-month per annum returns from sampled physicians together with full 12–month returns from a core group was introduced in 1992 to decrease under-reporting.
[2] Precedes system referred to in note 1; annual average no. of cases reported for 1989–91 was 509.
[3] Based on reported cases where the sex was stated.
Source:
Health and Safety Executive.

Information is also available from the DSS and is shown in table 2 for 1990 to 1994, inclusive. Data for 1995 are not yet available for presentation in this format.

Table 2: Number of medical board diagnoses of disablement, range 1 to 100 per cent., from occupational asthma for males and females in each calendar year 1990 to 1994, inclusive

Year	*1990*		*1991*		*1992*[1]		*1993*		*1994*	
Sex	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*
All boards	167	49	236	57	438	115	390	120	391[2]	87[2]
Cardiff	20	5	30	9	59	23	43	22	42	11
Swansea	12	1	7	2	8	2	8	1	16	3
Glasgow	15	3	33	6	30	12	24	10	23	4
Stoke on Trent	18	14	31	8	74	18	63	19	68	18
Sheffield	33	9	36	9	113	23	122	27	87	26
Manchester	25	6	22	9	38	13	37	9	42	13
Newcastle	14	4	36	3	64	7	59	11	74	6
London	30	7	41	11	52	17	34	21	39	6

Notes:
[1]The number of cases referred for medical boarding, and the number of diagnoses of disablement, increased from 1992 onwards following an increase in the number of prescribed agents for occupational asthma included in the industrial injuries disablement benefit list.
[2]Excludes 19 males and nine females from Edinburgh board.
Source:
Medical boardings centres.

Injury Reporting Regulations

Mr. Cohen: To ask the Secretary of State for the Environment when the revision of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985 will take effect; if it will include a change in the definition of an accident to include physical injury due to an assault arising out of or in connection with work; and if he will make a statement. [25715]

Sir Paul Beresford: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 came into force on 1 April 1996. The new regulations define an accident to include

"an act of non-consensual physical violence done to a person at work".

This change will ensure that the health and safety enforcing authorities are provided with valuable data on the extent and nature of violence to people at work.

Green Belt

Mr. Cohen: To ask the Secretary of State for the Environment if he will make a statement on the guidance he has issued to planning authorities in respect of green belt land surrounding or containing historic hospital complexes which become surplus to requirements and for which development using part of the green belt land is proposed; and if he will make a statement. [25716]

Sir Paul Beresford: Advice on major developed sites in the green belt, including hospitals, is provided in annexe C to planning policy guidance note 2. Paragraph C11 advises that suitable re-use is to be preferred to redevelopment where the buildings are of architectural or historic interest.

Energy Efficiency Voucher Scheme

Mr. Hanson: To ask the Secretary of State for the Environment what assessment he has carried out on the number of inquiries received by private companies from members of the public in respect of the energy efficiency voucher scheme; and how many vouchers have been presented to date. [26260]

Mr. Clappison: A full assessment will be carried out in the summer when further research results have become available. Preliminary results show that the promotion—which was supported by the private sector, and included the industry's own advisory service—successfully maintained awareness of energy efficiency within the "Wasting Energy Costs the Earth" campaign. So far, there have been almost 12,000 consumer responses, either through presentation of vouchers or through requests for advice.

Urban Regeneration

Mr. Pearson: To ask the Secretary of State for the Environment what guidance has been issued by his Department to the urban development corporations to ensure that the regeneration statements prepared for urban development areas are consistent with local development plans and other strategic plans agreed by local authorities which have a bearing on urban regeneration. [26015]

Sir Paul Beresford: None. It is for each urban development corporation to consider the most appropriate means of regenerating its area, in the light of its knowledge of local needs and conditions. In doing so, it will naturally wish to have regard to any local authority plans which may impact upon the urban development area.

Mr. Pearson: To ask the Secretary of State for the Environment what legal obligations exist to ensure that urban development corporations consult local authorities and other public bodies about *(a)* regeneration statements and *(b)* other exit strategies. [26017]

Sir Paul Beresford: None. However, my Department encourages all urban development corporations to consult local authorities and other interested parties about both their regeneration statements and their exit strategies.

Mr. Pearson: To ask the Secretary of State for the Environment what priority will be given for English Partnerships investment in urban development areas which contain areas of dereliction and contamination following designation. [26016]

Sir Paul Beresford: English Partnerships has been invited by several urban development corporations to become actively involved in the succession arrangements for the areas. The agency will consider taking on responsibility for the regeneration of sites within the UDC areas where the reclamation and redevelopment of those sites fits the agency's strategic objectives and priorities. The reclamation of derelict land continues to be one of English Partnerships' key objectives and high priority is given to the regeneration of sites that are contaminated.

Mr. Pearson: To ask the Secretary of State for the Environment if he will list the estimated outstanding financial liabilities incurred by each of the urban development corporations in respect of *(a)* property and land which cannot be sold for a positive price in its present condition, *(b)* public open space and infrastructure, *(c)* rental guarantees, grant or compensation liabilities, and *(d)* staff and member liabilities, including redundancy, pension entitlements and terminal bonuses; and if he will list the provisions made within each urban development corporation budget in the financial years 1996–97 and 1997–98 to cover these liabilities. [26014]

Sir Paul Beresford: Information in this form is not held by my Department. Each urban development corporation has been asked to provide details of all its remaining liabilities as part of this year's corporate plan round. However, the estimated cost of settling particular liabilities is commercially sensitive, since negotiations with potential successor bodies are still taking place. Corporations are expected to meet the cost of settling liabilities from within the resources available to them from grant in aid and receipts.

Infected Clinical Waste

Mr. Redmond: To ask the Secretary of State for the Environment if he will make a statement on missing infected clinical waste; and what action he is taking with health trusts to deal with this problem. [26321]

Mr. Clappison: My officials have written to the Environment Agency requesting that it investigate this matter. At this point, it would be inappropriate for me to comment further on this issue.

Council Tax Transitional Relief (Redbridge)

Mr. Cohen: To ask the Secretary of State for the Environment what was *(a)* the total sum, *(b)* the amount paid to the London borough of Redbridge, *(c)* the percentage of the total paid to the London borough of Redbridge and *(d)* the amount per dwelling in the London borough of Redbridge, in transitional relief in respect of the council tax in each year from 1993–94 to 1995–96. [26503]

Sir Paul Beresford: The information is as follows:

(a) *Total amount of transitional relief*

1993–94: £378,652,826

1994–95: £111,283,179[1]

1995–96: £27,178,179[1]

(b) *Amount of transitional relief paid to the London borough of Redbridge*

1993–94: £1,383,863.00

1994–95: £179,637.30[1]

1995–96: £13,929.30[1]

(c) *Percentage of total amount paid to London borough of Redbridge*

1993–94: 0.37%

1994–95: 0.16%[1]

1995–296: 0.05%[1]

(d) *Amount paid per chargeable dwelling in London borough of Redbridge*

1993–94: £15.12

1994–95: £1.96[1]

1995–96: £0.15[1]

These figures are averages. The actual amount of transitional relief varied according to a household's council tax banding, its composition and its previous liability for community charge.

[1] Information for 1994–95 and 1995–96 is provisional and is subject to final grant claims being made during 1996–97.

Green Ministers

Mr. Dafis: To ask the Secretary of State for the Environment when the Committee of Green Ministers last met; which Departments were represented at that meeting; and which Departments were represented by a Cabinet Minister. [25847]

Mr. Clappison: Green Ministers last met on 29 January. All Departments were represented, but not by a Cabinet Minister.

Energy Survey

Ms Ruddock: To ask the Secretary of State for the Environment when he will publish the 1991 energy survey undertaken as part of the 1991 English house condition survey; and if he will place a copy in the Library. [25835]

Mr. Curry: This summer. Some key findings from the 1991 energy survey were published last year, in a guide entitled "Energy Efficiency in Council Housing: Condition of the Stock," and copies placed in the Library.

Health Action Plan

Mr. Dafis: To ask the Secretary of State for the Environment when he plans to publish the United Kingdom environmental health action plan. [25837]

Mr. Clappison: It is proposed to publish the United Kingdom environmental health action plan in the summer of this year.

"This Common Inheritance"

Mr. Dafis: To ask the Secretary of State for the Environment what measures he is taking to stimulate debate across the country on the first set of sustainable development indicators, as envisaged in paragraph 171 of "This Common Inheritance" United Kingdom annual report 1996. [25840]

Mr. Clappison: The report on indicators of sustainable development for the United Kingdom published on 12 March provides a preliminary set of indicators. The report invites comments and ideas from readers which will be taken into account in developing the indicators further. Further discussions will take place with local authority associations, non-governmental organisations, and academic and research organisations.

The Secretary of State has also written to his ministerial counterparts in other EU member states drawing attention to the work that the UK has done in developing indicators, inviting their views on the UK indicator package and to share their countries' experiences in this area.

The Department of the Environment also intends to hold a seminar this summer for a thorough examination of the indicators, inviting participants from national and local government, industry, commerce, non-governmental organisations and the academic community.

Smoking (Public Places)

Mr. Dafis: To ask the Secretary of State for the Environment what was the target set in 1992 for the percentage of public places which should have effective no-smoking policies in place by 1994; what percentage figure was achieved in 1994; and what is the current percentage figure. [25842]

Mr. Clappison: In 1992, the Government's target was that 80 per cent. of public places should have effective smoking policies by the end of 1994. The statistical information is not available in the form requested. However, the report "Smoking in Public Places, 2nd Survey Report," a copy of which has been put in the Library of the House of Commons, shows for eight categories of establishment the percentage with an effective smoking policy:

Category	*Percentage*
Shops	63
Advice/money transactions	48
Travel	38
Health	71
Formal education	77
Informal education	62
Food/entertainment	37
Sports/recreation	48

The report relates to a survey carried out in 1995.

Private Finance Initiative (Construction Industry Report)

Mr. Congdon: To ask the Secretary of State for the Environment when he expects to make a formal response to the construction industry's paper of October 1995 about the private finance initiative; and if he will make a statement. [26785]

Mr. Robert B. Jones: The Government have taken the industry's views into account in reviewing the PFI and deciding what further improvements to make to its operation. My right hon. Friend the Secretary of State and I and other Ministers met a construction industry delegation today and provided a full response to the points raised in the report.

Actions taken by the Government to deal with these points include:

(a) *better guidance:* a practical PFI handbook "Private Opportunity, Public Benefit" was published by HM Treasury in November 1995. Further guidance notes and practical case studies will be published during 1996;

(b) *new procurement guidelines for Government Departments:* highlighting best practice, published by HM Treasury on 3 April 1996;

(c) *model contract clauses:* will be produced, for whenever it makes sense to use them, to minimise the need to reinvent the wheel for each PFI project. The Treasury is also to establish a standing committee to resolve precedent-setting contractual issues at an early stage;

(d) *large-scale PFI training:* arrangements are being made to give practical training to 5,000 to 10,000 civil servants in 1996–97. The programme of training has commenced, and is open to private sector delegates;

(e) *more effective co-ordination:* the Treasury private finance unit and the private finance panel executive have been strengthened;

(f) *closer dialogue with the construction industry:* my right hon. Friend the Secretary of State chaired a PFI meeting with industry representatives on 22 November 1995, with Ministers from five Departments present, including the Financial Secretary to the Treasury. Today's is the second such meeting, and bilateral meetings between the industry and Ministers in a number of Departments are taking place;

(g) *encouragement for equity investment:* the private finance panel will continue to strengthen its dialogue with funding institutions, building on the positive response the market is already making;

(h) *removal of unnecessarily restrictive contract conditions:* to encourage greater flexibility in project funding;

(i) *developing the potential for smaller PFI projects:* the emergence of model projects and contract documentation will assist the development of smaller projects. Other methods to bundle together smaller projects are also being considered;

(j) *regional PFI contacts:* Government offices for the regions have established PFI co-ordinators and contact points.

The operation of PFI will be kept under review and further action taken where necessary to remove obstacles to the quick and successful implementation of projects.

NATIONAL HERITAGE

Television Violence

Mr. Dafis: To ask the Secretary of State for National Heritage if she will make a statement on her policy in respect of the introduction of V-chips. [25350]

Mr. Sproat: The Secretary of State has initiated a thorough and careful analysis of the new V-chip technology and associated issues in conjunction with broadcasters, regulators and other interested parties as well as with our partners in Europe. This is not a straightforward issue. There are practical and technical difficulties in introducing new technology of this kind and we would not wish to be rushed into a premature decision.

TRADE AND INDUSTRY

Manufacturing Industry

Mr. Jim Cunningham: To ask the President of the Board of Trade how many manufacturing companies in the west midlands have closed since 1992. [24783]

Mr. John M. Taylor *[holding answer 16 April 1996]:* On the basis of VAT registrations data, a total of 4,007 manufacturing firms became individually deregistered—for whatever reason—in the west midlands region during 1993 and 1994. In the same period, 3,354 new manufacturing businesses became deregistered in the region. Figures for 1995 are not yet available.

Corruption (Football Clubs)

Miss Hoey: To ask the President of the Board of Trade what evidence he has given to the premier league inquiry into football corruption within English football clubs. [25738]

Mr. Oppenheim: None.

Auditors' Reports (Public Limited Companies)

Miss Hoey: To ask the President of the Board of Trade, (1) what assessment he has made of the quality of auditors reports of public limited companies in England; and if he will make a statement; [25736]

(2) what is the supervisory role of this Department over the quality of reports made by auditors in public limited companies' annual reports with special reference to football clubs. [25737]

Mr. Oppenheim: Company auditors and the conduct of company audit work for all companies, including those that are football clubs, are governed by the provisions of part II of the Companies Act 1989, which aims to ensure that audits are carried out only by persons who are properly supervised and appropriately qualified, and that such audits are carried out with integrity and with a proper degree of independence. Using the criteria set down in part II, five professional accountancy bodies—recognised supervisory bodies—have been recognised for the purposes of monitoring, inspecting, supervising and disciplining registered company auditors. These bodies are in turn responsible to me for the way in which they operate this self-regulatory regime, and are required to submit to me annual reports on audit regulation.

British Steel

Mr. MacShane: To ask the President of the Board of Trade what was the value of the debts of the British Steel Corporation *(a)* assumed by central Government and *(b)* otherwise written off between 1979 and privatisation in 1988. [25821]

Mr. Page: A two-stage reconstruction of British Steel Corporation's balance sheet involving the write-off of public dividend capital provided to the company was effected under the Iron and Steel Acts of 1981 and 1982 in recognition of the fact that trading losses could not be recovered out of existing assets. The 1981 Act reduced by £3 billion the sums invested in BSC by the Government under section 18(1) of the Iron and Steel Act 1975, with a further reduction of £1 billion effected in December 1982 by a statutory instrument made under the 1982 Act. In conjunction with this exercise, the Iron and Steel Act 1981 extinguished £509 million of national loans fund loans together with accrued interest thereon as at the end of the corporation's 1980–81 financial year, in respect of the long-term indebtness of the corporation.

In 1988, preparing British Steel plc for privatisation, Her Majesty's Government made a number of adjustments to the company's capital structure to bring it into a form that was appropriate for a public limited company. Full

details of these adjustments are given in the National Audit Office report "Department of Trade and Industry: Sale of Government Shareholding in British Steel plc", HC 210, 1989–90 Session, a copy of which is available in the Library of the House.

Mr. MacShane: To ask the President of the Board of Trade what estimate he has made of the implications of the incentives being offered by the state of Alabama, USA, to British Steel plc and its partners in the Trico steel mill venture for future investment in the British steel industry. [26013]

Mr. Page: None. This is purely a commercial matter for British Steel.

Radioactive Waste

Mr. Llew Smith: To ask the President of the Board of Trade what information he has evaluated from UK Nirex Ltd. in regard to its proposed charging scheme for the disposal of intermediate-level radioactive waste in the planned repository; what is the real rate of return on the capital employed in the disposal charges; and if he will indicate the period of capital expenditure used in calculating this rate of return. [26274]

Mr. Page: My Department receives a variety of information from UK Nirex Ltd., but these are matters of the management of the company.

Private Finance Initiative

Ms Janet Anderson: To ask the President of the Board of Trade what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26169]

Mr. John M. Taylor: The capital value of PFI projets being planned by my Department is estimated to be as follows:

Year	*£ million*
1996–97	12.2
1997–98	4.1

For the period 1995–96, I refer the hon. Member to the answer given by my predecessor on 7 November 1995, *Official Report*, column *705*, to a question from the hon. Member for Sheffield, Attercliffe (Mr. Betts).

Rural Post Offices

Mr. Illsley: To ask the President of the Board of Trade how many post offices in rural areas have been closed in Northern Ireland since 1979. [26232]

Mr. Oppenheim *[holding answer 22 April 1996]:* I understand from Post Office Counters Ltd. that records are available only from 1987. The total number of post offices in rural areas of Northern Ireland in March 1987 was 515. In March 1996, the corresponding number was 460, a net change of 55. Some of this change was due to some rural offices being reclassified as urban offices. The majority of rural closures are due to the difficulty of finding a suitable applicant to take over the office.

Nuclear Industry

Ms Walley: To ask the President of the Board of Trade if he will place in the Library a copy of his reply to the European Commission's request for the United Kingdom's response to the Consortium of Opposing Local Authorities and Friends of the Earth reports relating to competition policy and the nuclear industry. [26524]

Mr. Eggar: The Government are aware of only one report sent by the Consortium of Opposing Local Authorities and Friends of the Earth to the European Commission. This report is entitled "UK Nuclear Privatisation and Public Sector Liabilities".

The Commission is aware of the Government's view that there is no basis for the concerns which were expressed by COLA on publication of that report.

Deregulation

Mr. Steen: To ask the President of the Board of Trade what is the estimated annual saving to business from the Deregulation (Insurance Companies Act 1982) Order 1996. [25763]

Mr. Oppenheim: The order has three main purposes:

(a) the abolition of section 18(3) of the Insurance Companies Act 1982 ("the Act") which requires a five-yearly statement of a life assurance company's business. The life assurance industry has estimated that these measures will save £6 million for the industry over a five-year cycle;

(b) the abolition of section 22(2) of the Act which requires each insurance company to return a statement of connected intermediaries. This measure is estimated to save the insurance industry in excess of £500,000 annually; and

(c) amendment of sections 22(1), 42(4) and 82 of the Act in order to allow insurance companies to submit copies of their annual returns in an electronic format. This measure is for the convenience of the industry and cost savings will be small, representing the difference between the cost of production and submission of four paper copies of the return, and that of producing a diskette. The administrative cost to companies of taking corrective action, if required to do so under section 22(5) of the Act, should also be reduced.

Women (Unfair Dismissal)

Mr. Dafis: To ask the President of the Board of Trade (1) how many cases of unfair dismissal of women have been recorded in Scotland during the last three years; and if he will make a statement; [25213]

(2) how many cases of unfair dismissal of women have been recorded in England during the last three years; and if he will make a statement; [25215]

(3) how many cases of unfair dismissal of women have been recorded in Wales during the last three years; and if he will make a statement. [25211]

Mr. John M. Taylor: The numbers of unfair dismissal cases brought by women and registered by the industrial tribunals for 1994 and 1995 are set out. Figures for 1993 can be provided only at disproportionate cost.

Cases of unfair dismissal brought by women in England, Scotland and Wales

Year	Region	Total registered
1994	England	11,592
	Scotland	1,338
	Wales	834
1995	England	8,601
	Scotland	1,122
	Wales	687

The tribunal area for Wales includes the following neighbouring parts of England—Crewe and Congleton; county of Shropshire except southern part of Bridgenorth; south Herefordshire; Leominster; Hereford and Malvern Hills; Newcastle upon Lyme, Stoke-on-Trent and Staffordshire Moorlands.

Gas Prices

Mr. Nigel Griffiths: To ask the President of the Board of Trade what has been the percentage change in *(a)* gas beach prices and *(b)* the price of gas to domestic consumers since 1986. [26023]

Mr. Eggar: Between 1986 and 1995 the price of gas to domestic consumers excluding VAT fell by 24 per cent.—15 per cent. including VAT—in real terms. The DTI does not publish a similar series for beach prices.

Insolvency Service

Mr. Waterson: To ask the President of the Board of Trade what targets he has set the Insolvency Service executive agency for 1996–97. [26723]

Mr. Oppenheim: Against the Insolvency Service's planning assumption that compulsory insolvencies will total 27,500 cases in the year to 31 March 1997, I have set it the target of completing 26,500 cases with no more than 9 per cent. of uncompleted cases being more than 36 months old. I have also set it the target of reducing the unit cost of bankruptcy and compulsory liquidation case administration in 1996–97 by 8 per cent. Resources will increasingly be concentrated on the service's investigative effort and I expect the number of proceedings taken for the disqualification of directors of failed companies to exceed last year's outcome of 1,390, itself an increase of some 50 per cent. on the previous year. In concentrating on the more serious and resource-intensive criminal investigative work, I shall expect the service to contain the effect that this will have on the other prosecution action it carries out. I shall also expect the service to operate within its agreed gross running cost provision for 1996–97 of £51,197 million and its programme budget of £3,689 million.

In addition, I have set the service the following quality of service targets for 1996–97:

- to report to creditors on assets and liabilities within eight weeks in at least 90 per cent. of cases and within 12 weeks in 98 per cent. of all cases;
- to hold the initial meeting of creditors within 12 weeks in 90 per cent. of all cases and within four months in 98 per cent. of all cases;
- to submit reports within 10 months in at least 90 per cent. of bankruptcy cases and 80 per cent. of company liquidation cases where there is evidence of criminality;
- to submit disqualification reports within 15 months in at least 80 per cent. cases where there is evidence of unfit conduct by directors;
- to check and action at least 95 per cent. of insolvency services account payment requisitions within five days or by the due date;
- to process 95 per cent. of official receivers' receipt and payment transactions within 24 hours;
- to give notice to insolvency practitioners of interest credited to estates within four weeks.

In addition, I expect the service to action all invoices for payment within 30 days of receipt and the agency chief executive to continue to reply within 10 working days to all letters from Members of Parliament delegated to him for reply.

Wages Councils

Mrs. Clwyd: To ask the President of the Board of Trade how many new jobs have been created in each region of the United Kingdom in those industries where rates of pay were previously determined by wages councils in each year since 1992. [24948]

Mrs. Angela Knight: I have been asked to reply.

Information is not available by regions for industries formerly covered by wages councils. Net job councils for Great Britain are given in the following table.

Year-on-year changes in employees in employment, December of each year (thousands)

Industry	SIC92 Code	1991–92	1992–93	1993–94	1994–95
Retail	52 (except 52.7)	–11	61	18	1
Restaurants, cafes, takeaway food shops	55.3	7	10	10	12
Hotels and other residential accommodation	55.1–55.2	10	0	11	23
Bars	55.4	–24	–30	4	21
Manufacture of wearing apparel, dressing and dyeing of fur	18	–11	11	1	–1

Source: ONS.

PRIME MINISTER

Engagements

Sir Peter Tapsell: To ask the Prime Minister if he will list his official engagements for Tuesday 23 April. [25034]

Mr. Harry Greenway: To ask the Prime Minister if he will list his official engagements for Tuesday 23 April. [25035]

The Prime Minister: This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

Lake Kojanovskoe, Russia

Mr. Dalyell: To ask the Prime Minister what discussions he had at the Groups of Eight nuclear safety and security summit in Moscow of radioactive contamination of Lake Kojanovskoe. [25530]

The Prime Minister *[holding answer 22 April 1996]:* The specific questions of contamination levels in Lake Kojanovskoe did not arise at the summit.

Third-party Liability Convention

Mr. Dalyell: To ask the Prime Minister what reasons he had from the Ukraine and Russia in respect of the signature and ratification of the Vienna convention on third-party liability. [25531]

The Prime Minister *[holding answer 22 April 1996]:* I understand that both Russia and the Ukraine have indicated that they intend to join the Vienna convention. As a first step, both are currently in the process of developing compatible national legislation.

Beef Industry

Sir Julian Critchley: To ask the Prime Minister what is his policy in respect of requiring the feed and meat processing industries to make a contribution to the culling of the nation's cows. [24480]

The Prime Minister: My right hon. Friend the Minister of Agriculture, Fisheries and Food made a statement to the House on 16 April, *Official Report*, columns 513–16, covering measures for the removal of cattle over 30 months of age from the human food chain, and on the possibility of a selective cull of animals potentially at high risk from bovine spongiform encephalopathy.

OVERSEAS DEVELOPMENT ADMINISTRATION

Tropical Rainforests

Mr. Dafis: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list those projects concerned with the conservation of tropical rainforests, or species within them, funded through the global environment facility, together with the sums of money which have been committed internationally to each project; and if he will indicate if each project forms part of biodiversity action plans published by the Governments of the countries in which the projects are located. [25925]

Mr. Hanley: The information is not readily available. We are consulting the secretariat of the global environment facility and will reply as soon as possible.

TRANSPORT

Public Transport (Investment)

Mr. Dafis: To ask the Secretary of State for Transport how much has been invested in public transport over the last five years; and what was the percentage change for each of those years. [25243]

Mr. Norris: The figures are given in the table. They comprise estimates of public and private investment in London Transport, national railways and local public transport.

	Total public transport £ million	*Percentage difference (year on year)*
1991–92	1,850	—
1992–93	2,370	+28
1993–94	2,220	–6
1994–95	2,100	–5
1995–96	2,290	+9

Train Engine Units (Fires)

Mr. Chidgey: To ask the Secretary of State for Transport how many fires there have been in high-speed train engine units in each of the last five years. [25505]

Mr. Watts: This information is not available in the form requested. Table 12A of Her Majesty's railway inspectorate's annual report on railway safety for 1994–95, a copy of which is in the Library, lists the number of train fires by type of vehicle but does not distinguish between the engine units and the coaches of high-speed trains. The total number of fires in high-speed trains is shown in the following table:

Type of vehicle	*High-speed Trains*
1991–92	12
1992–93	9
1993–94	15
1994–95	5

Figures for 1995–96 are not yet available.

Mr. Chidgey: To ask the Secretary of State for Transport what safety procedures are in place for dealing with fires in engine units of high-speed trains. [25506]

Mr. Watts: The engine compartments of high-speed train power cars are equipped with a fire detection system that is alarmed in the driving cab. A fire suppression system is also provided.

Mr. Chidgey: To ask the Secretary of State for Transport if he will instruct the Health and Safety Executive to investigate *(a)* the cause of and *(b)* the safety procedures following the fire in the engine unit of the 17.35 service from London to Plymouth, at Bristol Parkway station, on 7 April. [25504]

Mr. Watts: The Health and Safety Executive's railway inspectorate has inquired into the incident.

The fire was caused by a component failure in the engine fuel system. Remedial action is in hand.

Safety procedures at the time of the incident involved summoning the fire service, which attended promptly, and separating the vehicle on fire from the rest of the train.

Road Schemes (Environmental Assessment)

Mr. Dafis: To ask the Secretary of State for Transport what advice has been issued by his Department on the implementation of the Standing Advisory Committee on Trunk Road Assessment recommendations on environmental assessment of road schemes. [25843]

Mr. Norris: Revised and expanded guidance on the environmental assessment of trunk road schemes was issued in 1993 as volume 11 of the design manual for roads and bridges. This is kept under review and updated as necessary.

M27 (New Road Signs)

Mr. Denham: To ask the Secretary of State for Transport how many new road signs have been ordered for the Bursledon-Nursling section of the M27; when they were placed in storage; at what cost they were purchased; and when he expects them to be installed. [25762]

Mr. Watts: I have asked the chief executive of the Highways Agency to write to the hon. Member.

Letter from Lawrie Haynes to Mr. John Denham, dated 23 April 1996:

The Minister for Railways and Roads, Mr. John Watts, has asked me to write to you in reply to your recent Parliamentary Question about road signs for the Bursledon Nursling section of the M27.

No new road signs have been ordered for this section of the M27. 14 variable message signs are being recovered from the M25 during the widening works. These signs are being stored and will be installed on the M27 when funds become available for this work.

Motor Vehicles (Accident Damage)

Mr. Win Griffiths: To ask the Secretary of State for Transport if he will make it his policy to make it compulsory for details of accident damage to be entered on motor vehicle registration documents with the name of the insurance company where appropriate and relevant. [25419]

Mr. Norris: Such an endorsement did appear on the old-style green logbook. The practice ceased in 1971 because it was found that it could give a false impression of a vehicle's condition. Some vehicles which were assumed to be unroadworthy were in fact repaired to a high standard. This reason is still valid today.

Officials are, however, discussing with the insurance industry and the police the possibility of making available to the public information on total loss vehicles.

Traffic Congestion

Mr. Butterfill: To ask the Secretary of State for Transport, pursuant to his answer of 26 February, *Official Report*, column *340*, in respect of projections of future road congestion, what assessment he has made of the extent to which it will be practicable and economic for the railways to enlarge their market share of goods and passenger traffic to alleviate likely road congestion; and what proposals he has to quantify this. [25865]

Mr. Watts: It is not possible to quantify the potential impact in general terms of an expansion of the railways on national road congestion, although it can make important local differences. Liberalisation and privatisation will improve the ability of rail to attract and retain passenger and freight traffic.

Train Services (Disabled Access)

Mr. Chidgey: To ask the Secretary of State for Transport what guidance he has given to the franchising director in respect of train operating companies guaranteeing disabled access to train services. [25503]

Mr. Watts: None. The Rail Regulator is responsible for protecting the interests of disabled rail passengers. All train and station operators are required to submit for the regulator's approval a disabled people's protection policy, as a condition of being granted a licence to operate. Details of the accessibility of rolling stock were set out in my answer of 19 April to the hon. Member for Birmingham, Ladywood (Ms Short), *Official Report*, column *632*.

Sea Empress Incident

Mr. Ainger: To ask the Secretary of State for Transport what decisions were taken by the executive committee of the international oil pollution compensation fund at its meeting on Tuesday 16 April in relation to compensation payments to victims of the Sea Empress disaster; and if he will make a statement. [26353]

Mr. Norris: At a meeting of the IOPC fund's executive committee held in the immediate aftermath of the Sea Empress incident the committee decided that the fund should not make any compensation payments until the position regarding the total level of likely claims was clearer. On the basis of an agreement brokered by the Government, the ship's insurers, the Skuld Protection and Indemnity Club, agreed to make payments to claimants suffering hardship. To date, 62 payments have been made totalling some £240,000.

At a meeting of the fund's executive committee on 16 April the committee decided that the fund could start paying compensation to claimants, but because of continuing uncertainty about the level of total claims such payments should be restricted to 75 per cent. of the damage suffered by the claimant on the basis of the advice of the fund's experts at the time when a payment was made. It is believed that in the majority of cases the position of the claimants will be improved, but there might still be circumstances in which some claimants could still suffer genuine financial difficulty. To address this possibility, the Government have brokered a further agreement with the Skuld club whereby the club will make payments above 75 per cent. in cases of genuine financial hardship. The details of this arrangement will be discussed with representatives of Sea Empress claimants at meetings to be held in Milford Haven on 25 April.

MV Derbyshire

Mrs. Dunwoody: To ask the Secretary of State for Transport what representations he has received concerning the forthcoming return to the wreck fo the MV Derbyshire; and if he will make a statement. [25582]

Mr. Norris: Representation have been received from, and on behalf of, the Derbyshire Family Association. They are being considered. We hope to be able to respond to the representations in the near future.

Mrs. Dunwoody: To ask the Secretary of State for Transport (1) when he will publish the list of people to visit the wreck of the MV Derbyshire; and what date he has set for this investigation; [25581]

(2) when he proposes to make a statement on the inclusion of DFA nominated representatives in the visit to the wreck of the MV Derbyshire. [25563]

Mr. Norris: We await the final recommendations of the technical assessors and salvage advisors appointed to oversee this project. Until their recommendations have been received and considered and any necessary contractual procedures completed, it is premature to fix the possible date for a return to the Derbyshire or to list those who will be involved.

Railways (Season Ticket Discounts)

Ms Short: To ask the Secretary of State for Transport which train operating companies are and were paying season ticket discounts under the passengers charter *(a)* currently, *(b)* 12 months ago and *(c)* 24 months ago. [24546]

Mr. Watts: For the purposes of the passengers charter season ticket compensation scheme, train operating companies are split into 59 route groups. The following route groups are and were triggering season ticket discounts at the end of March:

(a) 52 weeks ending 29 March 1996

Punctuality and Reliability
Felixstowe

Punctuality only
Northampton Lines
Cross Country
West Coast
East Coast
Manchester Local
North Wales Branches
Avon

Reliability only
North London Orbital
North Wales Inter Urban
Cornwall

(b) 52 weeks ending 31 March 1995

Punctuality and Reliability
Avon
Manchester Locals

Punctuality only
Cross Country
North Wales Branches
ScotRail East
ScotRail Central

Reliability only
North London Lines
Lancashire Locals
Northern Short
Transpennine
Manchester Long
Cornwall
South Yorkshire and Humberside Long

(c) 52 weeks ending 2 April 1994

Punctuality only
Cross Country
Avon

Reliability only
Transpennine
South Yorks and Humberside Long
Manchester Long
Cornwall
Anglia
Merseyrail

Emergency Salvage Cover

Ms Walley: To ask the Secretary of State for Transport (1) when his Department's charter of the tug Smit-Lloyd Safe for emergency salvage cover in Scottish waters ends; and if he will make a statement; [23290]

(2) when his Department's charter of the tug Far Turbot for emergency salvage cover in the English channel ends; and if he will make a statement. [23289]

Mr. Norris: The existing Coastguard agency charter of the tugs Smit-Lloyd Safe and the Far Turbot ends on 30 April 1966. The intention is that this provision will recommence on 1 October 1996 for a period of six months.

The Coastguard agency has arrangements with four firms of UK tug brokers to make towing vessels available in an emergency. HM Coastguard rescue centres maintain databases of suitable vessels in their locality, including harbour tugs. The agency has a draft understanding with the British Tugowners Association that its members will, if possible, make tugs available for emergencies. We will continue to work closely with the tug industry to ensure the best possible access to emergency towing vessels.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Transport what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26177]

Mr. Watts: Private sector contributions under the private finance initiative for the years in question are estimated at roundly *(a)* £250 million, *(b)* £630 million, and *(c)* £820 million.

FOREIGN AND COMMONWEALTH AFFAIRS

Entertainment Costs

Mr. Llwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what were the entertainment costs at each British embassy in each EU country in 1995; and if he will make a statement. [24595]

Mr. Hanley: Expenditure on official entertainment at British embassies in European Union countries in the financial year 1994–95—the latest figure available—was £1,183,614. It is our practice not to publish how this is divided between posts.

Mr. Llwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what were the entertainment costs at each British high commission in each Commonwealth country in 1995; and if he will make a statement. [24596]

Mr. Hanley: Expenditure on official entertainment at British high commissions overseas in the financial year 1994–95—the latest figure available—was £1,252,368. It is our practice not to publish how this is divided between posts.

Turkey

Mrs. Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the human rights situation in Turkey; and what plans Her Majesty's Government have to address the issue at the current UN Commission on Human Rights. [25875]

Mr. David Davis: I refer the hon. Member to the answers I gave to the hon. Member for Sunderland, South (Mr. Mullin) on 19 April, *Official Report*, column *631*.

Sub-Saharan Africa

Mrs. Dunwoody: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the total number of staff in the British high commission in *(a)* Lesotho, *(b)* Malawi, *(c)* Kenya, *(d)* Ghana and *(e)* Botswana in the years 1992–93 to 1996–97. [25564]

Mr. Hanley: The authorised establishment in these posts is as follows:

(a) UK-based staff

Post	*1992*	*1993*	*1994*	*1995*	*1996*
Maseru (Lesotho)	6.00	6.00	6.00	6.00	3.00
Lilongwe (Malawi)	13.00	13.00	13.00	13.00	13.00
Nairobi (Kenya)	37.00	37.00	35.00	33.00	35.00
Accra (Ghana)	22.00	19.00	17.50	17.50	17.00
Gaborone (Botswana)	7.00	7.00	7.00	6.00	5.00

(b) Locally engaged employees, in staff years:

	1992	*1993*	*1994*	*1995*	*1996*
Maseru	15.50	15.50	15.50	11.00	11.00
Lilongwe	58.25	58.25	58.25	59.25	60.75
Nairobi	67.50	68.50	68.50	68.50	68.00
Accra	87.50	87.50	91.50	93.50	84.50
Gaborone	17.50	17.50	17.50	13.90	13.90

In addition, the Overseas Development Administration has two development divisions in Africa. The office in Lilongwe was transferred to Harare in 1995.

Development division UK-based staff establishment

	1992	*1993*	*1994*	*1995*	*1996*
Lilongwe	15.00	12.00	12.00	12.00	—
Nairobi	10.00	10.00	10.00	10.00	10.00
Development division—locally engaged staff establishment:					
Lilongwe	n/a	n/a	n/a	n/a	n/a
Nairobi	14.00	14.00	18.00	18.00	18.00

Staff figures are still awaited from Lilongwe.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Foreign and Commonwealth Affairs what estimate he has made of funding to be made available to this Department through the private finance initiative in *(a)* 1995–96, *(b)*1996–97 and *(c)* 1997–98. [26168]

Mr. Hanley: We consider the use of private finance as the preferred option for all proposed capital projects. I refer the hon. Member to the capital spending estimates in table 6.5 of the "Financial Statement and Budget Report 1996–97", which is available in the House Library. no capital investment took place under the private finance initiative scheme in 1995–96.

South Africa (Trade Access)

Sir David Steel: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the position of Her Majesty's Government in the Council of Ministers of the EU with regard to the liberalisation of trade access by the Republic of South Africa to the EU; and if it will make it the policy to work for a fair and asymmetrical trade deal with particular emphasis on allowing as much market access for agricultural products as possible. [26093]

Mr. David Davis: The UK has consistently argued for an EU trade agreement with South Africa which will help South Africa's successful transition to a prosperous and stable non-racial democracy. The agreement should cover substantially all trade, with as much market access for agricultural products as possible. The mandate agreed at the Foreign Affairs Council on 25 March is not as liberal as we would have liked, and we therefore abstained in the vote and made a statement expressing our concerns. We will continue to work for as liberal an agreement as possible. We expect that the Commission will need more negotiating flexibility: we will respond sympathetically to any such request, and urge our EU partners to do likewise.

Israel-Lebanon Conflict

Miss Emma Nicholson: To ask the Secretary of State for Foreign and Commonwealth Affairs if his recent speeches regarding the present Israeli-Lebanese conflict represent a change in Government policy in respect of the respect for territorial integrity between Lebanon and Israel as outlined in Security Council resolution 425. [26140]

Mr. Hanley: We continue to support the territorial integrity of Lebanon, and have consistently called for the implementation of Security Council resolution 425. The UK co-sponsored resolution 1052 on 18 April, which called for a ceasefire and recalled SCR 425.

Miss Nicholson: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps Her Majesty's Government propose to take to support attempts by members of the international community to bring about an immediate ceasefire in the present conflict between Lebanon and Israel. [26137]

Mr. Hanley: We are in close touch with all the Governments concerned. My right hon. and learned Friend the Foreign Secretary has sent messages to Foreign Ministers Bouez and Shara'a and has spoken to Warren Christopher and the Israeli Foreign Minister. My right hon. Friend the Prime Minister met the Lebanese Prime Minister and has discussed the situation with Presidents Clinton and Chirac. We strongly support US efforts to mediate. We also supported UNSCR 1052, which calls for immediate ceasefire.

Miss Nicholson: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps Her Majesty's Government plan to take to support international relief efforts to alleviate the suffering of people displaced in Lebanon by the present conflict between Israel and Lebanon. [26141]

Mr. Hanley: We are providing bilateral emergency aid to Lebanon of £250,000. In addition, the European Commission is providing 600,000 ecu, which will be spent on medical aid, tents, blankets, food aid and safe water supplies.

St. Helena

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to ensure non-discrimination between the sexes in employment conditions in the public service on St. Helena. [26464]

Sir Nicholas Bonsor: There is no discrimination between the sexes in employment conditions.

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will take steps to ensure that no public service employee on St. Helena loses her employment because she becomes pregnant. [26463]

Sir Nicholas Bonsor: St. Helena Government public service orders provide that all established female officers are eligible for maternity leave. However, those engaged on temporary terms are not eligible. The St. Helena Government are reviewing the terms and conditions of unestablished employees.

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to remove Government control of access to the broadcasting service on St. Helena. [26465]

Sir Nicholas Bonsor: The Government of St. Helena are examining options for the management of Radio St. Helena, including establishing a media trust.

EU Member States (Territories)

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 12 March, *Official Report,* columns *531-32,* for what reasons the Falkland Islands were not included in the list of United Kingdom territories. [26462]

Mr. David Davis: This was due to an administration error. The answer should have included the Falkland Islands within the list of UK dependent territories as follows:

Territory	*Part of EU?*	*Vote in EP elections?*
Falkland Islands	No	No

A request for an amendment to the *Official Report* was made on 15 March.

Land Mines

Mr. Garnier: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the use of anti-personnel land mines. [26722]

Mr. David Davis: I refer the hon. Member to the answer that I gave to the hon. Member for Caernarfon (Mr. Wigley) yesterday.

DEFENCE

Royal Air Force Training

Dr. David Clark: To ask the Secretary of State for Defence what plans he has to suspend non-essential RAF training. [25795]

Mr. Soames: RAF training is designed to fit individuals with the skills to meet the tasks expected of them both now and in the future. Not all training has to take place within fixed time frames. Accordingly, as part of the measures to avoid unnecessary pressure on personnel during transition to the future RAF manning structure, we plan to suspend refresher training in common core skills for the period to March 1997, except where this would prejudice safety standards or jeopardise support for the RAF's operational commitments. Military effectiveness will not be compromised.

Gulf War Syndrome

Mr. Llew Smith: To ask the Secretary of State for Defence if he will obtain the details of the research experiments conducted by Dr. Mohamed Abou-Donia at Duke university medical centre in the United States into the causes of Gulf war syndrome. [26266]

Mr. Soames: My Department will consider very carefully the report on the research undertaken at Duke university medical centre when it is published.

Bosnia

Mr. Llew Smith: To ask the Secretary of State for Defence if the British armed forces serving in Bosnia have available *(a)* armoured vehicles plated with depleted uranium and *(b)* depleted uranium shells for operational use. [26262]

Mr. Soames: No.

Ulster Defence Regiment

Mr. John D. Taylor: To ask the Secretary of State for Defence how many *(a)* full-time and *(b)* part-time members of the Ulster Defence Regiment there were at the date of its abolition; and how many (i) full-time and (ii) part-time members are now serving in the Royal Irish Regiment in Northern Ireland. [25931]

Mr. Soames: There were 2,990 full-time and 2,858 part-time members of the Ulster Defence Regiment when it amalgamated with the Royal Irish Rangers to form the Royal Irish Regiment on 1 July 1992. The Royal Irish Regiment (Home Service) consisted of 3,014 full-time and 2,122 part-time soldiers on 31 March 1996.

Cyprus

Mr. John D. Taylor: To ask the Secretary of State for Defence, pursuant to his answer of 2 April, *Official Report,* column *98,* for what reason no Turkish Cypriots are employed in the western sovereign base area; what proposals he has to ensure that employment by the base reflects the composition of the population of the western sovereign base area; and if he will make a statement. [26239]

Mr. Soames: Following the events of 1974, the Turkish Cypriot population now lives in the Turkish-controlled area to the north of the UN-patrolled buffer zone. No Turkish Cypriots are registered for employment in the catchment area for the western sovereign base area. The employment of Cypriot personnel within the WSBA reflects this position.

Nuclear Weapons Transport

Mr. Cohen: To ask the Secretary of State for Defence if he will make a statement on the provision of aid to the Russian Federation to assist the safe transport and storage of nuclear weapons. [26263]

Mr. Soames: The UK, at a cost of some £35 million, has provided Russia with 250 armoured weapon containers and 20 heavy armoured transport vehicles to provide additional protection for its nuclear warheads in transit and in storage. These warheads are those made surplus under the strategic arms reduction talks treaty. Russia has expressed its appreciation for this assistance.

Married Quarters Estate

Mr. Spellar: To ask the Secretary of State for Defence what arrangements he has made for the management of the properties of the married quarters estate which his Department will continue to occupy after the proposed sale. [26454]

Mr. Arbuthnot: As we explained in the preliminary information memorandum, a copy of which is in the Library of the House, my Department will retain responsibility for the management and maintenance of the quarters which we lease back. This responsibility will continue to be discharged by the Defence Housing Executive after the sale.

Home Defence Facilities

Mrs. Ewing: To ask the Secretary of State for Defence what facilities for home defence and the wartime administration of the armed forces have been provided within the Kincardine-on-Forth area of Scotland since 1970 *(a)* in facilities established for that purpose and *(b)* otherwise; and what the costs of establishing and maintaining such facilities have been during the period. [25545]

Mr. Soames *[holding answer 18 April 1996]:* There are no records or knowledge of any facilities for home defence or wartime administration in the area of Kincardine-on-Forth.

Emergency Communications Links

Mrs. Ewing: To ask the Secretary of State for Defence for what purpose emergency communications links were provided between Lanark, Strathclyde and the former underground wartime command centre of the headquarters, United Kingdom land forces at Sopley, Hampshire; for how long they were established; and at what cost. [25546]

Mr. Soames *[holding answer 18 April 1996]:* There are no records or knowledge of emergency communication links between Lanark, Strathclyde and the former underground wartime command centre of the headquarters, United Kingdom land forces at Sopley.

Mrs. Ewing: To ask the Secretary of State for Defence for what purpose emergency communications links were provided between Inverbervie near Montrose and the former underground wartime command centre of the headquarters, United Kingdom land forces at Sopley, Hampshire; for how long they were established; and at what cost. [25547]

Mr. Soames *[holding answer 18 April 1996]:* There were no specific emergency communication links between the former home defence and wartime administration facility at Inverbervie near Montrose and the former underground wartime command centre of the headquarters, United Kingdom land forces at Sopley.

The only permanent communication system at Inverbervie was based on British Telecom telephone lines at a cost of £8,000 per annum. All communication systems had been removed by January 1994.

HOME DEPARTMENT

Police Authorities

Dr. Wright: To ask the Secretary of State for the Home Department if police authorities are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [25974]

Mr. Maclean *[holding answer 22 April 1996]:* Police authorities, established under the Police and Magistrates' Courts Act 1994, are not open to investigation by the Parliamentary Commissioner but by the Commissioner for Local Administration. Similarly, they are subject to scrutiny by the Audit Commission, not the National Audit Office. Also, the Audit Commission's citizens charter performance indicators include a range of indicators that apply to the police service, and police authorities are required to publish these annually. As regards statutory provision for open government, police authorities are bound by rules similar to those that apply to local government.

Dr. Wright: To ask the Secretary of State for the Home Department what *(a)* annual reports, *(b)* annual accounts, *(c)* minutes of meetings, *(d)* agendas of meetings and *(e)* registers of members' interests are published by police authorities; and if in each case this is under a statutory requirement. [25969]

Mr. Maclean *[holding answer 22 April 1996]:* The Police and Magistrates' Courts Act 1994, which established the new police authorities, requires them to publish an annual report on local policing for that year and to copy that report to the Home Secretary. Under the Act, they are also bound by provisions in the Local Government Act 1972, as amended, which require agendas, minutes of proceedings and accounts to be open to inspection during reasonable hours and also requires members to declare any direct or indirect pecuniary interest in business which is under discussion. Additionally, regulations are being prepared which will extend to police authorities a requirement to maintain a register of members' interests which is similarly open to public inspection.

Dr. Wright: To ask the Secretary of State for the Home Department what was *(a)* the gross public spending for each year since 1990–91, in 1995–96 prices and *(b)* is the projected expenditure for each year to 1997–98, in 1995–96 prices, of police authorities. [25975]

Mr. Maclean *[holding answer 22 April 1996]:* Expenditure in 1995–96 prices by police authorities in England and Wales in the period 1990–91 to 1995–96 was as follows:

1990–91: £5,607 million

1991–92: £5,896 million

1992–93: £6,150 million

1993–94: £6,309 million

1994–95: £6,449 million

1995–96: £6,606 million (estimated)

Details of projected police authority expenditure are not available beyond 1996–97, for which the figure is £6,715 million.

Police Complaints Authority

Dr. Lynne Jones: To ask the Secretary of State for the Home Department when he expects provisions to be in place to allow the Police Complaints Authority discretion to publish information to inform the public of the outcome of investigations; and if he will make a statement. [26370]

Mr. Maclean: The disclosure of information by the Police Complaints Authority is governed by section 98 of the Police and Criminal Evidence Act 1984. We have already announced our intention to amend section 98 to allow the PCA discretion to publish such information as is reasonably necessary to inform the public of the outcome of investigations and we await a suitable legislative opportunity.

Dr. Jones: To ask the Secretary of State for the Home Department what plans he has to give the Police Complaints Authority powers to recommend disciplinary charges if evidence shows that on the balance of probability an offence has been committed by a police officer. [26371]

Mr. Maclean: The Police Complaints Authority already has powers to recommend or, ultimately, to direct that disciplinary charges be brought against a police officer.

Alcohol and Drug-related Crime

Mr. Flynn: To ask the Secretary of State for the Home Department what is his estimate of the number of crimes that were committed under the influence of *(a)* alcohol, *(b)* heroin, *(c)* ecstasy and *(d)* cannabis for each of the past five years. [26345]

Mr. Maclean: The information requested is not collected centrally.

Buckley Hall Prison

Ms Lynne: To ask the Secretary of State for the Home Department, pursuant to his answer of 3 April, *Official Report*, columns *289–90*, about the timing and implementation of improvements and other recommendations at Buckley Hall prison, *(a)* on what dates verbal recommendations were made by the area manager for Buckley Hall, *(b)* how these are recorded by the Home Office controller and the director of the prison and *(c)* what system is in place to ensure that the recommendations are carried out. [25759]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Ms Liz Lynne, dated 23 April 1996:

The Home Secretary has asked me to reply to your recent Question about verbal recommendations made by the area manager regarding Buckley Hall prison.

The area manager makes regular visits to the establishment. He also chairs a monthly progress meeting at which any recommendations are recorded in the minutes. During scheduled visits he meets the Director and Controller and he may make recommendations, which are then monitored by the Controller as part of her normal duties.

The area manager's recommendations can be separated into those which attract an immediate solution and those which do not. In the case of the former, the Director will seek to act upon comments by the area manager without delay. In the case of the latter a more formal approach would be taken. The Director would be required to submit a full report to the area manager at the next progress meeting. The Controller would be required to monitor progress both before and after to that meeting.

The Controller also produces a monthly progress report for the area manager and monitors any points raised on his behalf.

Prisoners

Mr. Cox: To ask the Secretary of State for the Home Department how many category A *(a)* male and *(b)* female prisoners are serving a life prison sentence in prisons in England and Wales. [26089]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 23 April 1996:

The Home Secretary has asked me to reply to your recent Question about how many category A (a) male and (b) female prisoners are serving a life prison sentence in prisons in England and Wales.

On 17 April 1996 there were 326 male and one female category A prisoners serving life sentences in prisons in England and Wales.

Mr. Cox: To ask the Secretary of State for the Home Department how many prisons in England and Wales hold category A inmates. [26095]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 23 April 1996:

The Home Secretary has asked me to reply to your recent Question about how many prisons in England and Wales hold Category A prisoners.

There are currently 22 prisons in England and Wales which hold Category A prisoners on a regular basis.

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women inmates are serving a life prison sentence in prisons in England and Wales. [26096]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 23 April 1996:

The Home Secretary has asked me to reply to your recent Question asking how many (a) men and (b) women prisoners are serving a life prison sentence in prisons in England and Wales.

The latest available information is for 29 February 1996. On that date there were 3,277 male and 122 female life sentence prisoners in Prison Service establishments in England and Wales.

Long Lartin Prison

Dr. Lynne Jones: To ask the Secretary of State for the Home Department (1) what items have been found as a result of *(a)* strip searches and *(b)* anal searches in the last 12 months at Her Majesty's prison, Long Lartin; and if he will make a statement about the effectiveness of such searches; [25877]

(2) what is the routine for *(a)* strip searches and *(b)* anal searches at HMP Long Lartin; and how many such searches have been carried out in the last 12 months. [25876]

Miss Widdecombe: Responsibility for these matters has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Dr. Lynne Jones, dated 23 April 1996:

The Home Secretary has asked me to reply to your recent Questions about strip and anal searches in Long Lartin prison.

The procedures for strip searching at Long Lartin are the same as those contained in the Prison Service manual on security, copies of which are available in the Library. Prison staff at Long Lartin do not perform intimate searches.

Strip searches are performed mainly on two occasions: during a cell search and on suspicion following a visit.

Figures are not available in the form requested, however of the 203 cell searches carried out between January and April, there were 100 finds of unauthorised articles. During the period November 1995 and April 1996, 139 searches were conducted following visits which resulted in three items being found.

Details of the articles and where they were found could be provided only at disproportionate cost.

Prison Visitors (Drugs)

Mr. Cox: To ask the Secretary of State for the Home Department how many visitors to prisons in England and Wales were charged with attempting to import drugs into prisons during 1995. [26088]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 23 April 1996:

The Home Secretary has asked me to reply to your recent Question about how many visitors to prisons in England and Wales were charged with attempting to import drugs into prisons during 1995.

Charges relating to offences by visitors of attempting to bring drugs into prisons are brought by the police.

There are no central records held by the police or Prison Service on the number of such charges and this information could be obtained only at disproportionate cost.

Gun Dealers

Mr. Cox: To ask the Secretary of State for the Home Department how many licensed gun dealers there are currently in the United Kingdom. [25569]

Mr. Maclean: The latest available information on firearms dealers was published in the Home Office statistical bulletin "Firearm Certificate Statistics, England and Wales 1994", issue 11/95, copies of which can be found in the Library. The bulletin contains the information that 2,521 firearms dealers were registered at 31 December 1994.

Figures for Scotland are a matter for my right hon. Friend the Secretary of State for Scotland and figures for Northern Ireland are a matter for my right hon. and learned Friend the Secretary of State for Northern Ireland.

Live Animal Export Demonstrations (Policing)

Mr. Cox: To ask the Secretary of State for the Home Department what estimate he has made of the cost of policing demonstrations against the export of live calves during 1995. [25570]

Mr. Maclean: During 1995, eight police authorities incurred additional expenditure as a result of demonstrations against the export of live animals. I understand from them that the estimated additional costs caused by these demonstrations in the year were £7,746,225. It is not possible to apportion costs by type of animal.

Dorset Police Authority

Mr. David Atkinson: To ask the Secretary of State for the Home Department by how much funding to the Dorset police authority has increased since 1979; what percentage this represents in real terms; what has been the increase in *(a)* police officers and *(b)* civilian staff over the same period; and if he will make a statement on future funding and manpower. [25754]

Mr. Maclean: Expenditure on the Dorset police increased by £56.87 million between April 1979 and March 1996. This is a real terms increase of 110.6 per cent. During this period, police strength increased by 123—plus 11 per cent.—and civilian support staff strength increased by 344—124 per cent.

The spending power of the Dorset police in 1996–97 will be £68.1 million. This includes £250,000 as their share of the extra funding for more officers, sufficient to recruit 13 more constables. This is an increase of 3.9 per cent.—£2.6 million—over 1995–96. My right hon. and learned Friend has additionally exercised his powers under section 31(1)(b) of the Police Act 1964 and awarded the force special grant of up to £1.5 million for national security expenditure at the Government party conference in October. I understand from the chief constable that police strength is expected to increase by 19 by the end of March 1997.

Ministerial Visit (Soho)

Mr. Redmond: To ask the Secretary of State for the Home Department if he will make a statement on the findings of his official visit to Soho on the night of 1 to 2 April; who accompanied him; and from which budget the visit was funded. [25575]

Mr. Howard: On 1 April, as one of a number of visits I undertook that day to Metropolitan police operations, I accompanied members of the Metropolitan police on one of their regular foot patrols in Soho. The patrol provided me with an insight into the reality of day-to-day policing.

From the Department, I was accompanied by a private secretary and, in view of the known media interest in my visit, two press officers. No additional expenditure was incurred as a result of the visit except for nominal overtime costs.

Private Prisons (Assaults)

Mr. George Howarth: To ask the Secretary of State for the Home Department what has been the average assault rate since October 1995 in all privately operated prisons and their Prison Service operated comparator group establishments. [25195]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. George Howarth, dated 23 April 1996:

The Home Secretary has asked me to reply to your recent Question asking for the average assault rate since October 1995 in all privately operated prisons and their Prison Service operated comparator group establishments.

A report has been commissioned from consultants Coopers and Lybrand to assess the relative costs and performance of contractually managed prisons against comparable establishments in the public sector during 1994/5. This report will be published in the next few weeks.

I will write to the Honourable Member following publication of the Coopers and Lybrand report with information on the period mentioned in his question.

HOUSE OF COMMONS

Education Exhibition

Mr. Steen: To ask the Chairman of the Administration Committee if he has considered an application for an exhibition relating to Education Extra and the Open School to be displayed in the Upper Waiting Hall. [26369]

Mr. Michael J. Martin: I understand that, under procedures agreed by the Administration Committee, arrangements have been made for the exhibition to be held in the Upper Waiting Hall from Monday 29 April to Friday 3 May 1996.

WALES

Dental Services

Mr. Simon Hughes: To ask the Secretary of State for Wales, pursuant to his answer of 25 March, *Official Report*, columns *451-52*, on people who have been deregistered from their dentist, (1) if the table includes patients deregistered by dentists because of their dissatisfaction with the remuneration system; and deregistrations for what reasons are excluded; [25224]

(2) if the statistical basis for calculating the number of people deregistered by their dentists is the same as that applied by the Department of Health; and what changes in the method of calculation have been made in the last 18 months. [25225]

Mr. Richards: Welsh family health services authorities were asked to provide, at fortnightly intervals, the number of child and adult patients for whom dentists have given them written notice to deregister during the previous two-week period. They were not asked to record reasons.

This information is simply recorded and aggregated by the Welsh Office to produce the all-Wales figure and cumulative totals; the procedure has not been changed.

Statistical procedures applied in England are a matter for my right hon. Friend the Secretary of State for Health.

Mr. Hughes: To ask the Secretary of State for Wales on what date dentists were first required to register their patients; and when his Department first received information *(a)* total registrations with dentists and *(b)* total deregistrations by dentists from each family health services authority or equivalent body. [25222]

Mr. Richards: Dentists have been able to register patients since 1 October 1990. The Dental Practice Board first published the numbers of patients registered for each family health services authority in January 1991. Information about deregistrations has been supplied by each Welsh family health services authority fortnightly since 14 August 1992.

Local Authority Negligence Claims

Mr. Morgan: To ask the Secretary of State for Wales what consultation he has had with local authority associations and the Association of British Insurers concerning the adequacy of insurance cover for local authority negligence claims in connection with the publication of independent reports commissioned by local authorities. [25878]

Mr. Hague: None.

National Library of Wales

Mr. Wigley: To ask the Secretary of State for Wales if he will discuss with the officers of the national library of Wales the adequacy of the number of staff it can currently employ to meet its responsibilities; and if he will make a statement. [26182]

Mr. Hague: The Under-Secretary of State, my hon. Friend the Member for Clwyd, North-West (Mr. Richards), met library officers on 27 March to review its 1996–97 operational plan, including proposed staffing. The library's grant in aid for 1996–97 includes additional funding for operation of the third library building, including provision for additional staff.

Breast Cancer

Mr. Dafis: To ask the Secretary of State for Wales how many people were diagnosed with breast cancer in (i) 1993, (ii) 1994 and (iii) 1995 in Wales; and if he will make a statement. [25244]

Mr. Richards: The latest information on the number of Welsh residents with newly registered cases of breast cancer was published in "Health Statistics Wales 1995", a copy of which is in the Library of the House.

Penmaenbach Tunnel

Mr. Win Griffiths: To ask the Secretary of State for Wales what maintenance costs have been incurred on the Penmaenbach tunnel since 1991; and what proportion of this has been to deal with the cracks in the lining of the tunnel. [25893]

Mr. Gwilym Jones: The average annual civil engineering maintenance cost of Penmaenbach tunnel is approximately £45,000, of which about 5 per cent. is expended in dealing with monitoring and treating the cracking.

Mr. Griffiths: To ask the Secretary of State for Wales if he will make a statement about the cause of the cracks in the Penmaenbach tunnel; and say whether these cracks have grown worse in the last five years. [25892]

Mr. Jones: The cracking in the non-structural unreinforced concrete lining of the Penmaenbach tunnel was and is due to shrinkage of the concrete during the normal curing process. Some shrinkage is inevitable during this process.

There has been a small increase in the cracking over the last five years, but this is no more than would be expected to occur during the residual part of the concrete curing process, which takes some years.

Battlefields Register

Mr. Dafis: To ask the Secretary of State for Wales what plans he has to publish a battlefields register for Wales. [25845]

Mr. Gwilym Jones: We have no plans currently to produce a battlefields register for Wales. In England a register has been produced which lists 43 known, and often well-documented, sites of significant military engagements. Military action in Wales generally took the form of skirmishes and sieges. In the latter case, these were often associated with major fortifications and related earthworks which are protected under the provisions of the Ancient Monuments and Archaeological Areas Act 1979.

Environmental Health Action Plan

Mr. Dafis: To ask the Secretary of State for Wales what plans he has to publish an environmental health action plan for Wales. [25838]

Mr. Gwilym Jones: A public consultation draft of the UK environmental health action plan was issued in August 1995 and it is now being revised in light of comments received. It is proposed that a UK plan will be issued in the summer of this year.

Welsh Health Common Services Authority

Mr. Morgan: To ask the Secretary of State for Wales (1) what consultations he has had with the chairman of the Welsh Health Common Services Authority concerning (i) the market-testing procedures for the materials management section of the authority and (ii) requests for post-tender adjustments by Exel Logistics; [26507]

(2) what guidelines he has issued to the Welsh Health Common Services Authority concerning market-testing procedures and the amendment of winning tenders between the award and the signature of the contracts; [26508]

(3) what representations he has received concerning Exel Logistics market-testing award for the materials management section of the Welsh Health Common Services Authority; and if he will make a statement. [26509]

Mr. Hague: I have had no consultations with the chairman about the market-testing exercise. One representation has been received, from the hon. Member. This exercise is being carried out in line with current procedures and negotiations are continuing on a commercially confidential basis.

EDUCATION AND EMPLOYMENT

Avon County Council

Mr. Sedgemore: To ask the Secretary of State for Education and Employment (1) if she will consider taking action against Avon county council for failing to provide the child whose name has been sent to her with any education since July 1994; [24958]

(2) if she will direct Avon county council or its successor authority, Bath and North-East Somerset council to find a suitable school or otherwise offer suitable education for a child whose name has been sent to her; [24956]

(3) if she will direct Avon county council or its successor authority, Bath and North-East Somerset council to discuss with the mother the future education needs of a child whose name has been sent to her. [24957]

Mrs. Gillan *[holding answer 16 April 1996]:* I shall write to the hon. Member.

Learning Difficulties

Mr. Sedgemore: To ask the Secretary of State for Education and Employment if funds and facilities can be provided in the state sector to give children with learning difficulties an education based on the principles used by Professor Feuerstein of the international centre for the enhancement of learning potential in Jerusalem; and if she will ensure provision along these lines is made for the child whose name has been sent to her. [24955]

Mrs. Gillan *[holding answer 16 April 1996]:* It is for local education authorities and schools to decide how best to meet the needs of children with special educational needs in the light of the statutory code of practice on the identification and assessment of SEN. Where a child has been assessed as requiring a statement of SEN, LEAs have to consult parents and others about the provision to be specified in the statement. It is open to LEAs to use

funding from the grants for educational support and training programme for SEN training to train teachers in any area of SEN.

Risk Assessment

Mrs. Lait: To ask the Secretary of State for Education and Employment what opportunities there are in the national curriculum to teach risk assessment. [25254]

Mr. Paice: Under the national curriculum for mathematics, pupils are taught from the age of seven to develop an understanding of probability, and older pupils are taught to estimate and calculate the probability of events. Pupils use real contexts in the mathematics classroom, which enables them to expand their understanding of mathematics and its application, and helps prepare them for adult life.

Conductive Education

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment what Government resources have been made available in each of the last six years for the development of conductive education in the United Kingdom. [25874]

Mrs. Gillan: The results of a Government-funded research project to examine the effectiveness of conductive education were published in 1993. Since 1994–95, the amounts supported under the grants for educational support and training programme for special educational needs training have been as follows:

1994–95: £9.7 million

1995–96: £10.5 million

1996–97: £10.3 million.

It is open to local education authorities to use this programme to support the training of teachers in conductive education.

Construction Industry Training Board

Mr. Nigel Evans: To ask the Secretary of State for Education and Employment how many new companies were registered with the Construction Industry Training Board *(a)* for training and *(b)* for paying their levy in each year since 1992. [25732]

Mr. Paice: For the years in question the number of new employers *(a)* registered with the Construction Industry Training Board and *(b)* assessed to pay levy were as follows:

Year	*Total*	*Assessed to positive levy*
1991–92	8,279	1,197
1992–93	8,839	777
1993–94	14,376	1,410
1994–95	18,761	1,994

Mr. Evans: To ask the Secretary of State for Education and Employment what were the total running costs of the Construction Industry Training Board in each year since 1992. [25728]

Mr. Paice: The operating costs for each year since 1992 were as follows:

1991–92: £33.3 million

1992–93: £39.7 million

1993–94: £35.5 million

1994–95: £47.6 million.

Mr. Evans: To ask the Secretary of State for Education and Employment what estimate she has made of the companies which fall within the scope of the Construction Industry Training Board, but who are not registered with the Construction Industry Training Board. [25726]

Mr. Paice: It is not possible to estimate the number of companies which fall within the scope of the board but which are not registered.

Mr. Evans: To ask the Secretary of State for Education and Employment how many court cases the Construction Industry Training Board initiated in 1995 to recover costs of training levy from those who refused to pay it. [25722]

Mr. Paice: During 1995, 3,408 summonses were issued and 978 cases required enforcement action through the courts.

Mr. Evans: To ask the Secretary of State for Education and Employment how much money was spent by the Construction Industry training Board in each year since 1992. [25730]

Mr. Paice: The total expenditure for each year since 1992 was as follows:

1991–92: £116.2 million

1992–93: £115.2 million

1993–94: £ 87.8 million

1994–95: £101.3 million.

Mr. Evans: To ask the Secretary of State for Education and Employment how many firms involved solely in the construction and erection of agricultural buildings are registered for training levy with the Construction Industry Training Board. [25725]

Mr. Paice: No figure is available for the number of firms involved solely in the construction and erection of agricultural buildings.

Mr. Evans: To ask the Secretary of State for Education and Employment how many people are employed by the Construction Industry Training Board to supervise the registration of companies. [25733]

Mr. Paice: The board employs 15 staff whose duties include the registration of companies.

Mr. Evans: To ask the Secretary of State for Education and Employment how much money was raised via payment to the Construction Industry Training board by construction companies towards training grants awarded by the Construction Industry Training Board. [25729]

Mr. Paice: For the year ending March 1995, £61.9 million was raised from the levy on employers and training grants of £30.8 million were awarded.

Mr. Evans: To ask the Secretary of State for Education and Employment how many employees are currently working for the Construction Industry Training Board. [25727]

Mr. Paice: The Construction Industry Training Board currently has a total of 967 employees, of whom 922 are permanent staff and 45 are on temporary contracts.

Mr. Evans: To ask the Secretary of State for Education and Employment how much money was raised in levy by the Construction Industry Training Board in each year since 1992. [25731]

Mr. Paice: The levy income for each year since 1992 was as follows:

1991–92: £62.8 million

1992–93: £57.4 million

1993–94: £46.5 million

1994–95: £61.9 million.

Local Education Authority Reserves

Mr. Blunkett: To ask the Secretary of State for Education and Employment if she will list for each education authority in England, and by class and in total, the amount of balances held in reserve for each year since 1990. [25743]

Mr. Robin Squire: The following table shows all general fund reserves for each local authority with an education service in England since 1990.

Local Authority Reserves 1990–1995

	Reserves (£000s) as at:					
	1 April 1990	*1 April 1991*	*1 April 1992*	*1 April 1993*	*1 April 1994*	*1 April 1995*
City of London	201,765	171,638	173,019	195,690	232,836	222,623
Camden	17,289	–962	–7,257	682	5,821	17,508
Greenwich	24,624	17,759	17,887	11,750	35,450	39,422
Hackney	–490	1,180	575	4,326	7,354	4,517
Hammersmith and Fulham	34,403	35,479	30,389	17,902	34,154	28,030
Islington	9,862	–2,474	6,918	304	–625	2,570
Kensington and Chelsea	10,126	8,483	4,411	20,488	43,425	45,114
Lambeth	–4,674	–16,330	–14,765	–7,500	3,063	–3,998
Lewisham	8,851	–2,126	–3,679	3,009	4,592	7,585
Southwark	12,606	10,163	6,013	7,753	24,126	40,741
Tower Hamlets	26,400	20,700	21,700	18,914	13,919	16,434
Wandsworth	53,132	50,869	46,448	32,063	57,359	23,927
Westminster	15,746	15,942	24,487	27,876	30,820	43,329
Inner London Boroughs Total	207,875	138,683	133,127	137,567	259,458	265,179
Barking and Dagenham	46,988	44,767	34,665	40,668	45,391	49,097
Barnet	16,034	6,931	9,940	13,776	32,251	44,450
Bexley	14,553	n/a	3,723	7,830	13,440	14,488
Brent	9,086	8,101	7,079	5,565	5,642	9,400
Bromley	36,802	39,399	38,207	58,422	77,241	78,048
Croydon	55,063	39,696	44,497	30,203	49,683	60,517
Ealing	–12	–8,154	3,795	23,355	43,467	46,090
Enfield	n/a	9,136	7,308	19,572	39,149	45,238
Haringey	–521	–6,947	–6,658	4,025	16,703	17,278
Harrow	11,884	7,378	12,857	21,242	26,510	28,496
Havering	20,548	19,966	14,975	14,788	24,825	26,771
Hillingdon	31,148	10,994	1,099	5,536	12,289	14,418
Hounslow	39,908	29,740	18,520	12,101	14,634	12,770
Kingston upon Thames	9,053	5,577	3,567	4,067	8,023	11,817
Merton	36,600	18,065	13,187	11,092	19,067	11,816
Newham	3,388	2,903	6,432	13,508	32,253	37,002
Redbridge	5,371	551	3,441	11,420	18,642	16,771
Richmond upon Thames	–13,953	4,853	3,022	7,305	16,641	18,338
Sutton	8,959	9,204	6,518	8,258	12,176	10,461
Waltham Forest	2,129	2,129	2,400	10,364	11,162	10,349
Outer London Borough Total	333,028	244,289	228,574	323,097	519,189	563,615
Isles of Scilly	496	n/a	624	742	1,243	1,268
Bolton	8,791	3,248	11,196	10,300	16,859	19,061
Bury	10,913	8,986	4,981	5,840	13,457	14,101
Manchester	31,677	3,982	19,047	–2,523	13,164	27,059
Oldham	9,070	31,569	34,086	39,988	34,399	31,417
Rochdale	11,137	3,557	2,357	5,268	16,859	15,826
Salford	10,415	1,985		6,649	24,765	28,161
Stockport	8,355	6,443	6,396	18,672	27,060	28,525
Tameside	16,347	8,364	4,028	844	6,280	10,506
Trafford	14,720	14,273	15,514	18,081	50,928	54,925
Wigan	8,913	13,092	7,184	11,501	32,134	31,859
Knowsley	2,318	158	1,235	3,797	8,037	12,519
Liverpool	–2,130	n/a	–3,930	9,919	12,584	8,666
St. Helens	15,793	18,292	9,199	11,611	12,757	12,631
Sefton	7,010	4,770	3,912	6,027	8,644	10,149
Wirral	13,200	n/a	1,424	6,365	9,330	8,645

Local Authority Reserves 1990–1995

	Reserves (£000s) as at:					
	1 April 1990	*1 April 1991*	*1 April 1992*	*1 April 1993*	*1 April 1994*	*1 April 1995*
Barnsley	14,126	19,790	21,583	20,498	21,448	15,714
Doncaster	17,481	8,005	4,600	23,722	39,879	42,952
Rotherham	8,810	7,758	21,595	19,925	18,267	16,021
Sheffield	109,520	n/a	15,506	16,145	14,163	8,855
Gateshead	33,928	24,983	23,322	22,283	19,679	15,913
Newcastle upon Tyne	–23,673	8,341	8,884	24,390	40,664	42,459
North Tyneside	6,771	3,924	2,872	3,154	10,265	11,906
South Tyneside	16,405	10,267	9,911	10,340	11,673	12,681
Sunderland	9,707	24,762	24,616	22,707	32,334	29,082
Birmingham	25,350	24,096	29,885	65,486	109,984	82,536
Coventry	n/a	24,496	10,965	13,786	66,114	73,096
Dudley	10,778	11,682	17,479	17,115	31,813	29,580
Sandwell	n/a	n/a	7,274	20,491	34,366	30,821
Solihull	4,149	14,762	6,962	23,653	30,622	26,918
Walsall	n/a	32,400	23,300	18,585	19,004	19,407
Wolverhampton	4,784	4,177	3,305	12,349	32,555	40,074
Bradford	5,815	3,474	4,831	10,900	22,936	20,392
Calderdale	5,705	11,592	8,309	10,999	12,708	12,546
Kirklees	12,028	14,806	7,408	16,674	26,300	32,022
Leeds	18,348	15,137	12,516	21,909	53,509	85,620
Wakefield	18,661	13,376	9,546	17,540	32,341	31,126
Metropolitan Districts Total	465,222	396,547	391,303	564,990	967,881	993,771
Avon	12,822	13,253	11,635	19,838	47,409	61,635
Bedfordshire	13,242	15,719	16,928	22,221	25,680	21,206
Berkshire	4,523	7,940	16,987	72,088	57,987	58,819
Buckinghamshire	26,726	n/a	27,457	38,018	46,770	50,081
Cambridgeshire	22,237	58,481	48,119	53,812	55,762	56,517
Cheshire	4,212	41,851	27,923	50,161	52,378	44,075
Cleveland	9,707	7,364	4,760	13,413	23,829	27,767
Cornwall	23,395	28,358	33,054	24,803	51,056	45,640
Cumbria	3,344	10,145	14,227	12,440	10,494	11,788
Derbyshire	n/a	n/a	11,296	21,139	24,475	22,961
Devon	46,838	52,755	47,889	47,073	45,104	36,269
Dorset	5,721	14,443	7,794	4,287	20,137	25,317
Durham	22,414	23,895	22,043	19,251	20,109	20,917
East Sussex	27,372	8,900	16,394	21,551	30,134	42,896
Essex	26,774	18,112	39,373	45,350	90,085	120,127
Gloucestershire	2,443	2,362	3,894	13,844	23,539	23,044
Hampshire	7,394	29,879	52,899	74,221	83,041	65,323
Hereford and Worcester	7,374	6,188	5,360	22,213	36,380	38,223
Hertfordshire	13,000	19,400	25,565	41,984	82,550	81,584
Humberside	19,402	27,547	27,684	24,972	35,196	37,084
Isle of Wight	1,301	4,990	4,143	4,696	5,042	9,471
Kent	19,813	30,397	20,461	33,915	62,181	67,061
Lancashire	12,831	21,305	26,241	69,365	72,617	60,777
Leicestershire	28,806	24,178	20,046	15,337	23,098	25,411
Lincolnshire	44,934	50,854	42,924	42,309	46,648	38,112
Norfolk	13,100	13,109	13,109	30,974	83,109	72,850
Northamptonshire	9,271	9,054	9,096	37,852	28,052	34,458
Northumberland	19,457	24,810	23,201	19,841	32,060	31,693
North Yorkshire	38,813	38,681	34,411	33,880	36,575	43,201
Nottinghamshire	n/a	n/a	6,500	81,609	73,785	44,740
Oxfordshire	16,242	10,516	12,041	25,595	48,373	33,892
Shropshire	9,681	13,745	9,911	12,357	33,228	26,129
Somerset	14,691	15,933	28,183	28,349	40,560	41,946
Staffordshire	13,175	17,145	16,492	20,690	69,377	88,370
Suffolk	9,712	9,824	16,051	34,508	36,838	37,959
Surrey	8,680	15,864	41,686	58,959	92,423	83,755
Warwickshire	19,224	12,815	7,370	32,239	33,849	27,230
West Sussex	39,480	7,169	7,919	27,924	29,374	31,685
Wiltshire	n/a	25,406	9,444	19,995	39,906	41,309
Shire Counties Total	618,151	732,387	810,510	1,273,073	1,749,210	1,731,322
England Total	1,826,537	1,683,544	1,737,157	2,495,159	3,729,817	3,777,778

Nursery Voucher Scheme

Mr. Blunkett: To ask the Secretary of State for Education and Employment how many and what percentage of parents of four-year-olds in each of the pilot authorities *(a)* were expected to apply for vouchers and *(b)* applied for vouchers. [25599]

Mr. Robin Squire: Estimates of population and pupil numbers are less reliable when broken down by local authority and by year group. The estimated number of children, the number of applications and the percentage of eligible children this represents are given in the table.

Local authority area	*Estimated number of four-year-olds*	*Number of applications at 12 April 1996*	*Percentage of estimated four-year-olds*
Norfolk	9,300	8,517	92
Kensington and Chelsea	1,650	910	55
Wandsworth	3,300	2,786	84
Westminster	1,900	1,133	60

Mr. Blunkett: To ask the Secretary of State for Education and Employment how many places have been made available to four-year-olds in *(a)* the private, *(b)* the voluntary and *(c)* the maintained sectors following initial validation; and how many such places are new places. [25600]

Mr. Squire: Information on where parents have chosen to redeem nursery education vouchers will be available once vouchers returned from providers have been analysed.

The number of children attending maintained schools is given in the following table.

Local education authority	*Four-year-olds in maintained provision at January 1995*
Kensington and Chelsea	800
Wandsworth	2,600
Westminster	1,100
Norfolk	6,300

Mr. Mills: To ask the Secretary of State for Education and Employment which local education authorities refused to take part in the trials on nursery vouchers. [26445]

Mr. Squire: All local education authorities were invited to volunteer to participate in phase 1 of the nursery education voucher scheme; Kensington and Chelsea, Wandsworth, Westminster and Norfolk decided to take part.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Education and Employment what estimate she has made of funding to be made available to her Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26174]

Mr. Robin Squire: The capital that the Department expects to raise through the private finance initiative is set out at table 6.5 of the "Financial Statement and Budget Report 1996–97", a copy of which is placed in the House of Commons Library. That document shows that for 1996–97 and 1997–98 capital spend via the private finance initiative is expected to be £20 million and £40 million respectively. There is no available information on finance raised by the Department through the private finance initiative for 1995–96. The figures do not include the significant capital expected to be raised through the private finance initiative by independent educational institutions, which include universities, further education colleges and grant-maintained schools.

Sixth Forms

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment if she will make a statement on the criteria on which decisions to approve applications to open a sixth form are based; and in what circumstances she would reject the advice of the Further Education Funding Council on such applications. [26213]

Mr. Paice: The Secretary of State has regard to the following criteria when considering proposals from schools for the addition of sixth forms:

- whether the proposals will significantly increase choice and diversity in the area concerned;
- whether there is a basic need for new provision and, if not, whether the viability of existing good quality provision would be adversely affected if the proposals were approved;
- whether the provision will be of sufficient size and quality to deliver a reasonably wide-ranging curriculum; and
- whether the provision will be delivered at reasonable cost.

We look at each proposal on its merits in the light of these criteria and taking account of all the circumstances, including any objections. If the Further Education Funding Council objects to a proposal, its comments are considered alongside those of other interested parties and of the proposers.

Grant-maintained Schools

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment what measures she proposes to take to ensure that grant-maintained schools are subject to adequate financial controls. [26214]

Mr. Robin Squire: Under the Education Act 1993, the Funding Agency for Schools is responsible for the financial monitoring of grant-maintained schools. The agency issued a comprehensive set of requirements and guidance for schools in December 1995. It will keep these under review.

Wakefield TEC

Mr. William O'Brien: To ask the Secretary of State for Education and Employment what is the total amount of money paid to the Wakefield training and enterprise council to assist with social and economic regeneration in respect of the pit closure programme; and if she will make a statement. [26273]

Mr. Paice: Over the last three years, over £6 million has been available to Wakefield training and enterprise council as part of the agreed "coal plan" to assist in areas affected by the closures of collieries. Of this, over £4.5 million has been paid directly to the TEC, and the balance has been available to fund allowances to support unemployed adults attending additional training for work provision and organised by the TEC. Other Government funding available to the TEC will also have benefited former mining areas.

Careers Service Companies

Dr. Wright: To ask the Secretary of State for Education and Employment what *(a)* annual reports, *(b)* annual accounts, *(c)* minutes of meetings, *(d)* agendas of meetings and *(e)* registers of members' interests are published by careers service companies; and if in each case this is under a statutory requirement. [25970]

Mr. Paice *[holding answer 22 April 1996]:* The Companies Acts require all companies to publish an annual directors' report which is available to the public. They also require the accounts of all companies to be lodged with Companies House where they may be examined by the public. The Secretary of State's contract with careers service companies also obliges them to be responsive and accountable to their local communities. Many careers service companies publish annual reports as one way of demonstrating this requirement. Careers service companies under contract to the Secretary of State are private companies and access to minutes of meetings or to any registers of members' interests is a matter for the directors.

Training and Enterprise Councils

Mr. Morgan: To ask the Secretary of State for Educationa and Employment if she will place in the Library a copy of the letter sent to regional offices on 22 March suggesting that TECs be vigilant in relation to the viability and probity of training providers. [26506]

Mr. Paice: The letter to regional offices included advice and guidance of a confidential nature which it would be inappropriate to place in the Library.

HEALTH

Bonemeal

Mr. Redmond: To ask the Secretary of State for Health (1) what assessment he has made of the health risks to humans from food grown following *(a)* the use of bonemeal and *(b)* the practice of ploughing in abattoir and butchers' animal waste; [23327]

(2) if he will make a statement on the risks to health of gardeners who use bonemeal made from beef cattle bones. [23323]

Mr. Horam: It is not considered that there is a risk to human health from the use of bonemeal for horticultural purposes or from eating food grown following its use. Bovine spongiform encephalopathy infected animals are incinerated and specified bone material is destroyed and is not used as bonemeal for any purpose. The spreading of waste on land for the benefit of agriculture or ecological improvement, including abattoir waste consisting of blood and gut contents from animals slaughtered for human consumption, is a recovery operation for the purposes of the amended European Community framework directive on waste. The spreading of waste for these purposes is controlled under part II of the Environmental Protection Act 1990 and the Waste Management Licensing Regulations 1994. It must be carried out without endangering animals or human health or posing a risk to the environment. Codes of practice have been issued in Great Britain which offer farmers and others spreading waste for these purposes guidance on good practice.

Asthma

Mr. Ian McCartney: To ask the Secretary of State for Health (1) what was the cost to the NHS of providing acute care to adults suffering from occupational asthma attacks in the last five financial years; [25788]

(2) what was the cost to the NHS of treating adult occupational asthma sufferers, in each year from 1989–90 to 1994–85; [25786]

(3) what are the main drugs used to control and treat adult occupational asthma sufferers; and how much the NHS spent on providing them in each of the last five years. [25787]

Mr. Horam: Information is not available on the costs to the national health service of occupational asthma. The main types of drug used to control and treat all asthma, including occupational asthma, are anti-inflammatory drugs and bronchodilators. The net ingredient cost of NHS prescriptions is collected on a calendar year basis. The net ingredient cost is the basic price of a drug before discounts and the addition of dispensing costs or fees. The available information for asthma medication is shown in the table.

Year	*Net ingredient cost (£ million)*
1991	260
1992	305
1993	349
1994	381

Information on the cost of other NHS services, including acute care, is not available for individual conditions. However, the Department has provisionally estimated that the cost of services for asthma was £150 million in 1993.

Elderly People (Care)

Mr. French: To ask the Secretary of State for Health when he proposes to publish his consultative document on care of the elderly. [24685]

Mr. Bowis: Shortly.

Sperm Counts

Mr. Dafis: To ask the Secretary of State for Health what research has been commissioned by his Department concerning the possible causes of declining sperm counts. [25207]

Mr. Horam: The main agency through which the Government supports medical and clinical research is the Medical Research Council which receives its grant in aid from the office of my right hon. Friend the President of the Board of Trade. The MRC has recently completed research which suggests that semen quality in the United Kingdom is deteriorating and referred to possible environmental factors. The results of the research were published in the *British Medical Journal* on 24 February 1996.

Nurses

Mr. Byers: To ask the Secretary of State for Health how many *(a)* registered general nurses and *(b)* registered mental nurses have qualified in each year since 1986. [25864]

Mr. Horam: The information is not available centrally. I refer the hon. Member to the English National Board for Nursing, Midwifery and Health Visiting annual reports, copies of which are available in the Library.

Methadone Deaths

Mr. Flynn: To ask the Secretary of State for Health if he will make a statement on deaths from methadone in each of the past five years. [26435]

Mr. Bowis: Methadone is an established substitute drug therapy used internationally to treat people who are opiate dependent. The latest available information on deaths related to drug misuse covering a five-year period is given in the 1994 Home Office Statistical Bulletin "Statistics of Drug Addicts Notified to the Home Office, United Kingdom", 1994, copies of which are available in the Library. The task force set up to review the effectiveness of drug treatment services has examined methadone treatment in detail. We shall publish the report shortly and issue guidance to health authorities later this summer.

We issued guidelines on clinical management[1] to all doctors in 1991 which provided advice on assessing and reviewing a patient's drug problem, including prescribing where appropriate. Copies of the guidelines are available in the Library.

Methadone dispensed for consumption at home, as with any other medicine, should be stored securely and kept out of the reach of children.

Notes:

[1] Drug Misuse and Dependence: Guidelines on Clinical Management: Report of a Medical Working Group: London: HMSO: 1991: ISBN 011 321376 X.

Mr. Nigel Whittaker

Mr. Milburn: To ask the Secretary of State for Health what work Mr. Nigel Whittaker has undertaken for Ministers or his Department; and on what basis he has been appointed. [26453]

Mr. Horam: Mr. Nigel Whittaker has been involved, as a member of a two-man team deployed by the Malcolm Hurlston Corporate Consultancy, in preparing a report for the Department of Health on need for 24-hour nursed beds for people with very severe and enduring mental illness who need a high degree of support for long periods. The consultancy firm will be undertaking further work for us over the coming year to ensure speedy implementation of this essential element of provision.

Hospitals (Private Finance Initiative)

Ms Harman: To ask the Secretary of State for Health if the PFI contracts for the (i) Norfolk and Norwich, (ii) South Buckinghamshire, (iii) Carlisle, (iv) Swindon, (v) North Durham and (vii) Bishop Auckland hospitals have now been signed. [26484]

p **Mr. Horam:** The contracts for the above schemes are being negotiated between the trusts and their private sector partners.

Health Authority Headquarters Building (Harrogate)

Mr. Fatchett: To ask the Secretary of State for Health if he will list those companies involved as partners or co-developers in the purchase of the former headquarters of the Yorkshire regional health authority at Harrogate. [21526]

Mr. Malone *[holding answer 19 March 1996]:* Dysart Developments Ltd. was the shortlisted organisation whose tender was selected for the development of the new regional office at Durham.

The tender involved Dysart Developments Ltd. being responsible for the developments of the new headquarters building, and for ensuring purchase of the former Yorkshire regional health authority offices. The purchase of the former Yorkshire regional health authority headquarters in Harrogate was completed by Simpart No. 128, later renamed Harrogate and London Properties Ltd.

There were no other partners or co-developers.

Employment Termination Payments

Ms Coffey: To ask the Secretary of State for Health if he will place in the Library a statement on the irregular employment termination payments cited in paragraphs 49, 52 and 53 of the report of the Comptroller and Auditor General "NHS (England) Summarised Accounts 1994–95", including the names of the trusts and health authorities that made irregular settlements, the name and rank of each person in receipt of an irregular settlement, and the date upon which each settlement was made and the date upon which the irregularity of each settlement was brought to the attention of the NHS executive. [21653]

Mr. Barron: To ask the Secretary of State for Health if he will list, as far as possible, the recipients, amounts paid and health service bodies making payments that were uncovered by the departmental trawl of questionable severance cases. [22889]

Mr. Bayley: To ask the Secretary of State for Health if he will list the health authority, the sum of money involved and the date of each of the employment termination settlements mentioned in paragraphs 49, 52 and 53 of the Comptroller and Auditor General's report on the "NHS (England) Summarised Accounts 1994–95". [22989]

Mr. Malone *[holding answer 20 March 1996]:* This matter is still under consideration.

Mr. Mudie: To ask the Secretary of State for Health if

he will give a breakdown of the 87 employment settlements made by health authorities and deemed irregular by the National Audit Office *(a)* by health authority and *(b)* by amount; and if he will list those whose recovery is being sought (i) by health authority and (ii) by amount. [21999]

Mr. Malone *[holding answer 21 March 1996]:* This matter is still under consideration.

Surplus Property

Mr. Milburn: To ask the Secretary of State for Health, pursuant to his answer of 21 March, *Official Report*, column *321*, if he will place in the Library a list by region of the 876 properties that are surplus to NHS requirements. [24380]

Mr. Horam *[holding answer 2 April 1996]:* It would be premature to publish a list of all those properties currently identified as being possibly for sale over the next ten years.

Changing patterns of health care delivery mean that some properties which are listed are in the planning process and final decisions have not yet been made. These properties have not been transferred to national health service trusts, but may be occupied and utilised by NHS trusts for up to 10 years. They will be offered for sale only at the appropriate time.

All properties which are actually for sale are advertised locally or nationally.

Committee on Safety of Medicines

Mr. Simon Hughes: To ask the Secretary of State for Health what reasons his Department gave to each of the six members of the Committee on Safety of Medicines who were not reappointed as of 1 January for not wishing to reappoint them; and if he will make a statement. [25739]

Mr. Malone: None.

Mr. Hughes: To ask the Secretary of State for Health how many members of the Committee on Safety of Medicines have received honours. [25811]

Mr. Malone: Four members of the committee hold honours.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Health what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26176]

Mr. Horam: Estimates of capital funding made available by the private sector as a result of the private finance initiative were provided at the time of the November 1995 Budget. The information for the Department of Health is reproduced in the list:

1995–96: £50 million

1996–97: £170 million

1997–98: £200 million

Birth Defects (Assaults)

Mr. Keith Hill: To ask the Secretary of State for Health what research his Department has evaluated on the number and proportion of birth defects to children caused by assaults on their mothers by spouses or partners during pregnancy; and if he will make a statement. [26011]

Mr. Bowis: None.

Hospital Trusts (Ex Gratia Payments)

Ms Harman: To ask the Secretary of State for Health if he will list the changes in the maximum amount of ex gratia payments which an individual NHS hospital trust can give without referral to the NHS executive over the past five years. [25941]

Mr. Horam: The delegated limit to individual national health service trusts for all ex gratia payments from inception to July 1995 was £5,000. In July 1995 the delegated limit in respect of ex gratia payments for clinical negligence and personal injury cases involving negligence was increased to £1 million, for those cases where appropriate qualified legal advice had been obtained and where departmental guidance is followed. In cases where the appropriate legal advice was not obtained the limit remained at £5,000.

The revised losses and special payments guidance issued in December 1995 promulgated new limits as follows:

	£
To patients and staff for loss of personal effects	50,000
For clinical negligence—negotiated settlements following legal advice—where the guidance relating to such payments has been applied	[1]1,000,000
For personal injury claims involving negligence where legal advice obtained and relevant guidance has been applied	[1]1,000,000
Other clinical negligence cases and personal injury claims	50,000
Other, except cases of maladministration where there was no financial loss by claimant	50,000
Maladministration where there was no financial loss by claimant	Nil
Patient referrals outside the UK and European Economic Area guidelines	Nil

[1] including plaintiff's costs

Ambulance Service

Mr. Redmond: To ask the Secretary of State for Health what was the ambulance cost per mile by ambulance authority in 1994–95. [26320]

Mr. Horam: I refer the hon. Member to the reply that I gave him on 29 March, *Official Report*, column *781*.

NORTHERN IRELAND

Belfast Gas Network

Mr. Hume: To ask the Secretary of State for Northern Ireland which companies have submitted bids for the purchase of the old Belfast Gas network; what plans they

have submitted for developing the Belfast network; which was the highest bid; and what was the Department of Economic Development's response. [24867]

Mr. Ancram: Bids were submitted by Northern Ireland Electricity and Premier Energy Suppliers Ltd. NIE made the higher bid, but both bids were heavily qualified. Both companies submitted plans for developing the Belfast network. The plan submitted by Premier Energy Suppliers Ltd. was considered to meet most closely the Government's objectives of the most rapid and extensive as possible development of a downstream gas industry.

The Department is currently engaged in negotiations with Premier Energy Suppliers Ltd. on licence terms for the development of a natural gas industry in an area which includes Belfast. The availability of the former network is essential to this development and its purchase is an integral part of the negotiations.

Incapacity Benefit

Dr. Hendron: To ask the Secretary of State for Northern Ireland how many people in Northern Ireland who were in receipt of invalidity benefit have since been declared ineligible for incapacity benefit; and how many have had their cases listed for hearing by the independent tribunal service. [25523]

Mr. Moss: Responsibility for the subject in question has been delegated to the Social Security Agency under its chief executive, Mr. Alec Wylie. I have asked him to arrange for a reply to be given.

Letter from Alec Wylie to Dr. Joe Hendron, dated 22 April 1996:

I have been asked to reply to your recent parliamentary question on Incapacity Benefit.

You asked for information on the number of people who were in receipt of Invalidity Benefit who have since been declared ineligible for Incapacity Benefit. Unfortunately, records are not maintained on the actual number of claims which were either allowed or disallowed but I can tell you that from 13 April 1995 to 31 March 1996, 7539 claims were disallowed solely on incapacity grounds. Not included in this figure are claims disallowed for other reasons such as insufficient contributions or late claims.

You also wished to know how many cases which were disallowed have been listed for appeal hearing by the Independent Tribunal Service. I can advise you that a total of 1832 Incapacity Benefit appeals have been received for the period 13 April 1995 to 31 March 1996. To date 841 have been cleared, 311 of which were allowed by the Appeal Tribunal. Of the remaining 991, 247 are with the Independent Tribunal Service for hearing and 744 are being prepared by the Agency.

I hope this explains the position for you but I would be happy to provide you with any further information you require.

Prisoner Releases

Ms Mowlam: To ask the Secretary of State for Northern Ireland how many prisoners are planned to be released from prison in Northern Ireland in each of the next 12 months; and what proportion of these have benefited from the increase in remission rates introduced in the Northern Ireland (Remission of Sentences) Order 1995. [25461]

Sir John Wheeler: Responsibility for the subject of the question has been delegated to the Northern Ireland Prison Service under its chief executive, Mr. Alan Shannon. I have asked him to arrange for a reply to be given.

Letter from A. D. Shannon to Ms Marjorie Mowlam, dated 23 April 1996:

The Secretary of State has asked me to reply to the Parliamentary Question you tabled relating to the numbers of prisoners it is planned to release from prison in Northern Ireland in each of the next 12 months.

The information which you are seeking is contained in the attached table. In brief a total of 513 prisoners of whom 75 are affected by the Northern Ireland (Remission of Sentences) Order 1995 are expected to be released from prison during the period 1 May 1996 and 30 April 1997. You should note that this figure does not include 20 prisoners who are in the final stage of release from life sentences and who are provisionally expected to be released during the next 12 months.

You should also note that these figures are based on the prison population at the date of writing and cannot take account of the restoration of remission to individual prisoners.

I hope this is helpful.

Expected releases from 1 May 1996 to 30 April 1997—Figures in brackets represent the numbers affected by the application of the Northern Ireland (Remission of Sentences) Act 1995

Date	*MAGILL*	*MAGH'B*	*MAZE*	*YOC*	*Total*
May 1996	44 (1)	8 (1)	24 (2)	20 (0)	96 (4)
June	40 (1)	18 (1)	14 (4)	11 (0)	83 (6)
July	27 (1)	8 (2)	13 (3)	15 (0)	63 (6)
August	23 (2)	7 (2)	15 (4)	8 (0)	53 (8)
September	24 (0)	8 (2)	15 (8)	5 (0)	52 (10)
October	17 (0)	5 (1)	12 (6)	4 (0)	38 (7)
November	13 (2)	3 (2)	4 (3)	1 (0)	21 (7)
December	20 (1)	4 (2)	9 (3)	2 (0)	35 (6)
January 1997	8 (1)	2 (2)	8 (4)	2 (0)	20 (7)
February	16 (3)	5 (2)	6 (1)	1 (0)	28 (6)
March	7 (2)	1 (1)	8 (4)	4 (0)	20 (7)
April	4 (1)	0 (0)	0 (0)	0 (0)	4 (1)
Total	243 (15)	69 (18)	128 (42)	73 (0)	513 (75)

In addition there are currently 20 prisoners who are in the final stages of release from life sentences and who are provisionally expected to be released during the next 12 months. None of these prisoners have benefited directly from the 1995 increase in remission rates.

Water Quality

Dr. Hendron: To ask the Secretary of State for Northern Ireland what measures are presently being taken to monitor the quality of water at the point of consumption. [25519]

Mr. Moss: The quality of water supplied to consumers in Northern Ireland by the Water Executive is monitored

in accordance with the provisions of the Water and Sewerage Services (Northern Ireland) Order 1973, as amended, and the Water Quality Regulations (Northern Ireland) 1994. These provisions incorporate EC water quality standards and monitoring requirements. Information about the quality of public water supplies is available on a public register at the four divisional offices of the Water Executive in Ballymena, Belfast, Craigavon and Londonderry. The first annual reports of the quality of the Water Executive supplies, required under the 1994 regulations will be published in June 1996 along with reports to district councils summarising the quality of supplies within their areas.

Dr. Hendron: To ask the Secretary of State for Northern Ireland (1) what measures are presently being taken to monitor the level and concentration of asbestos fibres in the public water supply system at the point of consumption; [25520]

(2) what measures are presently being taken to monitor the level and concentration of asbestos fibres in the water supply system subsequent to breakages in asbestos cement water mains; [25521]

(3) what measures are presently being taken to ensure that the asbestos cement pipes currently in use are of an acceptable structural integrity, with particular reference to corrosion by the water supply; and how long they have been in existence. [25522]

Mr. Moss: Consideration of a report by the water research centre commissioned by the Department's Water Executive into the use of asbestos cement pipes is nearly completed. I expect in the near future to be in a position to make an announcement about the future use of asbestos cement pipes by the Water Executive.

Green Park HSS Healthcare Trust

Mr. Peter Robinson: To ask the Secretary of State for Northern Ireland (1) how much money has been expended in connection with legal costs as a result of settled and on-going actions on the foot of orders from a fair employment or industrial tribunal since the appointment of the present chief executive of the Green Park HSS healthcare trust; [25555]

(2) how much money has been expended in connection with legal costs incurred as a result of settlements out of court, settled and on-going actions in respect of fair employment and industrial tribunal actions since the appointment of the present chief executive of the Green Park HSS healthcare trust. [25556]

Mr. Moss: Since 1993, the trust has been provided with legal services by the legal department, Central Services Agency. The services were provided through a standard yearly agreement. In addition, the trust purchased ad hoc services from another legal source.

The costs of legal services in respect of fair employment and industrial tribunal cases do not appear as a separate element of the agreement with the Central Services Agency irrespective of how much or how little the service has been utilised. Our counsel fees can be identified. However, it is normal practice for any counsel involved on behalf of the trust, whether through the Central Services Agency or through the ad hoc arrangement, to bill for services at the conclusion of the case. Any information that could therefore be provided in relation to legal services would be incomplete.

Mr. Robinson: To ask the Secretary of State for Northern Ireland how much money has been expended on the foot of orders from a fair employment or industrial tribunal since the appointment of the present chief executive of the Green Park HSS healthcare trust. [25557]

Mr. Moss: The trust was ordered to pay costs amounting to £270.25 in relation to its non-compliance with an order for discovery of documents concerning an ongoing case. The issue arose in 1994. No other moneys have been paid on foot of orders by a fair employment or industrial tribunal since the appointment of the present chief executive.

Mr. Robinson: To ask the Secretary of State for Northern Ireland how much money has been expended in connection with out-of-court settlements in respect of fair employment or industrial tribunal actions since the appointment of the present chief executive of the Green Park HSS Healthcare Trust. [25558]

Mr. Moss: Out-of-court settlements in respect of fair employment or industrial tribunal actions since the appointment of the present chief executive of Green Park HSS healthcare trust are shown in the table.

Number of cases	*Type of case*	*Date lodged*	*Date settled*	*Amount of settlements £*
2[1]	Fair employment	1992	1994	40,000
2[1]	Sex discrimination			
1[1]	Trade union activities			
1	Sex discrimination	1991	1993	2,000
1	Unfair dismissal	1994	1996	2,000
1	Fair employment	1994	1996	1,500

[1] Lodged by same party.

Housing Benefit

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland how many non-housing executive and housing association recipients of housing benefit there were in each Northern Ireland constituency in 1995; and what was the amount paid in each case. [25757]

Mr. Moss: The information requested is not available and could be obtained only at disproportionate cost.

Mr. McCartney: To ask the Secretary of State for Northern Ireland how many new housing benefit claims in Belfast and North Down in the most recent week for which figures are available were processed with the name of an estate agent but without details of a beneficial landlord. [25756]

Mr. Moss: None. All cases processed carry details of the estate agent and landlord.

Industrial Development Board

Mr. Illsley: To ask the Secretary of State for Northern Ireland if he will list the 10 new inward investment projects for Northern Ireland that the Industrial Development Board negotiated in 1994–95. [26228]

Mr. Ancram *[holding answer 22 April 1996]:* The 10 new inward investment projects negotiated during 1994–95 by IDB were as follows:

Transtec Foundries Ltd.

Allen Industrial Ltd.

ABC Laboratories (Europe) Ltd.

Daehwa Metal (UK) Ltd.

Real Software (NI) Ltd.

Daewoo Electro Components UK Ltd.

Radix Telecom Ltd.

Daewoo Electronics UK Ltd.

Seagate Technology (Ireland)

Northern Bank Factors Ltd.

Mr. Illsley: To ask the Secretary of State for Northern Ireland if he will give a breakdown of estimated spending for 1996–97 in the Industrial Development Board within the units of *(a)* purchases of office and computer equipment, *(b)* purchase, development and landscaping of sites and construction of factories, *(c)* repair and maintenance of factories and sites and *(d)* payments for services provided by estate agents. [26206]

Mr. Ancram *[holding answer 22 April 1996]:* The estimated expenditure for 1996–97 is as follows:

	£000
Office and Computer Equipment	127
Purchase, development and landscaping of sites and construction of factories	33,021
Repair and Maintenance of factories and sites	686
Payments for service provided by Estate Agents	29

Local Enterprise Development Unit

Mr. Illsley: To ask the Secretary of State for Northern Ireland what measures are in place to monitor the use made of money given by the LEDU to small businesses in Northern Ireland. [26227]

Mr. Ancram *[holding answer 22 April 1996]:* In addition to the monitoring obligations of the Department of Finance and Personnel, the Department of Economic Development and the Northern Ireland Audit Office, LEDU operates an extensive appraisal, monitoring and evaluation system with regard to the allocation, measurement and impact assessment of its assistance to small businesses.

Formal appraisal is carried out ensuring that all forms of assistance offered by LEDU meet the objectives of the organisation in the most efficient, effective and economic manner.

An independent evaluation of LEDU's impact on its client companies is undertaken on LEDU's behalf by the Northern Ireland Economic Research Council. This takes the form of an annual survey to measure the survivability, growth in employment for all clients, and sales and export sales for a subset of clients. In addition, LEDU operates a rolling evaluation schedule whereby all major schemes are evaluated every five years.

Common Agricultural Policy

Mr. Illsley: To ask the Secretary of State for Northern Ireland what proportion of CAP payments in Northern Ireland go to farms of over *(a)* 60 and *(b)* 100 hectares. [26217]

Mr. Ancram *[holding answer 22 April 1996]:* It is not possible to proportion CAP payments in this way, but the proportion of Northern Ireland farms in these sizes which attract CAP payments is as follows:

Farm Size	*Number*	*Percentage of total number of farms*	*Total area in hectares*
60–100 ha	2,871	10.28	216,014
100 ± ha	1,511	5.41	246,642

Mr. Illsley: To ask the Secretary of State for Northern Ireland what provisions have been made to combat CAP fraud in Northern Ireland. [26192]

Mr. Ancram *[holding answer 22 April 1996]:* Claims for payments under CAP measures are subjected to a wide range of anti-fraud action including the inspection of books and records, on-farm inspections including unannounced visits by verification staff, inspection of stocks in stores, marking of animals, secure information recording on computer and computer cross-checks, and extensive manual desk checks. All CAP payments are now subject to the control provisions of the integrated administration and control system which in particular enable checks to be made that animals and land used for arable or livestock production are not claim or declared by more than one producer.

Village School Closures

Mr. Illsley: To ask the Secretary of State for Northern Ireland how many village schools have been closed in Northern Ireland since 1979. [26233]

Mr. Ancram: *[holding answer 22 April 1996]:* The information is not available in the form requested. However, since 1979 a total of 155 primary schools either were closed or amalgamated with other schools.

Small Businesses

Mr. Illsley: To ask the Secretary of State for Northern Ireland what provisions the Department of Economic Development in Northern Ireland makes for giving small businesses access to long-term loans. [26191]

Mr. Ancram *[holding answer 22 April 1996]:* The Local Enterprise Development Unit has two options for providing small businesses with long-term loan finance. Both options are subject to the business owner having exhausted all other sources of promoter or private sector equity, bank and commercial sources of finance including hire purchase, leasing and the small firms loan guarantee scheme.

The options are:

1. Preference share capital. LEDU can invest up to £250,000 in the form of non-voting redeemable non-cumulative preference shares. This capital is normally repayable at the end of a five-year period and LEDU may choose to waive dividends for the first two years of the investment.

2. Loans. Loans may be offered where a LEDU preference share investment is not practical. Security is sought for all loans; however, unsecured loans can be offered up top £10,000 and secured loans can be offered over £60,000.

Rural Bus Services

Mr. Illsley: To ask the Secretary of State for Northern Ireland how many rural parishes in Northern Ireland have no daily bus service. [26194]

Mr. Moss *[holding answer 22 April 1996]:* This information is not available and could be provided only at disproportionate cost.

Selective Assistance and Trade Support Unit

Mr. Illsley: To ask the Secretary of State for Northern Ireland what factors underlay the decrease in spending on the selective assistance and trade support unit in the Department of Economic Development, in each of the years from 1990–91 to 1997–98. [26202]

Mr. Ancram *[holding answer 22 April 1996]:* The key factor which accounts for the decrease in spending on selective assistance and trade support in the years 1990–91 to 1997–98 is the gradual decline in expenditure under the packages of financial assistance which supported the privatisation of Harland and Wolff and Short Bros. in the late 1980s.

For example, expenditure under the privatisation arrangements totalled £90 million in 1991–92 but had decreased to £35 million by 1994–95. The provision for 1997–98 stands at £7 million.

Housing Association Rents

Mr. Illsley: To ask the Secretary of State for Northern Ireland what form of regulation is in place to check the rents charged by housing associations in Northern Ireland to their tenants. [26223]

Mr. Moss *[holding answer 22 April 1996]:* Under article 8 of the Housing (Northern Ireland) Order 1992, registered housing associations in Northern Ireland may fix the amount of rent to be charged for any housing accommodation they provide under a tenancy granted on or after the 16 September 1992. Guidance issued by the Department of Environment, Northern Ireland however stipulates that rents should be affordable and within the reach of tenants in low-paid employment.

Rents for lettings granted prior to 16 September 1992 are controlled by means of a determination issued by the Department and registered housing associations are required to charge the same rent as that which would be charged by the Northern Ireland Housing Executive for similar properties. Compliance is checked by the Department by means of the cyclical monitoring of associations.

Public Housing Sales

Mr. Illsley: To ask the Secretary of State for Northern Ireland to which Department the money collected by the Housing Executive from the sale of public housing went in each of the years from 1990 to 1995. [26231]

Mr. Moss *[holding answer 22 April 1996]:* Money collected by the Housing Executive is retained by it as a capital receipt and included in the resources available to meet their organisational objectives. Additional capital receipts above those included in estimates are surrendered to the Northern Ireland block.

Homelessness

Mr. Illsley: To ask the Secretary of State for Northern Ireland how many homeless people have been recorded in rural areas in Northern Ireland in each year since 1979. [26193]

Mr. Moss *[holding answer 22 April 1996]:* This is a matter for the Northern Ireland Housing Executive, whose chief executive has advised me that the information is not available in the form requested. The Housing Executive became responsible for providing accommodation for the homeless only in 1989 and maintains statistics by Housing Executive district management area. The statistics do not distinguish between rural and urban areas.

Set-aside Scheme

Mr. Illsley: To ask the Secretary of State for Northern Ireland how much money was spent, under the common agricultural policy, on set-aside in Northern Ireland in 1995; and how much will be spent in 1996. [26218]

Mr. Ancram *[holding answer 22 April 1996]:* Some £538,000 was spent on set-aside in Northern Ireland in 1995. The estimated cost of payments on set-aside in 1996 are £633,000.

Fair Employment

Mr. Illsley: To ask the Secretary of State for Northern Ireland what assessment he has made of the contribution of *(a)* policy appraisal of fair treatment and *(b)* targeting social need to the creation of employment opportunities. [26226]

Mr. Ancram *[holding answer 22 April 1996]:* Neither of these initiatives directly aims to create additional employment opportunities.

Policy appraisal and fair treatment seek to ensure that issues of equality and equity are fully considered in the policy-making process and in service delivery in all spheres of government activity in Northern Ireland.

Targeting social need is a public expenditure priority established to ensure that resources are directed towards areas and people identified as socially and economically disadvantaged. It complements Governments' social and economic policies, including those aimed at creating employment opportunities.

It is expected that the Standing Advisory Commission on Human Rights will consider the impact of both initiatives in its report on employment equality in Northern Ireland to be published later this year.

Rural Crime

Mr. Illsley: To ask the Secretary of State for Northern Ireland how many crimes have been recorded in rural areas in Northern Ireland in each year since 1979. [26199]

Sir John Wheeler *[holding answer 22 April 1996]:* The following figures refer to crimes recorded in the north and south regions. RUC statistics are held by police station area and police stations are sited in urban areas. It is therefore not possible to provide figures for totally "rural" areas.

Figures are not available prior to 1987.

Year	*Crimes recorded*
1987	22,010
1988	19,273
1989	19,979
1990	21,233
1991	24,452
1992	27,037
1993	28,184
1994	28,453

Breast Cancer

Mr. Dafis: To ask the Secretary of State for Northern Ireland how many people were diagnosed with breast cancer in *(a)* 1993, *(b)* 1994 and *(c)* 1995 in Northern Ireland; and if he will make a statement. [25214]

Mr. Moss: This information is not presently available. A major initiative by the Northern Ireland cancer registry is currently under way to produce reliable incidence data on all cancers including breast cancer.

SCOTLAND

Home and Civil Defence (Kincardine)

Mr. Ewing: To ask the Secretary of State for Scotland what facilities for *(a)* home defence, *(b)* civil defence, *(c)* the wartime administration of the police or armed forces and *(d)* the wartime administration of Departments of central Government have been operated or provided at Kincardine-on-Forth since 1970 (i) in facilities established for that purpose and (ii) otherwise; and for what purpose and at what cost emergency communications links were established or operated within the period 1970 to 1990 between Kincardine and the Scottish Office wartime regional headquarters formerly operated at Barnton quarry, Edinburgh and Anstruther, Fife. [25548]

Mr. Michael Forsyth *[holding answer 18 April 1996]:* The Scottish Office has not at any time established facilities at Kincardine-on-Forth for the purposes specified in this question. There are no records, or knowledge, of communications links between any premises in Kincardine on Forth and the former regional government headquarters in Barnton quarry, Edinburgh or Anstruther, Fife.

Child Care Initiative

Mr. McAllion: To ask the Secretary of State for Scotland how many places have been created and how much money *(a)* spent and *(b)* allocated each year under the out-of-school child care grant initiative. [21391]

Mr. Raymond S. Robertson *[holding answer 26 March 1996]:* The number of places created and sums allocated to the enterprise network for each of the three years of the out-of-school child care initiative are set out in the table. Delivery of the scheme is the responsibility of local enterprise companies and information on the actual amount spent is not available.

Year	*Number of places created*	*£ amount allocated*
1993–94		
Development phase	—	269,000
1994–95	1,066	1,530.000
1995–96	6.354	2,025.000

Electricity Generating Unit (Gartcosh)

Mr. Stewart: To ask the Secretary of State for Scotland if he will direct Scottish Enterprise to make an assessment of the impact on the Scottish economy of the proposal by Powergen to construct a gasfield generating unit at Gartcosh. [25313]

Mr. Michael Forsyth: I understand that any sale to PowerGen of land at Gartcosh currently owned by Scottish Enterprise would take place on commercial terms. There is no question of subsidy by Scottish Enterprise of the proposed project and there is consequently no requirement on Scottish Enterprise to undertake an impact assessment.

Isle of Lewis (Roads)

Dr. Goodson-Wickes: To ask the Secretary of State for Scotland what sums have been granted from the European regional development fund for road projects on the Isle of Lewis between 1989–80 and 1992–93. [25384]

Mr. Kynoch: The projects and level of award are as follows:

	ERDF award £
B8060 Sheildinish to Kintaravey bridge improvement	375,000
B8011 Ben Mocacleit to Loch Suirstavat improvement	347,000
Rigs Road Reconstruction, Stornoway	197,000
B895 Blackwater bridge corner realignment	28,000
A858 Shawbost-Loch na Muilne improvement	102,000
A866 Braighe road improvement	230,000
Pentland road upgrading	110,000
B8060 Loch Leathan to Gravir improvement	103,000
B8060 Kintaravey to Habost improvement	235,000
A866 Aird to Brocker improvement	525,000
A857 Borve bridge and approaches	250,000
A859 Airidhbhruaich to Aline improvement	665,000
C36 Laurbost village improvement phase I	121,250
A858 Carloway village improvement phase II	145,000
Approved in principle subject to availability of funds	
A858 Carloway village improvement phase I	406,000
B8011 Loch Sgaire to Ben Mocacleit	600,000
B8080 Kershader to Garyvard	475,000
B8059 Earshardar improvement	160,000

Escapees

Mr. Galbraith: To ask the Secretary of State for Scotland what research he has *(a)* commissioned and *(b)* evaluated on the risk of attack from escaping prisoners to those residents who live close to a prison. [25912]

Lord James Douglas-Hamilton: The subject of the question relates to matters undertaken by the Scottish Prison Service. I have asked its chief executive, Mr. E. W. Frizzell, to arrange for a reply to be given.

Letter from E. W. Frizzell to Mr. Sam Galbraith, dated 23 April 1996:

Lord James Douglas-Hamilton has asked me to reply to your question about what research has been commissioned and evaluated on the risk of attack from escaping prisoners to those residents who live close to a prison.

Public safety is of paramount importance to the Scottish Prison Service and the secure accommodation of the prisoner population is the principal aim of the Service. As part of that process, all prisoners are assessed on a regular basis as to the level of dangerousness they may present to the public if they were to escape and are allocated a security category. Category A and B are the highest categories and prisoners so allocated are subject to particular security precautions and restrictions balanced with the need to provide appropriate care.

Escapes by such prisoners, which were defined as having taken place when a prisoner breaches a perimeter security barrier or evades a secure escort, have been published key targets since April 1993 when the Scottish Prison Service became an Executive Agency. The targets have been met and are published in the Agency's Annual Report which is laid before Parliament and available in the House of Commons Library.

Paramedics

Mr. Llwyd: To ask the Secretary of State for Scotland how many qualified paramedics there are per head of population in Scotland; and if he will make a statement. [26001]

Lord James Douglas-Hamilton: There is one qualified paramedic for every 14,700 people in Scotland.

Housing Revenue Account

Mr. Welsh: To ask the Secretary of State for Scotland what is the (i) planned and (ii) final outturn expenditure on *(a)* non-HRA capital allocation and *(b)* HRA capital allocation in each (1) district and (2) islands council for 1995–96. [25585]

Mr. Raymond S. Robertson *[holding answer 22 April 1996]:* The gross housing capital allocations issued to local authorities for 1995–96 on the HRA and non-HRA block are set out in the table. Information on the final outturn expenditure for 1995–96 is not yet available.

Gross housing capital allocations 1995–96

Authority	*HRA*	*Non-HRA*
Borders		
Berwickshire	1.100	0.500
Ettrick and Lauderdale	1.800	0.700
Roxburgh	3.000	0.800
Tweeddale	1.200	0.500
Central		
Clackmannan	3.900	0.800
Falkirk	13.800	1.600
Stirling	7.900	1.600
Dumfries and Galloway		
Annandale and Eskdale	2.900	0.500
Nithsdale	5.100	1.100
Stewartry	1.200	0.300
Wigtown	3.100	0.700
Fife		
Dunfermline	8.200	1.000
Kirkcaldy	7.200	1.200
North East Fife	3.200	1.300
Grampian		
Aberdeen	15.900	4.300
Banff and Buchan	4.800	1.300
Gordon	6.500	0.900
Kincardine and Deeside	3.150	0.900
Moray	4.900	1.200
Highland		
Badenoch and Strathspey	1.000	0.300
Caithness	2.300	0.700
Inverness	5.000	1.300
Lochaber	3.100	0.800
Nairn	0.800	0.200
Ross and Cromarty	5.150	3,200
Skye and Lochalsh	1.500	0.900
Sutherland	4.400	0.700
Lothian		
East Lothian	6.700	1.600
Edinburgh	32.000	18.900
Midlothian	5.600	0.900
West Lothian	7.600	0.900
Strathclyde		
Argyll and Bute	4.000	5.800
Bearsden and Milngavie	1.700	0.300
Clydebank	5.900	0.500
Clydesdale	3.400	0.800
Cumbernauld and Kilsyth	1.700	0.700
Cumnock and Doon Valley	3.500	0.500
Cunninghame	8.800	3.600
Dumbarton	6.900	0.900
East Kilbride	1.000	0.400
Eastwood	1.300	0.300
Glasgow	92.000	24.100
Hamilton	8.250	1.600
Inverclyde	9.100	4.400
Kilmarnock and Loudoun	5.800	0.600
Kyle and Carrick	7.100	0.900
Monklands	12.600	1.100
Motherwell	16.500	1.000
Renfrew	20.000	4.200
Strathkelvin	5.700	0.800
Tayside		
Angus	5.000	0.900
Dundee	17.500	4.600
Perth and Kinross	6.400	2.000
Islands Areas		
Orkney	0.650	0.900
Shetland	4.400	0.500
Western Isles	3.400	4.400
Scotland	423.600	117.400

European Agricultural Guidance and Guarantee Fund

Mr. Welsh: To ask the Secretary of State for Scotland in what ways the Scottish Office criteria regarding the allocation of FEOGA funds under EC regulation 866/90 differ from those used by the Ministry of Agriculture, Fisheries and Food. [25613]

Mr. Raymond S. Robertson *[holding answer 22 April 1996]:* With effect from 31 March 1996, EC regulation 866/90 does not now operate in England.

Mr. Welsh: To ask the Secretary of State for Scotland how many FEOGA grants under EC regulation 866/90 were received by his Department in each year over the past three years on the dates on which decisions were announced. [25614]

Mr. Robertson *[holding answer 22 April 1996]:* FEOGA grant applications under EC regulation 866/90 received for each tranche of awards were as follows:

19 for consideration in December 1994;

32 new applications plus three carried forward for consideration in June 1995;

29 new applications plus five carried forward for consideration in June 1996.

Mr. Welsh: To ask the Secretary of State for Scotland what was the time taken in each of the last three years for his Department to process FEOGA grants under EC regulation 866/90. [25615]

Mr. Robertson *[holding answer 22 April 1996]:* The current scheme under EC regulation 866/90 was opened to applications on 1 July 1994 with the intention that announcements would normally be made in six-monthly

tranches. The cut-off date is three months prior to the announcement to allow time for appraisal and selection of best projects.

Applications for the current round closed on 31 March and an announcement will be made in June.

Proposed Power Station, Gartcosh

Mr. Home Robertson: To ask the Secretary of State for Scotland if he will order a public inquiry into the application by PowerGen to establish a gas-fired power station at Gartcosh in Lanarkshire; and if he will make a statement. [25920]

Mr. Kynoch *[holding answer 22 April 1996]:* The relevant planning authority has a statutory period of four months in which to submit a report to my right hon. Friend on PowerGen's proposal to build a power station at Gartcosh. Once the report is received, the Secretary of State will consider it together with the advice of his consultees and any representations he may receive from other interested parties. He will then decide whether it is necessary to hold a public inquiry. Such an inquiry is mandatory if the planning authority formally objects to the proposals.

Local Enterprise Companies

Dr. Wright: To ask the Secretary of State for Scotland what *(a)* was the gross public spending for each year since 1990–91, in 1995–96 prices and *(b)* is the projected expenditure for each year to 1997–98, in 1995–96 prices, of local enterprise companies. [25976]

Mr. Kynoch *[holding answer 22 April 1996]:* The expenditure of local enterprise companies is an operational matter for Scottish Enterprise. I have asked the chairman to write to the hon. Member.

Dr. Wright: To ask the Secretary of State for Scotland what *(a)* annual reports, *(b)* annual accounts, *(c)* minutes of meetings, *(d)* agendas of meetings and *(e)* registers of members' interests are published by local enterprise companies; and if in each case this is under a statutory requirement. [25968]

Mr. Kynoch *[holding answer 22 April 1996]:* Local enterprise companies are private companies limited by guarantee that operate under contract to Scottish Enterprise and Highlands and Islands Enterprise. The information requested relates to the operational activities of Scottish Enterprise and Highlands and Islands Enterprise and I have asked the chairmen of these organisations to write to the hon. Member.

Dr. Wright: To ask the Secretary of State for Scotland if local enterprise companies are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [25973]

Mr. Kynoch *[holding answer 22 April 1996]:* Local enterprise companies are private companies limited by guarantee operating under contract to Scottish Enterprise and Highlands and Islands Enterprise. They are not therefore subject to the Parliamentary Commissioner, the Accounts Commission—the Scottish equivalent of the Audit Commission—or statutory provisions on open government.

Local enterprise company accounts are audited by commercial auditors. Scottish Enterprise and Highlands and Islands Enterprise now prepare group accounts which consolidate their results with those of the local enterprise companies. The National Audit Office, as the statutory auditors of Scottish Enterprise and Highlands and Islands Enterprise, and therefore principal auditors of the group accounts, may require to scrutinise local enterprise company accounts. Local enterprise companies may also be subject to scrutiny by the National Audit Office as part of value-for-money examinations of Scottish Enterprise and Highlands and Islands Enterprise.

Under the terms of their operating contracts, performance indicators are set for local enterprise companies by Scottish Enterprise and Highlands and Islands Enterprise. Highlands and Islands Enterprise and its local enterprise companies have gained the charter mark award and, under the terms of their operating contracts, local enterprise companies in the Scottish Enterprise area are expected to apply for charter mark status.

Mink

Mr. Heppell: To ask the Secretary of State for Scotland on how many occasions officials of the state veterinary service have observed the killing of mink on fur farms in the last 12 months; and what method of killing was used in each case. [26483]

Mr. Raymond S. Robertson: I refer the hon. Member to the answer I offered him on 19 March, *Official Report*, column *167*, advising that no mink farms had been licensed in Scotland since 1993.

Breast Cancer

Mr. Dafis: To ask the Secretary of State for Scotland how many people were diagnosed with breast cancer in *(a)* 1993, *(b)* 1994 and *(c)* 1995; and if he will make a statement. [25210]

Mr. James Douglas-Hamilton: The information is as follows:

Breast cancer registration in Scotland

1993: 3,092

1994: 3,029

1995[1]: 2,214

[1]1995 data not yet complete.

Ambulance Service

Mr. McAllion: To ask the Secretary of State for Scotland what is Her Majesty's Government's policy in respect of NHS trusts in Scotland putting parts of the Scottish ambulance service out to competitive tender. [26026]

Lord James Douglas-Hamilton: Guidance was issued from the NHS management executive in December 1993 on the arrangements for contracting for ambulance services; this included provision for hospitals to invite competitive tenders for non-emergency patient transport services from providers other than the Scottish Ambulance Service NHS trust.

Mr. McAllion: To ask the Secretary of State for Scotland what steps he will take to ensure that ambulance services in Scotland are provided only by staff trained to the same standard as that of the Scottish ambulance service. [26029]

Lord James Douglas-Hamilton: This has been made explicit in the guidance which was issued in December 1993. I have arranged for copies of the guidance to be placed in the Library of the House.

Patient Transport Services

Mr. McAllion: To ask the Secretary of State for Scotland what was the remit given to Mr. Lawrence Peterken, special projects director of the Common Services Agency, by chief executives of NHS trusts in Lothian in relation to their patient transport service. [26027]

Lord James Douglas-Hamilton: The chief executives of NHS trusts in Lothian have asked Mr. Peterken to examine the current arrangements for the provision of the non-emergency patient transport service and to report.

Mr. McAllion: To ask the Secretary of State for Scotland what discussions he has had with chief executives of NHS trusts in Lothian in respect of their active consideration of putting their patient transport service out to competitive tender. [26028]

Lord James Douglas-Hamilton: None. This is entirely a matter for the trusts concerned.

Travelling People

Mr. Maclennan: To ask the Secretary of State for Scotland what is the number of sites for travelling people within the highlands recommended by the advisory committee on Scotland's travelling people. [26332]

Mr. Raymond S. Robertson: The Secretary of State's advisory committee on travelling people has recommended that 74 pitches are required in the Highland council area to meet the needs of travelling people.

Mr. Maclennan: To ask the Secretary of State for Scotland what are the number and location of sites for travelling people in each of the eight districts within the highlands. [26323]

Mr. Raymond S. Robertson: Seventy-four pitches are provided on a number of sites throughout the area, including 20 pitches provided on private sites. The local authority-owned sites in the area are as follows:

Former district council area	*Number of pitches*	*Location*
Badenoch and Strathspey	7	Laggan road, Newtonmore
Inverness	20	Longman, Inverness
Lochaber	15	Spean bridge
	12	Kentallan

Compulsory Competitive Tendering

Mr. McAllion: To ask the Secretary of State for Scotland what was the total running cost to his Department for the financial years 1991–92 and 1993–94 of the local government compulsory competitive tendering enforcement team. [26324]

Mr. Kynoch: Staff costs of the unit currently responsible for administering local government compulsory tendering are expected to total £56,000 in the current financial year. The corresponding figures for 1991–92 and 1993–94, based on current salaries, were £94,000 and £115,000 respectively.

Mr. McAllion: To ask the Secretary of State for Scotland how many complaints his Department received alleging anti-competitive behaviour by local authorities in Scotland under the terms of the Local Government Act 1988 for the financial years 1990–91, 1991–92, 1992–93, 1993–94 and 1994–95; and how many local authorities were subsequently issued with a section 19a notice or 19b direction as a result. [26325]

Mr. Kynoch: In 1990–91, we received six complaints of anti-competitive behaviour under the Local Government Act 1988; these resulted in one notice under section 13 of that Act and one direction under section 14 of that Act being issued. In 1991–92, we received five complaints: these resulted in four notices and four directions being issued. In 1992–93, we received four complaints: these resulted in two notices. In 1993–94, we received 10 complaints: these have resulted in six notices. In 1994–95, we received eight complaints: these resulted in two notices.

Mr. McAllion: To ask the Secretary of State for Scotland how many complaints his Department received alleging anti-competitive behaviour by local authorities in Scotland under the terms of the Local Government (Planning and Land) Act 1980 for the financial years 1990–91, 1991–92, 1992–93, 1993–94 and 1994–95; and how many local authorities were subsequently issued with a section 19a notice or 19b notice as a result. [26326]

Mr. Kynoch: In 1990–91, we received two complaints of anti-competitive behaviour under the Local Government, Planning and Land Act 1980: neither of these cases resulted in statutory action. In 1991–92, we received six complaints: a notice was served in relation to one of these. In 1992–93, we received four complaints: two of these resulted in a notice and one in a direction. In 1993–94, we received three complaints: these have resulted in two notices. In 1994–95, we received three complaints: no statutory action was taken.

Mr. McAllion: To ask the Secretary of State for Scotland if he will list by service the local authorities in Scotland that have been challenged by his Department under regulations under section 9 of the Local Government Act 1992 in relation to their internal arrangements for establishing client-contractor splits. [26329]

Mr. Kynoch: The Scottish Office Development Department has not taken statutory action against any authority in relation to its internal arrangements for establishing client-contractor splits.

Local Authority Direct Labour Organisations

Mr. McAllion: To ask the Secretary of State for Scotland if he will list, by authority and service area, the recorded deficits made by local authority direct labour or services organisations in Scotland that have failed to meet

the rate of return requirements operating contracts under the terms of the Local Government, Planning and Land Act 1980 and of the Local Government Act 1988 for the financial years 1990–91, 1991–92, 1992–93, 1993–94 and 1994–95 in both cash and constant prices. [26327]

Mr. Kynoch: The information requested is as follows.

Local Government, Planning and Land Act 1980

Year	Local authority	Deficit £
Water and sewerage		
1990–91	Central RC	–3,332
1993–94	Orkney IC	–6,000
1993–94	Grampian RC	–137,000
1994–95	Orkney IC	–203,000
Roads		
Nil		
New construction under £50,000		
1990–91	Central	–32,574
New Construction over £50,000		
1991–92	Orkney IC	–16,000
1992–93	Fife RC	–358,000
1993–94	Orkney IC	–22,000
1994–95	Central RC	–21,343
1994–95	Edinburgh DC	–25,781
1994–95	Orkney IC	–46,000
Building maintenance		
1990–91	Argyll and Bute DC	–81,000
1990–91	Clydesdale DC	–37,555
1990–91	Dumfries and Galloway RC	–50,075
1990–91	Hamilton DC	–770,649
1990–91	Kirkcaldy DC	–234,472
1990–91	Orkney IC	–47,000
1991–92	Bearsden and Milngavie DC	–17,095
1991–92	Edinburgh DC	–708,635
1991–92	North East Fife DC	–176,000
1991–92	Kirkcaldy DC	–563,702
1991–92	Nithsdale DC	–21,264
1991–92	Dumfries and Galloway RC	–102,137
1991–92	Dumbarton DC	–119,072
1992–93	Edinburgh DC	–448,750
1992–93	Skye and Lochalsh DC	–45,022
1993–94	Dumfries and Galloway RC	–32,795
1993–94	Stirling DC	–74,100
1994–95	Glenrothes Development Corporation	–58,000
1994–95	Nithsdale DC	–22,822
1994–95	Stirling DC	–13,500

Local Government Act 1988

Year	Local authority	Deficit £
Building cleaning		
1990–1991	Dumbarton DC	–7,299
1990–1991	East Lothian DC	–3,000
1990–1991	Shetland IC	–13,000
1991–1992	Dumbarton DC	–66,438
1992–1993	Border RC	–172,000
1992–1993	Dumbarton DC	–135,002
1992–1993	Grampian RC	–10,000
1992–1993	Midlothian DC	–2,000
1993–1994	Grampian RC	–155,000
1993–1994	Dumbarton DC	–96,333
1994–1995	Dumbarton DC	–45,783
1994–1995	Dumfries and Galloway RC	–118,000
1994–1995	Grampian RC	–351,000
1994–1995	Skye and Lochalsh DC	–109
Grounds maintenance		
1990–1991	Strathkelvin DC	–58,708
1990–1991	Stirling DC	–7,005
1990–1991	Moray DC	–122,476
1990–1991	Highland RC	–84,375
1991–1992	Stirling DC	–245,779

Local Government Act 1988

Year	Local authority	Deficit £
1992–1993	Ross and Cromarty DC	–42,000
1991–1993	Western Isles IC	–43,000
1994–1995	Dumbarton DC	–217,009
1994–1995	Glenrothes Development Corporation	–76,000
1994–1995	Skye and Lochalsh DC	–6,700
Leisure management		
1992–1993	Lothian RC	–290,516
1992–1993	Nairn DC	–2,567
1992–1993	Skye and Lochalsh DC	–12,007
1993–1994	Lothian RC	–259,690
1994–1995	Berwickshire DC	–5,940
1994–1995	Eastwood DC	–13,385
1994–1995	Lothian RC	–188,629
1994–1995	Skye and Lochlash DC	–3,767
Other catering		
1990–1991	Central RC	–17,156
1992–1993	Dumbarton DC	–175
1992–1993	Edinburgh DC	–34,966
1993–1994	Edinburgh DC	–8,474
1994–1995	Edinburgh	–76,040
1994–1995	Fife	–8,000
Other cleaning		
1991—1992	Annandale and Eskdale DC	–24,223
1994–1995	Dumbarton DC	–38,216
1994–1995	Eastwood DC	–11,600
Refuse collection		
1990–1991	Kincardine and Deeside DC	–2,484
1991–1992	Kincardine and Deeside DC	–13,113
1991–1992	Orkney IC	–6,000
1991–1992	North East Fife DC	–24,000
1993–1994	Cumbernauld and Kilsyth DC	–46,240
1993–1994	Dumbarton DC	–61,590
1993–1994	Orkney IC	–17,000
1994–1995	Eastwood DC	–89,870
1994–1995	Skye and Lochalsh DC	–10,225
School and welfare catering		
1992–1993	Borders RC	–51,000
1993–1994	Borders RC	–91,000
1994–1995	Highland RC	–43,229
1994–1995	Western Isles RC	–42,000
Vehicle maintenance		
1990–1991	Inverness DC	–65,733
1990–1991	Inverclyde DC	–7,521
1990–1991	Cumbernauld and Kilsyth DC	–38,495
1991–1992	Stirling DC	–670
1991–1992	Clackmannan DC	–2,000

Mr. McAllion: To ask the Secretary of State for Scotland how many local authority direct labour or services organisations in Scotland, operating contracts under the terms of *(a)* the Local Government, Planning and Land Act 1980 and *(b)* the Local Government Act 1988, have achieved the required rate of return for the financial years (i) 1992–93, (ii) 1993–94 and (iii) 1994–95. [26328]

Mr. Kynoch: For services subject to the Local Government, Planning and Land Act 1980: in 1992–93, 74 DLOs/DSOs, in an individual service area, met the prescribed financial objective, which represented 94.9 per cent. of the total returns received; in 1993–94, 75 met the prescribed financial objective which represented 92.6 per cent. of the total returns received; and in 1994–95, 75 met the prescribed financial objective which represented 91.5 per cent. of the returns received.

For services subject to the Local Government Act 1988: in 1992–93, 258 DLOs/DSOs, in an individual service area, met the prescribed financial objective which represented 94.9 per cent. of the total returns received; in 1993–94, 267 met the prescribed financial objective which represented 96.7 per cent. of the total returns received; and in 1994–95, 266 met the prescribed financial objective which represented 93 per cent. of the returns received.

Mr. McAllion: To ask the Secretary of State for Scotland if he will list by authority the surplus achieved on trading accounts for the financial years 1992–93, 1993–94 and 1994–95 for *(a)* general highways work, *(b)* construction and maintenance of sewers, *(c)* works of new construction and *(d)* maintenance work, delivered by local authority direct labour or services organisations in Scotland under the terms of the Local Government, Planning and Land Act 1980 and Local Government Act 1988. [26330]

Mr. Kynoch: Detailed lists by authority of the surpluses and deficits achieved on DSO/DLO trading accounts have been placed in the Library.

Victoria Hospital, Glasgow

Mr. McAllion: To ask the Secretary of State for Scotland if he will list *(a)* the companies initially shortlisted for the support services contract put out to competitive tender by the Victoria hospital in Glasgow, *(b)* those companies still bidding for that contract and *(c)* the reasons notified to his Department for the loss of interest in the contract by companies originally shortlisted that subsequently withdrew. [26349]

Lord James Douglas-Hamilton: Information is as follows:

(a) ISS Mediclean

Initial Healthcare Services

Gardner Merchant Sodexho

Capita

Tarmac Servicemaster

Taylorplan Services.

(b) Initial Healthcare Services

Gardner Merchant Sodexho

Capita

Tarmac Servicemaster

(c) ISS Mediclean and Taylorplan Services notified the Victoria Infirmary NHS trust that they would not be submitting bids as they wished to concentrate on their other commitments.

Mr. McAllion: To ask the Secretary of State for Scotland in what roles Mr. Norman Foster was employed by the Victoria hospital in Glasgow in each month since 1 January 1995. [26351]

Lord James Douglas-Hamilton: This is a contractual matter between an employee and the employing trust.

Mr. McAllion: To ask the Secretary of State for Scotland (1) what steps he has taken to monitor the implementation of Government guidance on competitive tendering at the Victoria hospital in Glasgow; and what assessment he has made of whether it has been implemented adequately; [26346]

(2) if he will place in the Library a copy of the guidance on competitive tendering issued to the NHS in Scotland; [26347]

(3) if he will make a statement on the competitive tendering exercise for support services initiated last year and being implemented this year by the Victoria hospital in Glasgow. [26348]

Lord James Douglas-Hamilton: Comprehensive guidance on market testing in the NHS in Scotland was issued most recently to the service in October 1993. Copies of that guidance are available in the Library of the House. The responsibility for implementing market testing within NHS hospitals in Scotland rests with trust boards. It was for the Victoria Infirmary NHS trust to determine the arrangements for the competitive tendering of support services. Safeguards exist to ensure that contracts for goods or services are awarded in a proper manner by health boards and NHS trusts in Scotland. This takes the form of a statutory requirement on all health boards and NHS trusts to undergo an end-year audit by external auditors to ensure that the trust standing financial instructions, and any other financial instructions determined by the management executive of the national health service in Scotland, have been complied with.

Mr. McAllion: To ask the Secretary of State for Scotland for what reasons no in-house bid was allowed for the contract for support services put out to competitive tender by the Victoria hospital in Glasgow; and to what extent this was in breach of Government guidelines on competitive tendering in the NHS. [26350]

Lord James Douglas-Hamilton: The existing in-house service was free to bid for the contract on the same basis as commercial tenderers. The trust did offer to fund independent external advice for any staff group which wished to mount a bid. This offer was not taken up and no bid was made.

Bovine Spongiform Encephalopathy

Mr. Ingram: To ask the Secretary of State for Scotland how many cases of BSE have been identified in *(a)* the East Kilbride constituency and *(b)* Lanarkshire in each of the last 10 years; and how many farms were involved. [26332]

Mr. Raymond S. Robertson: The information requested is being collated and will be placed in the Library of the House as soon as it becomes available.

Public Bodies

Dr. Wright: To ask the Secretary of State for Scotland how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25960]

Mr. Kynoch *[holding answer 22 April 1996]:* The Scottish Office maintains its own public appointments list and therefore makes limited use of names from the public appointments unit, although names are exchanged from time to time. The Scottish Office list is used as a source of names of suitably qualified candidates for consideration for a wide range of appointments. No central records are, however, kept of the sources from which the names of those appointed are derived.

SOCIAL SECURITY

Occupational Pensions

12. **Mr. Matthew Banks:** To ask the Secretary of State for Social Security what measures he is proposing to improve the security of occupational pensions. [24680]

Mr. Heald: The measures in the Pensions Act 1995, most of which will become effective from April 1997, reflect the Government's commitment to safeguarding the security of occupational pension scheme assets.

Pensioner Incomes

13. **Mr. Gordon Prentice:** To ask the Secretary of State for Social Security what percentage of pensioners' gross income in the north-west comes from *(a)* benefits, *(b)* occupational pensions and *(c)* investments for the most recent years for which figures are available. [24681]

Mr. Heald: For the United Kingdom as a whole, 53 per cent. of pensioners' average incomes is from state benefits, 25 per cent. from occupational pensions and 16 per cent. from investment income.

It is not possible to provide a reliable breakdown by region due to the limited sample size.

Unemployment Benefits

14. **Mr. Garnier:** To ask the Secretary of State for Social Security what incentives to work will be included in his reforms of unemployment benefits. [24682]

Mr. Burt: Helping people back to work is a key aim of Government policy.

This month we introduced extended payments of housing benefit and council tax benefit for unemployed people who return to work and the national insurance contribution holiday for employers.

With jobseeker's allowance in October, we will be introducing the back-to-work bonus. This will enable at least 150,000 people a year to receive a tax-free lump sum of up to £1,000 when they leave benefit to take up work.

We will also be introducing earnings top-up, a new in-work benefit for people without dependent children, in eight pilot areas from October.

Long-term Care

15. **Mr. Riddick:** To ask the Secretary of State for Social Security what steps he intends to take to assist people to make additional provision for their own long-term care in their old age. [24683]

Mr. Heald: To help people retain more of their savings when they enter long-term care, we have more than trebled the lower capital limit and doubled the upper capital limit for those in residential care; and for those who are covered by the preserved rights provisions, we have also introduced a 50 per cent. disregard on income from their occupational pension if they have a spouse who remains at home.

We have already taken steps to give personal pension holders more flexibility in the use of their pension savings during retirement, and are committed to building on that foundation by giving members of occupational pension schemes extra choices.

Asylum Seekers

16. **Mr. Gerrard:** To ask the Secretary of State for Social Security what representations he has received recently regarding the withdrawal of benefits from asylum seekers. [24684]

Mr. Roger Evans: We have received representations in various forms from hon. Members, members of the public, local authorities and voluntary organisations. Representations were also made to the Social Security Advisory Committee which were included in its report to my right hon. Friend the Secretary of State.

Mr. Dafis: To ask the Secretary of State for Social Security for what social security benefits persons who have a legal right to live in the United Kingdom, but do not hold a British passport, will be eligible under the new Asylum and Immigration Bill; and if he will make a statement. [25349]

Mr. Roger Evans: The Asylum and Immigration Bill provides that an immigrant will not be entitled to child benefit unless he satisfies prescribed conditions. Regulations will set out those conditions. An immigrant is defined as a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom. A non-British passport holder's eligibility for other social security benefits depends on his immigration status.

Pensions (Administrative Costs)

17. **Mr. Corbyn:** To ask the Secretary of State for Social Security what estimate he has made of the relative administrative costs of *(a)* the state pension and *(b)* personal pension schemes. [24686]

Mr. Heald: The estimated cost of administering state retirement pension in 1994–95 is £309 million. Information on the administrative costs of personal pensions is not collected centrally.

Source:
Social Security departmental report, March 1996—Cm 3213.

Habitual Residence Test

18. **Mrs. Bridget Prentice:** To ask the Secretary of State for Social Security what is the current annual cost of administering the habitual residence test; and what savings in benefits have been made in the current year following the introduction of the test. [24688]

Mr. Roger Evans: The current annual cost of administering the habitual residence test in relation to income support is estimated at £3 million. The best estimate of savings for the financial year 1995–96 is £25 million.

Social Security Reform

19. **Mr. Robert G. Hughes:** To ask the Secretary of State for Social Security what representations about future social security reform he has been notified will be forwarded to him in the next three months; and if he will make a statement. [24689]

Mr. Burt: None.

Child Support

20. **Mr. Simon Hughes:** To ask the Secretary of State for Social Security what action he plans to take in response to the report of the Parliamentary Commissioner for Administration in respect of *(a)* the Child Support Act 1995 and *(b)* the Child Support Agency. [24690]

Mr. Andrew Mitchell: The report mainly relates to the first 18 months of the agency's performance, and there have been very substantial improvements since then. In addition, I recently announced the recruitment of an independent complaints examiner, improvements to the agency's compensation scheme and the introduction of interest payments on maintenance collected but not transferred promptly to the parent with care.

Personal Pensions

22. **Mr. Jamieson:** To ask the Secretary of State for Social Security what proportion of holders of appropriate personal pensions failed to earn sufficient to generate a national insurance rebate in the most recent year. [24692]

Mr. Heald: In 1993–94, 31 per cent. of appropriate personal pension holders had reckonable earnings below the national insurance rebate threshold.

Notes:

(i) Source: Personal Pension Statistics 1993–94 which is based on a 1 per cent. sample of national insurance records taken in February 1995.

(ii) Figures relate to the Uhnited Kingdom and are rounded to the nearest whole number.

Benefits Agency

23. **Mr. Barry Jones:** To ask the Secretary of State for Social Security if he will make a statement on the future of Benefits Agency offices in north Wales. [24693]

Mr. Roger Evans: One of the next key steps in the long-term reform of social security is the change programme, which aims to produce administrative efficiencies of 25 per cent. over the next three years. As part of this, consideration is being given to the future of service delivery in Wales. Any proposals will be subject to consultation before final decisions are taken.

Lone Parents

24. **Mr. Carrington:** To ask the Secretary of State for Social Security what benefit changes he is undertaking to help lone parents to work. [24694]

Mr. Burt: The Government have a well-developed strategy for helping families, including lone parents, into work. Further measures are being implemented in the coming months.

From this month, the child care disregard in the in-work benefits has been increased from £40 to £60 a week. The back-to-work bonus and the child maintenance bonus will be introduced in October 1996 and April 1997 respectively. They will encourage part-time work and provide opportunities to build up a tax-free lump sum on leaving benefit for work. Also in April 1997 a major new pilot will commence providing training and employment opportunities to up to 25,000 lone parents.

In addition, lone parents can qualify for other work incentive measures introduced this month, including extra help with housing costs on return to work, faster delivery of family credit and relief from national insurance contributions for their employer.

State Pensions

25. **Mr. Roy Hughes:** To ask the Secretary of State for Social Security what assessment he has made of the level of state pensions in other European Union countries relative to those in the United Kingdom; and if he will make a statement. [24695]

Mr. Heald: Most other EU countries have wholly earnings-related pension schemes, so there is a wide variation in the rate of pension paid to individuals. This can mean that low earners receive low pensions. Direct comparisons of the level of state pensions do not take account of health care, occupational pensions and safety net benefits, which are all significant factors in the provision for pensioners in the United Kingdom. The relative position of state pension provision is further distorted by differences in the cost of living.

Benefits (Young People)

26. **Mr. Llwyd:** To ask the Secretary of State for Social Security how many representations his Department has recently received on the question of benefit availability to 16 and 17-year-olds; and if he will make a statement. [24696]

Mr. Roger Evans: The Department has received a number of such representations.

We believe that unemployed 16 and 17-year-olds should take the more positive options of youth training or education in place of dependence on benefit.

Benefit Reforms

27. **Mr. Anthony Coombs:** To ask the Secretary of State for Social Security what representations he has received from political parties over the past three months concerning reforms of the benefit system. [24697]

Mr. Burt: None.

Centenarians

28. **Mr. Harry Greenway:** To ask the Secretary of State for Social Security what was the estimated cost to his Department of sending telegrams to centenarians over the past year; and if he will make a statement. [24698]

Mr. Heald: This Department arranges for telemessages to be sent to residents of Great Britain on their 100th birthday, at 105 and yearly thereafter. In 1995, a

total of 3,025 such messages were issued at an estimated cost of £74,900, most of which arose from visits by Benefits Agency staff prior to the issue of the messages.

Fraud

Lady Olga Maitland: To ask the Secretary of State for Social Security what priority he attaches to tackling fraud in his social security reforms. [24691]

Mr. Heald: I refer the hon. Lady to the answer my right hon. Friend the Secretary of State for Social Security gave to my hon. Friend the Member for Gravesham (Mr. Arnold) earlier today.

Incapacity Benefit

Mr. Betts: To ask the Secretary of State for Social Security what proposals he has in respect of the right of appeal in incapacity benefit cases. [26533]

Mr. Burt: We have no current plans to make any changes to the right of appeal in incapacity benefit cases. However, as part of the long-term reform of social security we are now reviewing its administration, including decision making and appeals arrangements.

Mr. Bradley: To ask the Secretary of State for Social Security how many persons have ceased to receive incapacity benefit because of a failure to attend a medical examination following completion of questionnaire form IB50. [25803]

Mr. Burt: At 31 March 1996, 2,416 persons had been disallowed incapacity benefit following failure to attend for medical examination.

Mr. Bradley: To ask the Secretary of State for Social Security how many *(a)* former recipients of invalidity benefit now claiming incapacity benefit and *(b)* new incapacity benefit claimants have passed the all-work test and how many in each case have been deemed fit for work. [25805]

Mr. Burt: The available information is in the table.

	Found capable of work following the all-work test	*Found incapable of work following the all-work test*
Former Invalidity Benefit recipients with transitional protection	33,580	113,500
Incapacity Benefit claimants since April 1995	6,780	24,340

All figures as at 30 November 1995 taken from a 5 per cent. sample of cases from the incapacity benefit computer system. Excludes a small number of cases not on the system.

Occupational Asthma

Mr. Ian McCartney: To ask the Secretary of State for Social Security what was the cost to his Department of providing industrial injury scheme benefits to people suffering from occupational asthma in each year from 1989–90 to 1994–95. [25780]

Mr. Roger Evans: The information is not available in the format requested. Such information as is available is set out in the table.

The figures are estimates of the cost of industrial injuries disablement benefit reduced earnings allowance and retirement allowance paid to people suffering from occupational asthma and do not include the costs of administration or the benefit expenditure on constant attendance allowance, exceptionally severe disablement allowance or unemployment supplement.

The data on which these estimates are based are not yet available for 1994–95.

Estimated cost of providing Industrial Injuries benefits to people suffering from occupational asthma

	Cash prices £ million
1989–90	1.0
1990–91	2.0
1991–92	2.5
1992–93	3.0
1993–94	4.0

Estimated costs are given at cash prices, rounded to the nearest £0.5 million and may be subject to a margin of error.

Income Support

Mr. Bradley: To ask the Secretary of State for Social Security how many persons have ceased to receive income support as a result of failing the all-work test. [25792]

Mr. Roger Evans: The information requested is not available.

Sir Teddy Taylor: To ask the Secretary of State for Social Security how many persons in the borough of Southend receive income support. [24687]

Mr. Roger Evans: The numbers receiving income support in the area covered by the Benefits Agency Essex South East district office, which includes the borough of Southend, was 37,403 in May 1995.

Redundant Steel Workers

Mr. MacShane: To ask the Secretary of State for Social Security how much was paid in means-tested benefits to redundant steel workers in each year between 1979 and 1995. [25820]

Mr. Roger Evans: The information requested is not available.

Mini-cab Drivers

Mr. Frank Field: To ask the Secretary of State for Social Security how many mini-cab drivers had details checked against benefit records as a result of Operation Spotlight in *(a)* Croydon, *(b)* Enfield and *(c)* Haringey; how many withdrew their benefit claims; and how much money has been saved. [26261]

Mr. Roger Evans: The information requested is not available as the spotlight on benefit cheats campaign in Croydon, Enfield and Haringey is still under way and individual investigations will take some time to follow up.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Social Security what estimate he has made of funding to

be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26171]

Mr. Burt: The estimated capital spending relating to Department of Social Security projects under the private finance initiative is in the list:

1995–96: £60 million

1996–97: £130 million

1997–98: £70 million.

Disability Living Allowance

Mr. Wallace: To ask the Secretary of State for Social Security what estimate he has made of the annual saving from the withdrawal of the mobility component of disability living allowance after a claimant has been hospitalised for *(a)* four weeks and *(b)* 12 weeks in the case of children. [25586]

Mr. Andrew Mitchell: The information requested is in the table.

£ million

	1996–97	*1997–98*	*1998–99*
(a) Adults (four weeks)	20	35	35
(b) Children (12 weeks)	5	10	10
Total	25	40	45

1. Estimates assume an end of July start date. 2. Estimates rounded to nearest £5 million. Totals may not sum due to rounding.

In-work Benefits

Mr. Meacher: To ask the Secretary of State for Social Security what is the total annual expenditure on *(a)* family credit, *(b)* disability working allowance and *(c)* other in-work benefits by standard region. [26142]

Mr. Roger Evans: The information for 1994–95 is set out in the tables.

£ million

Region[1]	*Family Credit*[2]	*Disability Working Allowance*[2]
Midlands	265	2
Northern	266	2
London North	170	1
Wales and South West	198	2
North Western	238	2
Scotland	160	1
London South	146	1
All regions	1,441	11

Region[1]	*Housing benefit*[3] *£m*	*Council Tax Benefit*[3] *£m*
North	27	8
Yorkshire and Humberside	46	14
East Midlands	31	7
East Anglia	16	3
South East (excluding London)	106	14
London	119	12
South West	51	9
West Midlands	26	7
North West	58	17
Wales	25	3
Scotland	32	1
All regions	537	95

[1] Information on Housing Benefit and Council Tax Benefit is provided by standard administrative region. Information on Family Credit and Disability Working Allowance is only available by Social Security administrative region.

[2] Total expenditure figures from 1996 Departmental Report. Figures are rounded to the nearest million.

[3] Figures are estimates derived from the annual 1 per cent. Housing Benefit sample inquiry and are rounded to the nearest million. The figures get less reliable the smaller they are. The figures exclude expenditure on recipients for Housing Benefit and Council Tax Benefit who work but who also get Income Support.

War Pensions

Mr. Betts: To ask the Secretary of State for Social Security (1) what is the cost of the current £10 mandatory disregard of war disablement pensions and war widows pensions for *(a)* housing benefit and *(b)* council tax benefit; [26534]

(2) what is the cost to local authorities of the use of the discretionary disregard of war disablement pensions and war widows' pensions for *(a)* housing benefit and *(b)* council tax benefit. [26535]

Mr. Roger Evans: The benefit cost of the mandatory disregard of the first £10 of a war disablement pension or a war widow's pension is broadly estimated to be around *(a)* £5 million in housing benefit[1] and *(b)* £5 million in council tax benefit[1].

In addition, the mandatory disregard of the supplementary pension paid to some 80 per cent. of war widows—currently worth £51.71 a week— and of any mobility supplement (£37.75); constant attendance allowance (£19.85–£79.40); exceptionally severe disablement allowance (£39.70); or severe disablement occupational allowance (£19.85) paid to a war disablement pensioner cost an estimated further £10 million in additional housing benefit and council tax benefit payments[1].

In 1994–95, the latest year for which information is available, local authorities reported expenditure of around *(a)* £30 million on their local schemes for housing benefit and *(b)* £10.5 million on their local schemes for council tax benefit.

Note:

[1] Estimates based on the 1991, 1992 and 1993 Family Expenditure Surveys uprated to 1996–97 levels. Expenditure is rounded to the nearest £5 million.

Disability Discrimination Act 1995

Mr. Garnier: To ask the Secretary of State for Social Security what are his plans for the provision of advice and assistance under part III of the Disability Discrimination Act. [26675]

Mr. Burt: The Government are seeking to establish a new service which will provide independent advice and support on the Act's rights of access to services and property. The service is planned to be operational in time for the implementation of the first of these rights around the end of 1996. The principal aim of the service will be to

promote the settlement of disputes without the need for court action. Widely available and high-quality advice and support services will also help prevent discrimination and disputes.

Disabled people and businesses already make use of existing advice points, such as citizens' advice bureaux and business links. The new service will be targeted at these organisations, giving them access to expert knowledge on this new legislation. By enhancing the knowledge of existing advice points, the service will aim to ensure that disabled people and businesses will have access to locally available, high-quality advice and support. The Government are also investigating the possibilities for providing conciliation services, either as part of the advice and support service, or as a separate entity.

Those interested in providing the advice and support service are asked to respond to advertisements which will appear tomorrow. Respondents will then be sent an outline specification and asked to provide information regarding their background, relevant experience, and financial stability by 28 May 1996. This information will be used to identify preferred candidates who will be formally invited to enter the negotiation phase of the project. The final specification will be produced during the negotiation phase. Copies of the outline specification have been placed in the Library.

Details of the negotiations will remain confidential. An announcement of the result will be made prior to the service being commenced.

AGRICULTURE, FISHERIES AND FOOD

Spongiform Encephalopathy Advisory Committee

Mr. Colvin: To ask the Minister of Agriculture, Fisheries and Food what is the nationality of each member of the Spongiform Encephalopathy Advisory Committee. [24906]

Mrs. Browning: We do not hold details of committee members' nationality. The members of the Spongiform Encephalopathy Advisory Committee are appointed for their technical expertise in the subjects considered by the committee, irrespective of their nationality.

Bovine Tuberculosis

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food if he will estimate the number of cases of bovine TB since 1979. [25378]

Mrs. Browning: In Great Britain, between 1979 and 1995—the latest year for which figures are available—a total of 17,979 cattle were compulsorily slaughtered because they reacted positively to the tuberculin test. This figure includes all cattle which reacted positively to the test whether or not the presence of disease was subsequently confirmed at post mortem or by the culture of samples in the laboratory. In addition, between 1979 and 1994—the latest year for which figures are available—a total of 247 cases of bovine TB were confirmed from slaughterhouses.

Mr. Bottomley: To ask the Minister of Agriculture, Fisheries and Food if he will estimate the incidence of bovine TB since 1979 in areas assessed by his Department to have *(a)* heavy and *(b)* light badger populations. [25376]

Mrs. Browning: It is not possible to answer this question in the form requested. Detailed badger population estimates do not exist. However, a national badger survey undertaken between 1985 and 1988, which assessed badger activity and presence of setts within 2,455 randomly selected 1 km squares of land in Great Britain, indicated that badger density was generally higher in south-west England and Wales. The incidence of bovine TB in cattle is considerably higher in Cornwall, Devon, Gloucestershire and Avon, Wiltshire, Dyfed, Gwent and South, Mid and West Glamorgan than elsewhere in Great Britain; in 1994 the number of new confirmed TB cattle breakdowns in these areas as a percentage of total herds was 1.231 per cent. Elsewhere in Great Britain the number of new confirmed TB cattle breakdowns as a percentage of total herds was 0.049 per cent.

Mr. Bottomley: To ask the Minister of Agriculture, Fisheries and Food how often herds are tested for bovine TB. [25375]

Mrs. Browning: Cattle herds everywhere in Great Britain, with the exception of Devon, Cornwall, Gloucestershire and Avon, are routinely tested for tuberculosis every four years. Herds in Devon are routinely tested every three years, and herds in Cornwall, Gloucestershire and Avon are routinely tested every two years. Division veterinary managers of the state veterinary service may exercise discretion in setting testing intervals in any areas of Great Britain where cattle herds have suffered a recent TB breakdown or where herds are considered to be at risk; this may result in some herds being tested more frequently than the prescribed testing interval for the region.

Badgers

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food if he will estimate the numbers of badgers killed since 1979. [25377]

Mrs. Browning: It is not possible to answer this question in the form requested. However, the total number of badgers captured and destroyed in removal operations carried out by the Department following TB breakdowns in cattle between 1985 and 1995 was 11,260.

Live Animal Transport

Mr. Heppell: To ask the Minister of Agriculture, Fisheries and Food what was the total amount invoiced to his Department in respect of staff present at Dover lairages to undertake the certification of livestock for export on *(a)* 13 February, *(b)* 14 February, *(c)* 15 February and *(d)* 16 February. [25355]

Mrs. Browning: The total amount invoiced by the Department in respect of staff present at Dover lairages to undertake the certification of livestock for export between 13 and 16 February was as follows:

Date	*Total invoiced £*
13 February	1,818.41
14 February	1,435.77

Date	Total invoiced £
15 February	2,184.96
16 February	350.76

These figures are exclusive of VAT, which was added at the standard rate.

Mr. Heppell: To ask the Minister of Agriculture, Fisheries and Food how many animals were rejected as unfit to travel prior to export from the United Kingdom in *(a)* 1992, *(b)* 1993, *(c)* 1994 and *(d)* 1995. [25431]

Mrs. Browning: The numbers of bovine, ovine and porcine animals rejected as unfit to travel prior to export from the United Kingdom were as follows:

1992: 28,070

1993: no figures available

1994: 19,619

1995: 8,855.

Mr. Heppell: To ask the Minister of Agriculture, Fisheries and Food who conducted the export certification for consignments of animals at Abbotsland lairage, Capel-le-Ferne in the 48-hour period prior to 9 am on 20 January. [25432]

Mrs. Browning: Export certification for consignments of animals at Abbotsland lairage, Capel-le-Ferne in the 48-hour period prior to 9 am on 20 January was carried out by a local veterinary inspector. The name of the local veterinary inspector is being withheld under paragraph 4g of part II of the code of practice on access to Government information.

Mr. Heppell: To ask the Minister of Agriculture, Fisheries and Food which consignments were certified by Mr. Jonathan Stirling for export where animals were subsequently rejected by Ministry officials, excluding any animals rejected as unfit to travel under the Welfare of Animals During Transport Order 1994, at *(a)* the port of Dover; *(b)* Brightlingsea wharf and *(c)* the port of Shoreham (i) during 1995 and (ii) from 1 January 1996 to 8 March 1996. [25433]

Mrs. Browning: Details of consignments certified by Mr. Jonathan Stirling and subsequently rejected by Ministry officials on veterinary health certification grounds are as follows:

(a)(i) During 1995 at Dover:

On 27 April 1995, one animal was rejected from a consignment of 203 calves.

On 2 May 1995, two animals were rejected from two consignments totalling 322 calves.

On 14 June 1995, 11 animals were rejected from one consignment of 240 calves.

On 20 June 1995, 35 animals were rejected from 4 consignments totalling 732 calves.

(ii) from 1 January 1996 to 8 March 1996 no animals were rejected.

(b) At Brightlingsea wharf no animals were certified by Mr. Stirling during 1995 or from 1 January 1996 to 8 March 1996.

(c) At the port of Shoreham no animals were certified by Mr. Stirling during 1995 or from 1 January 1996 to 8 March 1996.

Licensed Veterinary Inspectors

Mr. Heppell: To ask the Minister of Agriculture, Fisheries and Food if he will list *(a)* the dates on which staff carrying out LVI duties on behalf of the Maison Dieu veterinary practice or welfare services of 3 Whitehall court, London, were involved in discussions with his Department about their performance as LVIs and *(b)* the names of those involved (i) in 1995 and (ii) between 1 January 1996 and 8 March 1996. [25434]

Mrs. Browning: Records show that in 1995 meetings were held with staff carrying out LVI duties on behalf of the Maison Dieu Veterinary Practice on 14 March 1995, 10 May 1995, 20 June 1995, 13 September 1995, 17 October 1995, 20 December 1995. Telephone discussions were held on 18 April 1995, 4 May 1995, 18 May 1995, 25 May 1995, 14 June 1995, 15 June 1995, 23 June 1995, 29 June 1995, 30 June 1995, 3 July 1995, 25 July 1995, 26 July 1995, 31 July 1995, 1 August 1995, 9 August 1995, 1 November 1995, 10 November 1995, 15 November 1995 and 17 November 1995.

From 1 January 1996 and 8 March 1996 meetings were held with the Maison Dieu veterinary practice on 31 January 1996, 8 February 1996, 22 February 1996 and 6 March 1996. Correspondence was sent on 16 February 1996.

The names of the local veterinary inspectors involved are being withheld under paragraph 4g of part II of the code of practice on access to Government information.

Integrated Administration and Control System

Sir Dudley Smith: To ask the Minister of Agriculture, Fisheries and Food what disciplinary action he is taking against Ministry employees responsible for sending confidential documents relating to other people to integrated administration and control system applicants. [25525]

Mr. Boswell: Integrated administration and control system documentation, including field data printouts which contain information about the previous year's application, is sent to applicants by an external contractor. This operation is contracted out, in line with central Government policy, in the interests of efficiency. Any disciplinary action as a result of errors in the 1996 mailing of IACS documentation by the contractor's employees is an internal matter for the contractor.

Sir Dudley Smith: To ask the Minister of Agriculture, Fisheries and Food what action he is taking to prevent officials sending other people's forms to integrated administration and control system applicants with particular reference to Warwickshire; and what assessment he has made as to how the errors occurred. [25526]

Mr. Boswell: About 0.2 per cent. of integrated administration and control system applicants have reported receiving wrongly addressed IACS field data printouts or had field data printouts missing from their IACS package; 18 per cent. of these problems were reported by farmers in Warwickshire representing about 0.04 per cent. of the total mailing. This operation is contracted out in line with central Government policy because its size—some 246,000 A3 original field data printouts and the same number of A4 copies—means that it cannot be handled by the internal resources available

within the Ministry. The contractor is one of Europe's largest computing/mailing houses, and has carried out this work for the past three years.

As a result of the problems reported by farmers, the external contractor responsible for producing the field data printouts and mailing them with the IACS documentation for 1996 carried out a detailed investigation. It was concluded that the mistakes in the mailing arose because of very limited operator error. The contractor for this mailing already operates to International Standards Organisation standards. Nevertheless, we are considering additional measures further to safeguard personalised packages in respect of the next IACS round.

Public Bodies

Dr. Wright: To ask the Minister of Agriculture, Fisheries and Food how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25948]

Mr. Boswell *[holding answer 22 April 1996]:* Our officials regularly consult the public appointments unit for names of suitable, qualified candidates for public appointments. Of the new appointments made by my right hon. Friend in 1994–95, 12 were made from names supplied by the public appointments unit, as follows:

Agricultural Wages Board: Professor T. Smith

Apple and Pear Research Council: Balram Gidoomal

Committee of Investigation for Great Britain: Mrs. Suzan Matthews QC

Covent Garden Market Authority: Gulam Noon

Home Crown Cereals Authority: Dr. Caroline Vaughan

Regional Flood Defence Committees

(Northumbria): John Hackney

(North West): Professor Margaret MacKeith

(Severn Trent): Mrs. Joan Davies

(Thames): Mrs. Pamela Castle

Regional Panels (Anglia): Mrs. Anne Chamberlain

Sea Fish Industry Authority: Barry Skipper

Sugar Beet Research and Education Committee: Mrs. Anne Chamberlain

Farmers (Compensation Scheme Payments)

Mr. Hanson: To ask the Minister of Agriculture, Fisheries and Food when he plans to make payments to farmers under the compensation scheme effective in the week beginning 29 April. [26200]

Mrs. Browning: Details of the scheme are still being worked up with industry representatives. It is envisaged that claims will be made by collection centres at weekly intervals. The Intervention Board executive agency, which will administer the scheme, normally aim to make payments within 28 days of receipt of a valid claim. It is likely that the earliest payments will be made at the beginning of June.

Mr. Hanson: To ask the Minister of Agriculture, Fisheries and Food if he will consider making interim payments to farmers eligible for compensation under the scheme effective from 29 April. [26201]

Mr. Baldry *[holding answer 22 April 1996]:* There are no provisions for interim payments within the scheme rules.

Beef

Mr. Ron Davies: To ask the Minister of Agriculture, Fisheries and Food on what scientific basis he has decided that beef from animals slaughtered over the age of 30 months should not be offered for human consumption; and what other considerations underlay his decision to select 30 months as a critical age for this purpose. [26207]

Mrs. Browning *[holding answer 22 April 1996]:* In the absence of detectable infectivity in tissues of clinically affected cattle other than brain, spinal cord and retina, the Spongiform Encephalopathy Advisory Committee considered that the greatest risk to consumers of clinically normal animals would be associated with exposure to central nervous tissue. This is precisely why these tissues are designated as specified offals. Nevertheless, after giving further consideration to the slaughtering/butchering process, it was felt that risk of exposure could be reduced further by requiring changes to certain procedures, such as removal of bones so that in doing so tissues contaminated with spinal cord were also removed, as would visible nerves and lymph nodes. It was, however, unnecessary to apply this to all cattle. This decision was partly based on the pathogenesis of scrapie in sheep and mice, where infectivity is only detectable in the central nervous system approximately half-way through the incubation period, subsequently rising to a peak at the time of clinical disease. That evidence is increasingly supported by the on-going pathogenesis experiment of cattle, where infectivity has so far not been detected in CNS up to 18 months post-infection. The mean incubation period of BSE in naturally infected animals is five years and the appropriate mid-point would therefore be 30 months. Clearly in cattle older than 30 months there will be increasing levels of infectivity in the CNS of infected animals, and more of them are likely to be approaching the onset of clinical disease prior to slaughter.

The use of 30 months as a watershed was originally introduced in relation to exports of bone-in beef in 1995 under EC rules and was taken up by the Spongiform Encephalopathy Advisory Committee in its advice to Ministers on 20 to 24 March respectively that the meat from animals over 30 months of age should be deboned in licensed premises and the obvious nervous and lymphatic tissue removed and treated as specified bovine offal. In view of the concern expressed by the committee about the meat from animals above this age and the difficulties of introducing an immediate requirement for all of this meat to be deboned, it was decided during the consultation period that a ban should be introduced on the use of this meat for human consumption until such time as the consultation period was ended and suitable arrangements for deboning were introduced. Subsequently, it was decided a European Union level that, in view of the collapse of demand for beef from older cattle, the prohibition on the use of

meat from older animals in the human and animal feed chains should be maintained.

Ministerial Statements

Mr. Marlow: To ask the Minister of Agriculture, Fisheries and Food what requirement has been placed by the EU on United Kingdom Ministers to consult EU institutions before statements are made in the House, with particular reference to the case of bovine sponfigorm encephalopathy; and if he will make a statement. [26020]

Mrs. Browning *[holding answer 22 April 1996]:* I am aware of no such requirement set out in the treaty or in any legal instruments adopted by the Council of Ministers.

Forestry

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food what charges are imposed by the Forestry Commission on *(a)* recreational riders and *(b)* riders following hunts in the New Forest. [26344]

Mr. Boswell: None.

Written Answers to Questions

Wednesday 24 April 1996

ATTORNEY-GENERAL

Late Payments

Mrs. Roche: To ask the Attorney-General (1) how much was paid late to the private sector for goods and services by his Department in 1995–96; [26160]

(2) what percentage of bills were paid late by his Department in 1995–96. [26111]

The Attorney-General: The Serious Fraud Office paid 92 per cent. of valid invoices on time—within 30 days, or specific contract provision if different—during 1995–96. The value of late payments made by the SFO to the private sector was £977,000. This represents about 6 per cent. of total expenditure and includes a number of substantial and complex invoices from large companies.

On the basis of samples of bills settled during 1995–96, the percentage of valid invoices paid on time was 94.3 per cent. for the Crown Prosecution Service and 75 per cent. for the Treasury Solicitor's Department.[1] Information is not held about the value of late payments made by these departments.

[1] Includes figures for Government property lawyers, the legal secretariat to the Law Officers and the lawyers management unit.

HOUSE OF COMMONS

"Hansard" Index

Mr. Spearing: To ask the Chairman of the Administration Committee on which date the latest bound publication of a Hansard index was published and for which Session; what are the estimated dates of publication of all sessional indices not so far published; and what are the reasons for delays in publication after January of the preceding normal Session. [26010]

Mr. Michael J. Martin: The index for the long Session 1992–93 was published in November 1995. The proofs for Session 1993–94 will be returned to HMSO parliamentary press in early June 1996 and should be published two to three months thereafter. It is expected that the 1994–95 index will be sent to HMSO by the end of 1996 and published early in 1997. Editing the 1995–96 index will begin in January 1997, with a likely publication date later in 1997.

The Library provides the copy for the fortnightly, volume and sessional indexes to Hansard, which are printed and published by HMSO. The entries for the sessional index are generated after the last volume index for the Session has been processed; the copy for the volume is usually received by the indexers two to three months after the proceedings reported. The objective is that the index for a Session of normal length should be published late in the following Session. I understand that this objective should be met for the 1995–96 Session.

The current backlog is a result of problems arising from major changes to the Library's computer system in the summer of 1995.

ENVIRONMENT

Abbatoir Waste

Mr. Cohen: To ask the Secretary of State for the Environment (1) if fifth-quarter material derived from cattle can be spread on agricultural land outside the waste management licensing regime; and if he will make a statement; [25719]

(2) for what reason fifth-quarter material derived from cattle is not classified as waste; and if duty of care waste transfer notes are required once this material changes hands. [25718]

Mr. Clappison: The Department's views on the application to animal by-products of *(a)* the definition of waste, *(b)* waste management licensing and *(c)* the duty of care, are set out in DOE circular 11/94, paragraphs 1.17(c), 2.33(d)(ii),4.91–4.94 and 5.167.

Wheelie Bins

Sir David Steel: To ask the Secretary of State for the Environment how many rural district councils currently collect domestic refuse from the doorstep; and how many have transferred to the wheelie bin system [26092]

Mr. Clappison: Mr. Department does not hold the information requested, but I refer the right hon. Gentleman to the publication by the Chartered Institute of Public Finance and Accountancy entitled "Waste Collection Statistics 1993–94 Actuals", which contains that organisation's most recently published statistics covering the information that the right hon. Gentleman requests.

Seal Skins

Mr. Heppell: To ask the Secretary of State for the Environment if he will list the *(a)* locations and *(b)* seal species from which the skins exported from the United Kingdom in 1994 and during the first nine months of 1885 came. [26446]

Mr. Clappison: Between 1 January 1994 and 30 September 1995 permits were issued for the re-export of skins of the Afro-Australian fur seal, *Arctocephalus pusillus*, originally imported from Namibia; and the South American fur seal, *Arctocephalus australis*, originally imported from Uruguay.

Late Payments

Mrs. Roche: To ask the Secretary of State for the Environment what percentage of bills were paid late by his Department in 1995–96. [26115]

Sir Paul Beresford: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Mrs. Roche: To ask the Secretary of State for the Environment how much was paid late to the private sector by his Department for goods and services in 1995–96. [26156]

Sir Paul Beresford: The Department does not hold a central record of the amount owed to businesses not paid within the agreed period. This information could be provided only at disproportionate cost.

Heating Costs

Mr. Simpson: To ask the Secretary of State for the Environment if he will estimate the percentage of extra fuel which is required to heat identical houses in *(a)* Nottingham and *(b)* Derby, taking Bristol as the base. [26602]

Mr. Robert B. Jones: The percentage of extra fuel required to heat a typical semi-detached house with gas central heating is estimated to be as follows for each of the specified locations:

(a) Nottingham +17 per cent. and

(b) Derby +17 per cent.

These figures have been calculated using the Building Research Establishment domestic energy model and taking Bristol as the base case.

Tyne and Wear Development Corporation

Mr. Etherington: To ask the Secretary of State for the Enviornment if he will list those *(a)* new and *(b)* established companies in the Tyne and Wear development corporation area which have appointed staff members of the corporation as (i) directors and (ii) advisers to their boards, indicating (1) the period of appointment of individuals, (2) their remuneration, (3) if capital or revenue financial assistance, grants or loans from the corporation have been awarded to the companies and for what purpose and (4) other corporation assistance to the companies. [26557]

Sir Paul Beresford: Six companies in the urban development area of the Tyne and Wear development corporation have members of the corporation's staff appointed as directors in pursuance of the corporation's statutory object of securing the regeneration of the urban development area.

Of these, five companies are regarded as new, having been formed since the corporation was created in 1987. These five companies are The Customs House Trust Limited, Jarrow AD Limited, North Shields Fish Quay Development Company Limited, Sunderland Enterprise Park Management Company Limited and Tyneside Enterprise Factory.

The sixth company, South Tyneside Groundwork Trust Limited, is regarded as an established company, being part of a national group undertaking similar work in different areas of England.

No companies in the urban development area have appointed any members of the corporation's staff specifically as advisors.

Each appointment of a member of the corporation's staff will terminate not later than 31 March 1998.

No remuneration is paid to any of the corporation's staff for the work that they undertake as directors of the companies.

In addition, Ms S. Thomas, a former member of the corporation's staff, is also the current chairman of The Customs House Trust Limited. As in the case of each of the other directors of that company, she does not receive remuneration for that position.

The further information requested in relation to each company is as follows:

Customs House Trust Limited

One member of staff appointed as a director from mid-1991 to mid 1993 and from mid 1994 as chair.

One member of staff appointed as director from mid-1994 to 31 March 1998.

Capital costs: design fees (£291.000), building (£2,392 million), legal fees £86,000) and car park and external works (£530,000).

Revenue funding: towards production costs and local arts development to 31 March 1996 is £198,000 including VAT.

Other assistance: The corporation's member of staff provides general advice as part of the role of director.

Jarrow 700 AD Limited

One member of staff appointed as a director form January 1993 to 31 March 1998.

Revenue funding: £40,000 towards education post plus £7,500 for survey of local needs.

Other assistance: The corporation's member of staff provides general advice as part of the role as director.

North Shields Fish Quay Development Company Limited

One member of staff appointed as director from 1992 to 31 March 1998.

Capital costs: £20,000 for setting up costs and £300,000 contribution to the partnership for refurbishment of operational premises at North Shields fish quay.

Other assistance: The corporation's member of staff provides general advice as part of their role as director.

South Tyneside Groundwork Trust Limited

One member of staff as a director from April 1991 to 31 March 1998.

Capital costs: £275,000 general sponsorship and specific project costs.

Other assistance: The corporation's member of staff provides general advice as part of their role of director.

Sunderland Enterprise Park Limited

One member of staff appointed as a director from August 1995 to 31 March 1988.

Capital costs: Assistance towards setting up costs including installation of a sixteen camera closed circuit television network security system £525,000 including VAT up to 1996–97. There is provision for up to a maximum of £400,000 to be received by the corporation before 31 March 1998.

Other assistance: The corporation's member of staff provides general advice as part of the role of director.

Tyneside Enterprise Factory

One member of staff appointed as a director from June 1995 to 31 March 1998.

One member of staff appointed as a director from December 1994 to 31 March 1998.

Capital costs: £120,000 establishment costs.

Other assistance: The corporation's member of staff provides general advice as part of their role as director.

LORD CHANCELLOR'S DEPARTMENT

Late Payments

Mrs. Roche: To ask the Parliamentary Secretary, Lord Chancellor's Department what percentage of bills were paid late by his Department in 1995–96. [26118]

Mr. Jonathan Evans: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Mrs. Roche: To ask the Parliamentary Secretary, Lord Chancellor's Department how much was paid late by his Department to the private sector for goods and services in 1995–96. [26152]

Mr. Evans: The information requested is not held centrally and could be provided only at disproportionate cost.

TRANSPORT

Rail Franchise Applicants

Ms Short: To ask the Secretary of State for Transport what instructions he has issued to the franchising director on the eligibility to bid for rail franchises of companies that are under investigation by the Serious Fraud Office; and if he will make a statement. [25592]

Mr. Watts: The Railways Act 1993 requires that the franchising director should not invite any person to tender for franchises unless he is satisfied that they are financially robust, managerially competent and otherwise suitable to be a franchisee. In order to prequalify for franchise competitions, potential bidders are required to notify the franchising director of any factors which might affect his assessment of their suitability to be a franchisee. It is therefore unnecessary for my right hon. Friend to issue any instructions to the franchising director on this subject.

Temporary Speed Restrictions (Rail Track)

Ms Short: To ask the Secretary of State for Transport if he will list the sections of rail track on the *(a)* west coast, *(b)* east coast, *(c)* Midland and *(d)* Great Western main lines currently subject to temporary speed restrictions due to the poor conditions of the track; and in each case, when it is estimated that these restrictions will be lifted. [25593]

Mr. Watts: The information required in not held centrally. I will write to the hon. Member when the information is available.

Pedestrians and Cyclists

Mr. Allen: To ask the Secretary of State for Transport (1) what estimate he has made of the percentage of passenger kilometres that were *(a)* walked and *(b)* cycled in each year in Great Britain since 1979; [25402]

(2) what estimate he has made of the number of miles *(a)* walked and *(b)* cycled in each year in Great Britain since 1979. [25401]

Mr. Norris: Figures for cycling based on table 9.1 of the 1995 "Transport Statistics Great Britain" are as follows:

	Distance cycled (billion passenger miles)	*Percentage of all passenger miles exc. walking (per cent.)*
1979	2.9	1.0
1980	3.2	1.0
1981	3.4	1.1
1982	4.0	1.3
1983	4.0	1.3
1984	4.0	1.2
1985	3.8	1.1
1986	3.4	1.0
1987	3.5	0.9
1988	3.2	0.8
1989	3.2	0.8
1990	3.3	0.8
1991	3.2	0.8
1992	2.9	0.7
1993	2.8	0.7
1994	2.7	0.6

Figures for walking are less reliable and available only for particular years. They are as follows:

	Distance walked (billion passenger miles)	*Percentage of all passenger miles including walking (per cent.)*
1975–76	14	5
1985–86	13	4
1989–91	13	3
1992–94	11	3

Rail Privatisation

Mr. Bayley: To ask the Secretary of State for Transport how much money he estimates *(a)* has been paid to date and *(b)* will be paid in the current financial year by the Government or Railtrack for advice and other assistance in connection with the sale of Railtrack to (1) SBC Warburg, (2) Linklaters and Paines, (3) Ernst and Young, (4) Solid Solutions Associates, (5) Freshfields, (6) Skadden, Arps, Slate, Meagher and Flom, (7) N. M. Rothschild & Sons Ltd., (8) Merrill Lynch International, (9) Simmons and Simmons, (10) Sullivan and Cromwell, (11) Deloitte and Touche, (12) Dewe Rogerson Ltd, and (13) the Royal Bank of Scotland plc (i) separately and (ii) in total. [25869]

Mr. Watts: Information about the payments to individual advisers is commercially confidential. However, as usual for major Government share sales, I expect to make an announcement about the total costs of the Railtrack flotation shortly after this has been completed.

Mr. Gorden Prentice: To ask the Secretary of State for Transport what amendments were made to the draft prospectus for the privatisation of Railtrack following receipt of the views of the chairman of the British Railways Board. [26418]

Mr. Watts: At the time the chairman of the British Railways Board's views were received the Pathfinder prospectus was still being drafted. A number of changes have been made to the draft since the version on which

the chairman was expressing his views to take account of comments received from the British Railways Board and other interested parties.

Nuclear Energy

Mr. Llew Smith: To ask the Secretary of State for Transport how many shipments abroad by *(a)* sea or *(b)* air of mixed oxide fuel have taken place from the British Nuclear Fuels Ltd. Sellafield MOX plant since it opened; what safety licences are required for such transports; and if these transports are covered by *(a)* European Union legislation and *(b)* International Atomic Energy Agency or International Maritime Organisation guidelines. [26241]

Mr. Norris: There have been five such shipments by air, and none by sea.

All package designs for MOX fuel have to be approved to IAEA standards by the competent authority of the country of origin. Such approvals must be validated by the competent authorities of the countries through which the shipments pass.

The shipments complied with all relevant international transport regulations.

A406

Mr. John Marshall: To ask the Secretary of State for Transport when work is due to be completed on the A406 east of Falloden way. [26315]

Mr. Norris: I have asked the chief executive of the Highways Agency to write to my hon. Friend.

Letter from Lawrie Haynes to Mr. John Marshall, dated 24 April 1996:

As you know the Secretary of State for Transport has asked me to reply to your Parliamentary Question about the completion of the A406 London North Circular East of Falloden Way scheme.

Our current best estimate is that these works will be completed at the end of this year.

I shall let you know if that changes.

Driver and Vehicle Licensing Agency

Mr. Allen: To ask the Secretary of State for Transport what steps the DVLA takes to ensure delivery of drivers' licences to the correct addresses; and what use is made of recorded delivery. [26592]

Mr. Norris: Delivery of driving licences is the responsibility of the Royal Mail. Recorded delivery is not used because it would delay the delivery of licences and increase costs.

Driving Licences (Fraudulent Use)

Mr. Allen: To ask the Secretary of State for Transport how many driving licences have been used fraudulently in each of the last five years. [26590]

Mr. Norris: Some 2,000 fraudulent driving licence applications are identified each year, representing 0.1 per cent. of applications.

London Transport

Mr. Tracey: To ask the Secretary of State for Transport what financial objectives he has set for London Transport. [26918]

Mr. Norris: I have written to Peter Ford, chairman of LT, to set new medium-term financial objectives for LT to achieve in 1998–99. These replace the objectives which came to an end on 31 March 1996. The package of new objectives sets challenging but achievable targets for the continued improvement in LT's financial performance and efficiency. The objectives are as follows:

All figures are at 1995–96 prices	*Objective*
Cost per train kilometre[1]	Not more than £9.45
LUL gross margin[2]	At least £285 million
Bus subsidy per kilometre[3]	Not more than 6.0 pence
LT Buses gross loss[4]	Not more than £20 million
Group services etc.[5] gross loss	Not more than £21.5 million
Dial-a-Ride costs per trip	Not more than £9.40
Property rental income growth	To be at least as good as the average shown by the IPD index (6) on three-year following basis

[1] Costs per operated train kilometre to exclude depreciation, renewals, restructuring and PFI costs.
[2] LUL gross margin before depreciation, renewals, restructuring and PFI costs.
[3] Net subsidy per operated bus kilometre before depreciation, renewals, restructuring and PFI costs.
[4] LT Buses gross loss before depreciation, renewal, restructuring, and PFI costs.
[5] LT Group Services, plus Victoria coach station, unit for disabled passengers, PASS and LT museum.
[6] IPD is the Investment Property Databank index.

Late Payments

Mrs. Roche: To ask the Secretary of State for Transport what percentage of bills were paid late by his Department in 1995–96. [26124]

Mr. Norris: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Mrs. Roche: To ask the Secretary of State for Transport how much was paid late by his Department to the private sector for goods and services in 1995–96. [26145]

Mr. Norris: The information is not available.

Distress Calls

Mr. Redmond: To ask the Secretary of State for Transport (1) on what dates and at what stations in the last 12 months coastguard operational staff have initially missed distress calls over the emergency 2182 radio frequency; and if he will make a statement; [26643]

(2) pursuant to the answer of 19 February to the hon. Member for Stoke on Trent, North (Ms Walley), *Official Report*, column *49*, for what reasons there are no designated staff from his Department listening for distress calls over the emergency 2182 radio frequency; and if he will make a statement. [26705]

Mr. Norris: I have asked the chief executive of the Coastguard Agency to write to the hon. Member.

Letter from C. J. Harris to Mr. Martin Redmond, dated 24 April 1996:

The Secretary of State for Transport has asked me to reply to your recent Questions about the 2182KHz Distress Watch.

PQ 1846/95/96

There is no evidence of any Distress and Urgency messages being missed.

PQ1855/95/96

The watchkeeping complement at each Rescue Centre fulfils the requirement to monitor Channel 16, 2182KHz and the reception of 999 calls. There is no requirement to have staff designated to 2182KHz.

Road Building Schemes

Mr. William Powell: To ask the Secretary of State for Transport what is the expected date of completion for each of the schemes for which the Highways Agency has responsibility, now under construction, and for each of those upon which construction is expected to start by 31 March 1997. [25812]

Mr. Watts: I have set out in the table details of all schemes currently under construction, including their expected completion dates, and the anticipated completion dates for those schemes upon which construction is expected to start by 31 March 1997. I have also set out in the final table those schemes which are including within tranches 1 and 1A of design, build, finance and operate projects or DBFOs. It is not possible to indicate completion dates for the schemes contained within those projects.

Schemes currently under construction

Scheme		*Expected completion date*
M1/M621	Link Road, Leeds MB	Late 1997
M1	J21–21A Widening Phase 1, Leicestershire	Mid 1996
M1	J43–45 Lighting	May 1996
M4/M5	Second Severn Crossing Approach Roads, Avon	Mid 1996
M4	Second Severn Crossing, Avon	Mid 1996
M4	Landscape Improvements	Early 1996
M5	J18–19 Widening, Avon	Mid 1998
M6	J20–21 A Widening, Lancashire	Late 1996
M25	J7–8 Widening, Surrey	Late 1996
M25	J8–10 Widening, Surrey	Mid 1997
M25	Controlled Motorway M25 Pilot Scheme	Mid 1996
M65	Blackburn Southern Bypass Contract 1, Lancashire	Late 1996
M65	Blackburn Southern Bypass Contract 2, Lancashire	Late 1997
M66	Denton-Middleton Contract 1. Tameside MB, Manchester MB, Oldham MB, Bury MB, Rochdale MB	Early 1999
M66	Denton-Middleton Contract 2. Tameside MB, Oldham MB, Bury MB, Rochdale MB	End 1996
A1 (M)	Walshford-Disforth, North Yorkshire	Mid 1997
A4/A46	Batheaston/Swainswick Bypass, Avon	Mid 1996
A5	Beech Road	May 1996
A10	Carterhatch Lane in AA406 Cycleway	Early 1996
A10	Royston to Huntingford Traffic and Safety Imp. Herts	May 1996
A11	Besthorpe–Wymondham, Norfolk	Early 1996
A12	Hackney Wick–M11 Link Contract 2, L. Bs Hackney, Redbridge, Waltham Forest, Newham	Late 1997
A12	Hackney Wick–M11 Link Contract 4, L. Bs Hackney, Redbridge, Waltham Forest, Newham	Late 1997
A12	CRSF Feering—Marks Tey, Essex	June 1996
A13	Thames Avenue–Wenningron, LB Barking and Dagenham	Mid 1997
A13	Blackwell Tunnel/Cotton Street Junction Imp, LB Tower Hamlets	Mid 1996
A27	Drainage Imp, Lancing W. Sussex	April 1996
A30	Minizies Down—Imp. of westbound carriageway, Cornwall	June 1996
A36	Improvement, Wick Farm, Somerset	May 1996
A41	Parking Imp. North of Dame Roundabout, Herts	April 1996
A45	Windmill Hill	May/June 1996
A46	Stragglesthorpe Crossroads	June 1996
A47	Walpole Highway/Tilney High End Bypass, Nolfolk	Late 1996
A50	Blythe Bridge–Queensway Phase 1, Straffordshire	Late 1996
A50	Blythe Bridge–Queensway Phase 2, Straffordshire	Early 1998
A102	Blackwall Tunnel Northbound Escape Ramp	Early 1997
A205	Kew Bridge Relighting	Early 1997
A249	M2–wade Imp, Kent	Mid 1996
A282/M25	VMS for Bridge Maintenance, Dartford Crossing	May 1996
A406	Dysons Road–Hall Lane, LB Enfield	Late 1996
A406	Silver Street–Fore Street Imp. LB Enfield	Late 1996
A406	East of Falladen Way–Finchley High Road, L.B Barnet	Late 1996
A417	Birdlip Single Lane Dualling	May 1996
A428	Bedford Southern Bypass, Bedfordshire	Late 1996
A501	Euston Road—Traffic and Pedestrian Improvement	Mid 1996
A564	Derby Southern Bypass and Derby Spur Contract A. Derbyshire	Mid 1997
A568	Widnes Eastern Bypass (South), Cheshire	Mid 1997
A570	Bushey Lane Roundabout	Sept 1996
A585	Mains Lane, Singleton, drainage	June 1996

Schemes currently under construction

Scheme		Expected completion date
A4123	Environmental Enhancement	Sept 1996
A6119	Brownhill Improvement	June 1996
	Kent Variable Message Signs	Late 1996
	Trunk Road Cabling and Communications, London	Late 1996
	Birmingham–Notts DLS	Late 1997
	Kent VMS	Late 1996
	Urban Traffic Control System, London	Early 1997
	MOVA Signal Control, London	Early 1997
	Cable Modifications, London	Early 1997
	Installation of VMS, London	Early 1997
	CCTV Upgrade, London	Spring 1997
	Blackwall Tunnel Overhight Detector	Late 1996
	Enforcement CCTV Pilot, London	Early 1997
	Enforcement Cameras, London	Early 1997

Schemes upon which construction is expected to start by 31 March 1997

Scheme		Expected completion date
A12	Hackney Wick–Mill LinkContract 1. LB Hackney, Redbridge, Walth	February 1999
A12	Hackney Wick–Mill Link contract 3. LB Hackney, Redbridge, Walth	August 1999
A13	Wennington–Mar Dyke, Essex	June 1998
A13	West of Heathway– Thames Avenue Imp. LB Barking and Dagenham	February 1999
A34	Newbury Bypass, Berkshire	August 1998
A40	Gypsy Corner Imp. LB Hounslow	August 1999
A40	Western Circus Junction Imp. LB Ealing	August 1999
	London Primary Route Signing Project	Summer 1999

DBFO Projects showing schemes which are included within each project

Project	Schemes included	Project start date
A69: Carlile–Newcastle	A69 Haltwhistle Bypass	Awarded 1995–96
A1(M): Alconbury–Peterborough	A1 (M): Alconbury—Peterborough	Awarded 1995–96
A419/A417: Swindon – Gloucester	A419/A417 Cirencester and Stratton Bypass A417 North of Stratton—Nettleton Imp A419 Luton BypassAwarded 1995–96	
M1–A1 Link Road: Lofthouse–Bramham	M1–A1 Link Road: Lofthouse—Bramham	Awarded 1995–96
M40: J1 to 15	M40: J1A. 3 widening	Spring/summer 1996
A19: Dishforth–Tyne Tunnel	A19 Norton–Parkway Interchange Imp	Spring/summer 1996
A30/A34: M5 J29–Bere Regis	A30 H. oniton–Exeter Imp A35 Talpuddle–Puddletown Bypass	Spring/summer 1996
A50/A564: Stoke–Derby Link	A564 Doveridge Bypass	Spring/summer 1996

Vehicles (Illegal Operators)

Mr. Peter Bottomley: To ask the Secretary of State for Transport when he will publish the final report on the roadside checks of illegal operators undertaken by the Vehicle Inspectorate in October 1995. [26767]

Mr. Norris: The report has been published today. It shows that 1.8 per cent. of miles travelled on roads in Great Britain by goods vehicles are travelled by vehicles that are being operated without an operator's licence. The survey also indicates that vehicles that are being operated illegally are more likely than other vehicles to have roadworthiness defects. I have placed copies of the report in the Library.

TREASURY

Customs and Excise (Redundancies)

Mr. Spearing: To ask the Chancellor of the Exchequer what factors underlay the statement by management of Customs and Excise in the recent expenditure review that further redundancies in the number of front line anti-smuggling officers including those specialising in drug offences, would be implemented in accordance with the level of drug seizures. [26523]

Mr. Heathcoat-Amory: The fundamental expenditure review of anti-smuggling recommended that reductions in staffing should take place in two phases and that the effects of the first tranche of reductions should be comprehensively reviewed before any further savings are contemplated. Some 292 posts were withdrawn in the first phase during 1995–96 and the review is taking place throughout this year.

In addition to monitoring drug seizures, the review will evaluate Customs' success in dismantling smuggling organisations, seizing illicit assets and detecting other prohibitions. The drugs risk faced by the United Kingdom, the effectiveness of intelligence in informing targeting, and the effects of changes in tactical deployment are also being closely monitored.

Tax Reliefs

Mr. Jim Cunningham: To ask the Chancellor of the Exchequer what estimate he has made of the cost of tax relief for *(a)* enterprise investment schemes, *(b)* venture capital trusts and *(c)* enterprise zone trusts in the financial years (i) 1994–95 and (ii) 1995–96. [23975]

Mr. Jack: The available information is in the table.

£ million

	Cost of tax reliefs[1] *1994–95*	*1995–96*[2]
Enterprise Investment Schemes	10	15
Venture Capital Trusts	—	50

[1] Estimated cost of income tax relief and capital gains tax costs of re-investment relief and exempting gains from tax.
[2] Provisional.

The cost of tax relief for enterprise zone trusts is not held centrally and could be provided only at disproportionate cost.

I am delighted that the venture capital industry and investors have responded to the challenge and opportunity offered to them by Parliament to invest in small and developing companies through venture capital trusts. The first 12 VCTs have between them raised over £150 million in the first few months of the scheme. This is excellent news for the financing and development of the companies, which are a crucial part of our growing economy. We should also congratulate the British venture capital industry on the energy they have put into raising this new form of capital for their growing business.

Unemployment

Mr. Bayley: To ask the Chancellor of the Exchequer if he will list the percentage change in unemployment since 1992 for each county and former metropolitan county area in England in rank order from the greatest increase to the greatest decrease. [26482]

Mrs. Angela Knight: The information requested is available from the Nomis database accessed by the House of Commons Library.

Season Tickets (Tax Relief)

Mr. Peter Bottomley: To ask the Chancellor of the Exchequer what plans he has to introduce tax relief on season tickets. [24727]

Mr. Jack *[holding answer 22 April 1996]:* Under current law, the cost of a season ticket for home-to-work travel is not tax deductible. There are no plans to change that.

Self-assessment (Investment Income)

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if the yield in 1997–98 from higher rate income tax charged by direct assessment on investment income received net of lower rate income tax will be higher under the new system of self-assessment; and what estimate he has made of the extent of the difference. [26190]

Mr. Jack *[holding answer 22 April 1996]:* Self-assessment rationalises the payment dates for income tax, replacing the current plethora of dates and allowing a taxpayer's affairs to be brought together in one place and on one bill. Under self-assessment, payments on account will be required from certain taxpayers on 31 January within the tax year and on the following 31 July—broadly following the existing payment dates for the self-employed. Any balance will then be required at the following 31 January. For those taxpayers not required to make payments on account, the whole amount will be due on the following 31 January.

The transition from the old to the new pattern of payment dates will result in some one-off changes in Exchequer yields in 1997–98. Receipts of higher rate tax on investment income taxed at source will increase by £500 million because in-year payments on account of this tax will be required from some taxpayers from 1997–98, in contrast to the present arrangements whereby most such tax is collected in the following year. There will also be an offsetting reduction of £500 million in 1997–98 receipts of tax on rent and investment income not taxed at source because the bulk of 1997–98 tax will not be collected until the following year, whereas most of this tax is currently collected in-year—and this will also be true for 1996–97 tax. The £50 million shown in table 5.2 of the "Financial Statement and Budget Report 1996–97" as the net yield in 1997–98 from self-assessment reflects both these effects.

The figures in the "Financial Statement and Budget Report" assume that no payments on account would be required in January and July 1998 from those whose tax due in 1996–97 was less than £500 or who paid 80 per cent. or more of their 1996–97 tax liability through pay-as-you-earn or other reduction at source arrangements. These limits will be confirmed when Treasury regulations are laid later this year. Under self-assessment, higher rate taxpayers who do not need to make payments on account will generally pay higher rate tax on their investment income taxed at source later than they do at present.

PRIME MINISTER

Louise Jensen (Killing)

Mr. Cox: To ask the Prime Minister for what reasons a letter of condolence was not sent by a Minister to the family of the Danish tour guide for whose manslaughter three British service men have been convicted. [26301]

The Prime Minister: My right hon. Friend the Secretary of State for Defence has written a private letter to Louise Jensen's parents.

Late Payments

Mrs. Roche: To ask the Prime Minister what percentage of bills were paid late by his Department in 1995–96. [26120]

The Prime Minister: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Mrs. Roche: To ask the Prime Minister how much was paid late by his Department to the private sector for goods and services in 1995–96. [26149]

The Prime Minster: The information is not held in the form requested.

FOREIGN AND COMMONWEALTH AFFAIRS

Turkey

Mr. Alton: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to support moves by the UN Commission on Human Rights to prevent the continuing human rights violations in Turkey. [26441]

Mr. David Davis: We contributed to the Presidency statement at the UN Commission on Human Rights which conveyed to the Turkish Government the depth of our continuing concern about a number of human rights issues in Turkey. We will continue to raise these concerns directly with the Turkish authorities at every opportunity.

China

Mr. Jack Thompson: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will raise the subject of the human rights situation in China at the forthcoming United Nations Commission on Human Rights. [26424]

Sir Nicholas Bonsor: We are tabling a resolution on human rights in China at the United Nations Commission on Human Rights, together with our European partners. We are working for maximum support for it among members of the Commission. The statement to the Commission by the European Union also expressed in detail our specific concerns about human rights in China.

Late Payments

Mrs. Roche: To ask the Secretary of State for Foreign and Commonwealth Affairs what percentage of bills were paid late by *(a)* the diplomatic wing and *(b)* the Overseas Development Administration in 1995–96. [26108]

Mr. Hanley: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Mrs. Roche: To ask the Secretary of State for Foreign and Commonwealth Affairs how much was paid late to the private sector for goods and services by *(a)* the diplomatic wing and *(b)* the Overseas Development Administration in 1995–96. [26155]

Mr. Hanley: We do not distinguish between payments to the public and private sectors and to analyse invoices paid in 1995–96 on this basis would involve disproportionate cost.

Public Bodies

Dr. Wright: To ask the Secretary of State for Foreign and Commonwealth Affairs how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25950]

Mr. Hanley *[holding answer 22 April 1996]:* During 1994–95, the Foreign and Commonwealth Office made five appointments from names supplied by the public appointments unit to public bodies listed in the FCO 1996 departmental report.

They are as follows:

Marshall Aid Commemoration Commission

Dr. Robert Stevens

Commonwealth Development Corporation

Ms Caroline Hayman

Commonwealth Institute

Lord Armstrong

Dr. Ann Robinson

Mr. Algie Cluff

DEFENCE

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Defence what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26175]

Mr. Soames: Capital expenditure by the private sector on private finance initiative projects within my department is estimated as follows:

1995–96: up to £5 million

1996–97: £30 million

1997–98: £80 million

Peacekeeping Forces (Weapons)

Mr. Cohen: To ask the Secretary of State for Defence what limitations are placed on Her Majesty's armed forces by the United Nations on the types of weapons that may be used in peacekeeping operations. [26264]

Mr. Soames: The type of weapons that may be used in peacekeeping operations is a matter for discussion between the United Nations and individual troop-contributing nations in the particular circumstances of each operation.

Israel-Lebanon Conflict

Miss Emma Nicholson: To ask the Secretary of State for Defence if his recent speeches regarding the present Israeli-Lebanese conflict represent a change in Government policy in respect of territorial integrity between Lebanon and Israel as outlined in Security Council resolution No. 425. [26139]

Mr. Soames: No.

Late Payments

Mrs. Roche: To ask the Secretary of State for Defence (1) what percentage of bills were paid late by his Department in 1995–96; [26113]

(2) how much was paid late to the private sector for goods and services by his Department in 1995–96.[26162]

Mr. Soames: This is a matter for the chief executive of the Defence Bills Agency, the Met Office and the Defence Evaluation and Research Agency. I have asked the chief executives to write to the hon. Member.

Information across Government on what percentage of bills were paid late by Departments in 1995–96 is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Letter from T. R. Thurgate to Mrs. Barbara Roche, dated 24 April 1996:

You asked the Secretary of State for Defence, what percentage of bills were paid late by his Department in 1995/96, and how much was paid late to the private sector for goods and services by his Department in 1995/96. As this matter falls within my area of responsibility as Chief Executive of the Defence Bills Agency I have been asked to reply.

We monitor our prompt payment performances closely. Of the 3.1m bills paid by the Defence Bills Agency in 1995/96, less than 0.1% were not paid within thirty days of receipt at Liverpool.

The payment performance statistics which are readily available are held by volume of bills, not value, and are not split between private and public sector, therefore the amount of money paid late to the private sector for goods and services in 1995/96 could only be provided at disproportionate cost.

Letter from J. C. R. Hunt to Mrs. Barbara Roche, dated 24 April 1996:

I am replying to your question to the Secretary of State for Defence about late payment of bills by the Meteorological Office as this matter falls within my area of responsibility as Chief Executive.

On 1 April 1995 the Office took over responsibility for paying most of its bills. Since that date we have paid 100% of our bills within the target of settlement no later than 30 days after the invoice has been validated and passed for payment.

Our payment procedures make no distinction between the public and private sectors.

I hope this information is helpful.

Letter from John Chisholm to Mrs. Barbara Roche, dated 24 April 1996:

The Secretary of State for Defence has asked me as Chief Executive of the Defence Evaluation & Research Agency to reply to your questions about the percentage of bills that were paid late by this Agency in 1995/96 and what percentage of these were paid late to the private sector.

As I said in my letter to you of 1 November 1995, we define late payment as not paying bills within 30 days of receipt of a validated invoice at our bill paying section. On this basis, virtually all DERA's 285,642 bills paid in 1995/96 were paid within the 30 day period. We keep a lot of data on bill paying, as an aid to improving our performance, but I am afraid we do not keep statistics on those very few bills that fell outside of this target.

Nor do we keep our statistics in a way which allows us to differentiate readily between bills paid to the private sector and those paid to other areas. I regret, therefore, that the information to answer your second question is not available without incurring disproportionate costs.

Public Bodies

Dr. Wright: To ask the Secretary of State for Defence how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25954]

Mr. Soames *[holding answer 22 April 1996]:* There were no appointments made to my Department's public bodies using names supplied by the public appointments unit during 1994–95.

DUCHY OF LANCASTER

Private Finance Initiative

Ms Janet Anderson: To ask the Chancellor of the Duchy of Lancaster what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26180]

Mr. Willetts: The Cabinet Office—including the Office of Public Service—Her Majesty's Stationery Office and the Central Office of Information have not yet approved any projects under the PFI. The Central Computer and Telecommunications Agency hopes to involve private finance in the provision of the Metropolitan Telecommunications Service. This could involve capital expenditure of some £750,000 in 1996–97 and £1.5 million in 1997–98. Final offers are due at the end of May 1996, and the contract is likely to be awarded in June 1996.

Late Payments

Mrs. Roche: To ask the Deputy Prime Minister how much was paid late to the private sector by his Department for goods and services in 1995–96. [26158]

Mr. Willetts: The information is not held in the form requested.

Mrs. Roche: To ask the Deputy Prime Minister what percentage of bills were paid late by his Department in 1995–96. [26114]

Mr. Willetts: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Small Firms

Mrs. Roche: To ask the Chancellor of the Duchy of Lancaster how many regulations relating to firms with fewer than *(a)* 100 employees, *(b)* 50 employees, *(c)* 20 employees and *(d)* 10 employees were in force in each of the last 20 years. [26107]

Mr. Freeman: This information is not held in the form requested. To collect such information would involve disproportionate cost.

Civil Service College

Mr. Sykes: To ask the Chancellor of the Duchy of Lancaster what are the Government's proposals for the future of the Civil Service college. [26900]

Mr. Freeman: The Civil Service college has a continuing role in the provision of training and development courses self evidently linked to the civil service. I am also pleased to announce that the college is now developing a number of partnerships with the private sector which will enhance its status in the provision of courses for those in the public and private sectors.

HOME DEPARTMENT

Holloway Prison

Dr. Lynne Jones: To ask the Secretary of State for the Home Department if he will list the occasions on which Home Office Ministers have visited Holloway prison in the past two years indicating the Minister who carried out the visit. [25620]

Miss Widdecombe: I have visited Holloway prison twice in the past two years, on 27 July 1995 and on 14 March 1996.

I am the only Home Office Minister to have visited Holloway over that period.

Hillsborough Fund

Miss Hoey: To ask the Secretary of State for the Home Department if he will make a statement on the status and future of the Hillsborough fund. [25734]

Mr. Sackville: The disaster appeal had two trusts, the Hillsborough Disaster Appeal Trust, a non-charitable discretionary trust, and the Hillsborough Disaster Charitable Trust, which was registered as a charity with the Charity Commission in April 1989. The appeal trust was closed in June 1992 and its remaining assets transferred to the charitable trust. The charitable trust was removed from the register in November 1995 because the trustees thought that the trust had served its purpose and wound it up after distributing all the funds.

Prisons (Mandatory Drug Testing)

Mr. Cox: To ask the Secretary of State for the Home Department (1) if he will list the prisons in England and Wales which conduct mandatory drug testing; [26138]

(2) how many prisons in England and Wales pursue a policy of random urine drug testing; and if he will make a statement. [26094]

Miss Widdecombe: Responsibility for these matters has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 24 April 1996:

The Home Secretary has asked me to reply to your recent Questions concerning the number of prisons which conduct mandatory drug testing and the number which pursue a policy of random urine drug testing.

All establishments in England and Wales conduct a mandatory drug testing programme and all perform random tests as a part of that programme.

Closed Circuit Television

Mr. William O'Brien: To ask the Secretary of State for the Home Department if he will list the local authorities which have been granted financial help with the provision of city centre closed circuit television. [26272]

Mr. Maclean: The 106 winners of the first Home Office closed circuit television challenge competition are listed. Additionally, phase 1 of the Home Office safer cities initiative funded some CCTV schemes. These areas are also listed. In both cases, the areas covered are not necessarily town or city centres, and payments were made to local partnerships, not to local authorities.

CCTV CHALLENGE COMPETITION 1994–95

Successful bids:

Addlestone, Surrey–town centre
Ashford, Kent–town centre
Banbury, Oxfordshire–railway station, arts and sports centres
Basingstoke, Hampshire–town centre
Bishop Auckland, Co. Durham–town centre
Blackpool, Lancashire–town centre
Bodmin, Cornwall–town centre
Boroughbridge, North Yorkshire–town centre
Boscombe (Bournemouth), Dorset–town centre
Boston, Lincolnshire–town centre
Brigg, Humberside–town centre
Bristol, Avon–Berkeley Square car park and shopping centre
Brodsworth, Doncaster, South Yorkshire–Scawsby community centre
Bury, Lancashire–town centre
Carlisle, Cumbria–city centre
Chelmsford, Essex–town centre
Chesham, Buckinghamshire–town centre
Chester, Cheshire–city centre
Chester le street, Co. Durham–town centre
Cirencester, Gloucestershire–town centre
Clithoroe, Lancashire–town centre
Colwyn Bay, Clwyd–town centre
Cwmbran, Gwent–town centre
Dartford, Kent–town centre
Denton (Tameside), Greater Manchester–business development centre
Doncaster, South Yorkshire–Balby street school
Donington, Lincolnshire–town centre
Dover and Deal, Kent–town centre
Driffield, Humberside–town centre
Eastbourne, Sussex–town centre
Egham, Surrey–town centre
Ely, Cambridgeshire–town centre
Erith, Kent–town centre
Falmouth, Cornwall–town centre
Folkestone, Kent–town centre
Gainsborough, Lincolnshire–industrial estates
Gateshead, Tyne and Wear–Team Valley industrial estate
Gateshead, Tyne and Wear–town centre
Gloucester, Gloucestershire–city centre
Hadleigh and Sudbury, Suffolk–town centres
Harlow, Essex–town centre
Harrogate, North Yorkshire–town centre
Harrow, London borough–town centre
Havant, Hampshire–town centre
Haverfordwest, Pembrokeshire, Dyfed–town centre
Hereford, Herefordshire–city centre
High Wycombe, Buckinghamshire–town centre
Hillingdon, London borough–mobile CCTV system

Hitchin and Letchworth, Hertfordshire–town centre and business park
Hounslow, London borough–town centre
Hull, Humberside–Sutton Fields industrial estate
Hyde, Greater Manchester–town centre
Ilkeston, Derbyshire–town centre
Islington, London borough–Archway mall
Keighley, West Yorkshire–town centre
Kettering, Northamptonshire–town centre
Kirkby, Merseyside–railway station
Kirton, nr. Boston, Lincolnshire–town centre
Lancaster, Lancashire–city centre
Ledbury, Worcestershire–High street
Lichfield, Staffordshire–town centre
Loughborough, Leicestershire–town centre
Maidstone, Kent–town centre
Mansfield, Nottinghamshire–town centre
Market Harborough, Leicestershire–town centre
Moira, North West Leicestershire–village centre
Morecambe, Lancashire–seafront
Nailsea, Bristol, Avon–Crown Glass Centre
Neston, Cheshire–town centre
Newhaven, Sussex–town centre
Newquay, Cornwall–town centre
North Walthamstow, London borough–Webbs industrial estate, Higham Lodge business centre and Blackhorse mews
Penrith, Cumbria–town centre
Peterborough, Cambridgeshire–town centre
Portsmouth, Hampshire–Fawcett road shopping area
Rhondda, Mid Glamorgan–Fawr road, Ystrad neighbourhood scheme
Richmond, London borough–town centre
Rochdale, Lancashire–town centre
Rochester, Kent–Business Estate
Rugby, Staffordshire–town centre
Salisbury, Wiltshire–town centre
Sandwich, Kent–town centre
Scarborough, North Yorkshire–town centre
Sheffield, South Yorkshire–Lower Don Valley industrial area
Shrewsbury, Shropshire–town centre
Solihull, West Midlands–town centre
South Bank, Cleveland–Skippers Lane Indsutrial Estate
Spelthorne, London borough–Sunbury Cross Shopping Centre
Stevenage, Hertfordshire–town centre
Stockton, Cleveland–Mill Lane Primary School
Stratford-upon-Avon, Warwickshire–town centre
Tamworth Staffordshire–town centre
Thetford, Norfolk–town centre
Tiverton, Devon–town centre
Tiverton, Devon–business park
Tonbridge and West Malling, Kent–town centres
Torquay, Devon–town centre
Truro, Cornwall–town centre
Wakefield, West Yorkshire–Outwood Grange school
West Glamorgan–mobile CCTV system
West Wiltshire–mobile CCTV system
Whitley Bay, Tyne and Wear–town centre
Wigan, Lancashire–town centre
Wokingham, Berkshire–town centre
Worcester, Worcestershire–city centre
York, North Yorkshire–city centre

SAFER CITIES PHASE 1

Areas in which CCTV schemes were funded:

Birmingham, West Midlands–city centre
Bradford, West Yorkshire–sports centre
Coventry, West Midlands–city centre, car parks and community centres
Derby, Derbyshire–city centre and school
Hammersmith, London borough–Shepherds Bush green and market area
Hartlepool, Cleveland–industrial estate, car park and college
Hull, Humberside–car park and bus station
Leicester, Leicstershire–city centre
Middlesbrough, Cleveland–town centre
Nottingham, Nottinghamshire–portable system
Rhyl, Clwyd–White Rose centre
Sunderland, Tyne and Wear–port, residential area, portable system, wildlife area
Wandsworth, London borough–shopping centre, high street, park and railway station
Wolverhampton, West Midlands–hospital, residential area and pub

Mr. O'Brien: To ask the Secretary of State for the Home Department what is the amount of money the Government are providing for closed circuit television in town centres in the last year for which information is available; and if he will make a statement. [26267]

Mr. Maclean: In 1995, £5 million was paid to 106 winners in the first closed circuit television challenge competition. Over the next three years, my Department intends to distribute a further £45 million to help establish CCTV schemes in England and Wales.

Mr. O'Brien: To ask the Secretary of State for the Home Department what is the maximum amount his Department is able to grant an individual local authority for city centre closed circuit television; and if he will make a statement. [26271]

Mr. Maclean: The bidding guidance for the current closed circuit television challenge competition specifies that no scheme will receive more than £250,000.

Inspectorate of Constabulary (Budget)

Mr. Llwyd: To ask the Secretary of State for the Home Department what was the budget allocated to Her Majesty's inspectorate of constabulary in *(a)* 1992, *(b)* 1994, *(c)* 1995 and *(d)* 1996; and if he will make a statement. [26003]

Mr. Maclean: Budgets allocated were:

1992–93: 3,723
1993–94: 4,364
1994–95: 4,707
1995–96: 5,154
1996–97: 5,017

Her Majesty's inspectorate of constabulary has existed since 1856 and is the means by which my right hon. and learned Friend monitors the efficiency and effectiveness of police forces. The budget for 1996–97 will, as have previous budgets, enable Her Majesty's inspectorate to

inspect police forces, monitor key police initiatives, advise on policing policy and promote good policing practices.

Police Officers

Mr. Mullin: To ask the Secretary of State for the Home Department how many police officers were *(a)* prosecuted and *(b)* disciplined in each of the last five years arising from cases where awards of damages or out-of-court settlements had been made; and in cases where offices were disciplined, what form the discipline took. [26009]

Mr. Maclean: This information is not held centrally.

Prisoners (Foreign Nationals)

Mr. Cox: To ask the Secretary of State for the Home Department what records are kept by his Department of foreign nationals serving sentences in prisons in England and Wales; and how often these are updated. [26091]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 24 April 1996:

The Home Secretary has asked me to reply to your recent Question asking what records are kept on foreign nationals in prisons in England and Wales.

The information available centrally on individual prisoners is held on the Central System Database. Nationality information is included on that database and foreign nationals can be separately identified. The Central System Database is updated daily from information provided electronically by the individual prisons. Computer extracts are then taken once a month from the Central System Database for analytical purposes. Each prison will hold both manual and computer records for individual prisoners.

Chief Inspector of Prisons (Visits)

Mr. Cox: To ask the Secretary of State for the Home Department how many unannounced prison visits have been made by the chief inspector of prisons since 1 January; and to which prisons in England and Wales. [26090]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prisons Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 24 April 1996:

The Home Secretary has asked me to reply to your recent Question asking how many unannounced prison visits have been made by the Chief Inspector of Prisons since 1 January; and to which prisons in England and Wales.

Since 1 January HM Chief Inspector of Prisons, or members of HM Inspectorate, have made four announced inspections of Prison Service establishments. The establishments inspected were Sudbury, Preston and Dartmoor prisons and Aylesbury young offender institution.

Boot Camps

Mr. Cox: To ask the Secretary of State for the Home Department what plans he has to set up boards of visitors groups for military establishments being used as boot camps for young offenders; and if he will make a statement. [26303]

Miss Widdecombe: On 17 April, I announced our proposal to pilot a demanding new regime for young offenders at a young offender institution which is to be established at the military corrective training centre at Colchester. Her Majesty's young offender institution Colchester will be run under the young offender institution rules and will have a board of visitors appointed by the Home Secretary. There are currently no plans to pilot similar regimes at other military establishments.

Lowdham Grange

Mr. Hinchliffe: To ask the Secretary of State for the Home Department if he will make a statement on the current and future use of the former borstal establishment and grounds at Lowdham Grange near Nottingham. [26416]

Miss Widdecombe: Responsibility for this mater has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. David Hinchliffe, dated 24 April 1996:

The Home Secretary has asked me to reply to your recent Question about the current and future use of the former Borstal establishment and grounds at Lowdham Grange near Nottingham.

Lowdham Grange has been mothballed since 1989. It is the Prison Service's intention to use the site for a 500 place closed training prison. The new prison will be built, financed and managed using the Private Finance Initiative (PFI). Contract signature is expected in the Autumn of 1996, with the view to opening the prison in December 1997.

Firearms Licences

Ms Coffey: To ask the Secretary of State for the Home Department how many licences for firearms and shotguns were *(a)* granted, *(b)* refused, *(c)* renewed and *(d)* varied for the last five years in Greater Manchester. [26466]

Mr. Maclean: The information requested is published annually in Home Office statistical bulletins "Firearm Certificate Statistics, England and Wales" (tables 2 and 4), copies of which can be found in the Library. The bulletin references are 23/91,19/92, 23/93, 22/94 and 11/95. Statistics for 1995 are not yet available.

Private Sector Contracts

Mr. Straw: To ask the Secretary of State for the Home Department if he will place in the Library a summary of the main contracts with the private sector for the provision of prison buildings and services, including information on the duration of contracts, and the terms of any break or review clauses, for each Prison Service establishment. [26038]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Jack Straw, dated 24 April 1996:

The Home Secretary has asked me to reply to your recent Question about placing a summary of the main contracts with the private sector for the provision of custodial services in the Library of the House of Commons.

The contracts for the supply of custodial services at the Wolds, Blakenhurst, Doncaster and Buckley Hall prisons have been placed in the Library.

On 3 April, the contracts for the first two design, construct, manage and finance contracts for the provision of prisoner places at Bridgend and Fazakerley under the Government's Private Finance Initiative were also placed in the Library.

The only details not included in those copies is a relatively small amount of commercially sensitive information and, in the case of Bridgend and Fazakerley, an extensive design schedule which is sensitive for security reasons.

The parts dealing with duration and break clauses have been placed in the Library in full.

Firearms Amnesty

Mr. Trend: To ask the Secretary of State for the Home Department if he can give further details of the forthcoming firearms amnesty. [26959]

Mr. Howard: My right hon. Friend the Secretary of State for Scotland and I have today announced that a national firearms amnesty will start on 3 June and will run for the rest of that month. It will apply to England and Wales and to Scotland and will enable people to hand in to a police station illegally held weapons without fear of prosecution. It will not, however, give immunity against any offences committed using those weapons. The amnesty will also provide an opportunity for people to hand in unwanted but legally held weapons.

Guidance has been issued to the police to ensure that all appropriate arrangements are made to facilitate the surrender of weapons during the period of the amnesty.

Publicity material will be made available locally to provide people with information as to how they can hand in weapons.

Buckley Hall Prison

Ms Lynne: To ask the Secretary of State for the Home Department if he will make a statement on the prisoner demonstration that occurred at Buckley Hall prison on 16 April; how many prisoners took part in a rooftop demonstration; how many were subsequently moved to another prison; and what investigations will be carried out by the Prison Service. [26024]

Miss Widdecombe *[holding answer 23 April 1996]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Ms Liz Lynne, dated 24 April 1996:

The Home Secretary has asked me to reply to your recent Question asking if he will make a statement on the prisoner demonstration that occurred at Buckley hall prison on the 16 April; how many prisoners took part in a rooftop demonstration; how many were subsequently moved to another prison; and what investigations will be carried out by the Prison Service.

On 16 April a minor passive demonstration was made by a group of prisoners who wished to express grievances about tighter control on release on temporary licence. This was resolved by discussion and no disciplinary charges were laid. There was no roof top demonstration. The incident lasted approximately two hours.

Later in the day one prisoner was transferred to another establishment. Normal debriefing arrangements are now in hand with regard to the incident.

Ms Lynne: To ask the Secretary of State for the Home Department what instructions have been given to the local police in dealing with media inquiries in relation to Buckley Hall prison; and in what circumstances they are instructed by his Department to refer media inquiries about Buckley Hall prison to Group 4. [26025]

Miss Widdecombe *[holding answer 23 April 1996]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Ms Liz Lynne, dated 24 April 1996:

The Home Secretary has asked me to reply to your recent Question asking what instructions have been given to the local police in dealing with media inquiries in relation to Buckley Hall prison; and in what circumstances they are instructed by his department to refer media inquiries about Buckley Hall prison to Group 4.

There are no instructions given to the local police when dealing with media inquiries in relation to Buckley Hall prison. Media incident inquiries within the Prison Service are normally referred to the Prison Service Press Office.

In addition Buckley Hall also refers inquiries to the Group 4 Press Office.

Ms Lynne: To ask the Secretary of State for the Home Department, pursuant to his answer of 3 April, *Official Report,* column *291,* on a full inspection of Buckley Hall prison, on what date, and by whom, the decision was taken that all new prisons should be operational for two years before being fully inspected and what are the implications of this for short, unannounced visits by Her Majesty's Chief Inspector of Prisons. [25760]

Miss Widdecombe *[holding answer 23 April 1996]:* The decision that new Prison Service establishments should not be inspected until they have been operational for at least two years was taken in 1993 by the then chief inspector. The policy applies to inspections which are included in Her Majesty's inspectorate's annual programme of inspections. In addition, Her Majesty's chief inspector may inspect prisons unannounced, or direct a member of Her Majesty's inspectorate to do so, at any time.

Ms Lynne: To ask the Secretary of State for the Home Department, pursuant to his answer of 3 April, *Official Report,* column *293,* on security fencing at Buckley Hall prison, how the design of the initial fencing at the prison differed from other similar category C prisons; and for what reasons the cost of additional fencing and external cameras is being incurred by Group 4. [25761]

Miss Widdecombe *[holding answer 23 April 1996]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Ms Liz Lynne, dated 24 April 1996:

The Home Secretary has asked me to reply to your recent Question about the design of the fencing and the cost of additional fencing and external cameras at Buckley Hall prison.

The prison fence at Buckley Hall is a standard category C prison perimeter and was designed by the Prison Service.

Following the escape, on 19 February, of a prisoner who was serving a sentence of two and a half years for burglary a Prison Service investigation concluded that a number of factors had contributed to the escape.

Although Group 4's record for security at Buckley Hall is similar to that of comparable category C prisons, they were warned that the Prison Service took the view that there had been security failures and intended to impose a remedy. In the event Group 4, having reassessed physical security at Buckley Hall is investing in the provision of additional security measures including fencing and security cameras.

Entry Visas

Mr. Cox: To ask the Secretary of State for the Home Department if he will make a statement on his policy in respect of entry visas for business people from Commonwealth countries who need to make urgent visits to this country. [26306]

Mr. Hanley: I have been asked to reply.

Almost all entry clearance sections process straightforward visit or business visa applications worldwide within 24 hours. Frequent visitors to the UK may apply for multiple entry visas which are valid for periods between six months and five years.

HEALTH

International Peto Institute

Dr. Lynne Jones: To ask the Secretary of State for Health (1) if he will make a statement on the agreement between the United Kingdom and Hungarian Governments on the funding for the International Peto Institute; and what will happen to the money donated by Her Majesty's Government at the expiry of the agreement; [25873]

(2) what progress has been made in the proposal to create an International Peto Institute; [25872]

(3) what is the value at current prices of the donation by Her Majesty's Government towards the appeal fund to create an International Peto Institute in Hungary; when the donation was made; and where the money is now; [25870]

(4) what is the total value of international donations for the International Peto Institute. [25871]

Mr. Bowis: The Government made a contribution in 1991 towards the cost of building a new International Peto Institute in Budapest. These funds are held in trust in a bank account in Budapest and their current value is around £2 million. The Peto Institute has received donations from Hungarian and foreign donors, both private and public. Under the terms of our agreement with the Hungarian Government, the new institute had to be operational by February 1996. As the Hungarians have not brought the new institute into operation, the agreement has expired. Discussions are taking place with the Hungarian Government about the financial implications, including the disposal of money lodged in Hungary and how best to secure benefits for British children, parents and students.

Mental Health

Mr. David Atkinson: To ask the Secretary of State for Health, pursuant to his answer of 18 March, *Official Report*, column *79*, in what ways the crisis accommodation he proposes for mentally ill people will differ from that treatment and care provided in acute wards of psychiatric hospitals; and what guidance is being given to health authorities on the purchase of such accommodation and the provision of 24-hour nursing care in them. [26212]

Mr. Bowis: Acute treatment units provide a protective environment for people who pose a significant risk to themselves or others. They should be used to treat and care for patients who require intensive medical and nursing support for a brief period of time but usually longer than overnight. The needs of patients who do not require such a high level of support, but nevertheless are in a crisis situation, can better be served by providing them with crisis accommodation in a variety of settings and with varying levels of support.

Guidance was issued on 19 February to health and local authorities in health service guidelines LASSL(96)16/HSG(96)6. The guidance and accompanying documents are available in the Library.

Oral Contraceptives

Mr. Simon Hughes: To ask the Secretary of State for Health if the United Kingdom representatives on the Committee for Proprietary Medicinal Products notified his Department that it had discussed the referral made by the United Kingdom on 11 October 1995 in the context of article 12 of directive 75/319/EEC on 27 October; and if he will make a statement. [26165]

Mr. Malone: I refer the hon. Member to the reply that I gave him on 8 February at columns *343–44*.

Mr. Hughes: To ask the Secretary of State for Health (1) pursuant to his answer of 25 March, *Official Report*, column *428*, if licensing action has started with respect to oral contraceptives containing desogestrel and gestodene; [26250]

(2) what plans the Medicines Control Agency has to vary the product licences of third generation oral contraceptives. [26574]

Mr. Malone: I refer the hon. Member to the reply that I gave to the hon. Member for Gordon (Mr. Bruce) on 19 December 1995 at column *1149*.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 14 March, *Official Report*, column *752*, if at the meeting on 3 October 1995 he and the chairman of the Committee on Safety of Medicines discussed issues relating to the safety of desogestrel and gestodene. [26255]

Mr. Malone: No.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 2 April, *Official Report*, column

184, if the Jick manuscript faxed to the Medicines Control Agency after dispatch of papers to the Committee on Safety of Medicines on 11 October was made available to the committee on 13 October. [26251]

Mr. Malone: No. A near final version of the manuscript from the Jick study was included with the papers despatched to committee members prior to the meeting. There was no substantive change to the analysis in the final version.

Mr. Hughes: To ask the Secretary of State for Health what steps he took prior to authorising the issuing of the "Dear Doctor" letter of 18 October 1995 to establish that the Committee on Safety of Medicines had based its advice on all available relevant evidence; and if he will make a statement. [26292]

Mr. Malone: I refer the hon. Member to the reply that I gave to the hon. Member for Gordon (Mr. Bruce) on 19 December 1995 at column *1152*.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 8 February, *Official Report*, columns *344-45*, which pharmaceutical companies were contacted by the Medicines Control Agency prior to the meeting of the Committee on Safety of Medicines of 13 October 1995 with a view to establishing continuity of supply of combined oral contraceptives. [26253]

Mr. Malone: I refer the hon. Member to the reply I gave him on 2 April at column *185*.

Mr. Hughes: To ask the Secretary of State for Health if the Medicines Control Agency received unpublished data from the study of oral contraceptives by Professor Richard Farmer and colleagues prior to the meeting of the Committee of Safety of Medicines on 13 October 1995. [26252]

Mr. Malone: No.

Mr. Hughes: To ask the Secretary of State for Health if he will make a statement on the safety of third generation oral contraceptives following the recent announcement from the committee for proprietary medicinal products. [26601]

Mr. Malone: I refer the hon. Member to the statement that my right hon. Friend the Secretary of State made to the House on 23 October 1995, *Official Report*, columns 701–2. Since that time further evidence has become available which strengthens the basis for the Committee on Safety of Medicine's advice. The justification for that advice is not altered in the light of the recent position statement issued by the Committee for Proprietary Medicinal Products.

Mr. Hughes: To ask the Secretary of State for Health what plans he has to alter the procedures for dealing with future marketing authorisation applications for third generation oral contraceptives. [26573]

Mr. Malone: None. Future applications for marketing authorisations for third generation oral contraceptives will be assessed according to existing procedures.

Safety of Medicines

Mr. Simon Hughes: To ask the Secretary of State for Health what mechanisms are in place for the communication of fatal adverse drug reactions from the Office of Population Censuses and Surveys to the Medicines Control Agency and the Committee on Safety of Medicines. [26290]

Mr. Malone: Statistical analyses and death certificate reports are available to the Medicines Control Agency from the Office for National Statistics—the Office of Population Censuses and Surveys became part of the office for National Statistics on 1 April 1996—for use in drug safety monitoring.

Mr. Hughes: To ask the Secretary of State for Health if the outside experts who attended the meeting of the Committee on Safety of Medicines on 13 October 1995 were appointed members for the day; and on what basis they were present at the meeting. [26246]

Mr. Malone: Yes, and I refer the hon. Member to the replies that I gave him on 11 December 1995 at column *522* and on 7 March at column *322*.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 11 December, *Official Report*, column *522*, on what basis members may be appointed members for the day to the Committee on Safety of Medicines; and if those members are legally liable for the advice emanating from the Committee on Safety of Medicines on that day. [26254]

Mr. Malone: I refer the hon. Member to the replies that I gave him on 11 December at col *522* and on 7 March at col *322*, which also apply to members appointed to the Committee on Safety of Medicines for the day.

All members of the committee, including those appointed for the day, may be liable in law if incorrect advice is given.

Mr. Hughes: To ask the Secretary of State for Health from what date Professor Klim McPherson was appointed as a member of the pharmacovigilance sub-committee of the Committee on Safety of Medicines. [26249]

Mr. Malone: From 1 January 1996.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 7 March, *Official Report*, column *322*, if the experts on the Committee on Safety of Medicines who assessed the tables provided by Professor Spitzer on 9 October 1995 recognised arithmetical errors in those tables; and if they asked Professor Spitzer for clarification of the results of the transnational study. [26572]

Mr. Malone: The proceedings of meetings of the Committee are confidential.

Clinical Waste

Ms Harman: To ask the Secretary of State for Health what guidelines are in place covering the disposal of clinical waste. [25939]

Mr. Horam: There is much guidance on waste management and waste disposal produced by many organisations. Main general sources of published advice from Government bodies on best practice in waste management and disposal of clinical waste in particular are as follows:

(i) The Safe Disposal of Clinical Waste (Health and Safety Executive 1992);

(ii) Waste Management Paper No. 25 (Department of the Environment 1983; Revised in preparation);

(iii) Strategic Guide for Waste Management (Department of Health 1991);

(iv) A Strategic Guide to Clinical Waste Management (Department of Health 1994);

(v) Waste Management—The Duty of Care: A Code of Practice (Department of the Environment 1991).

Copies of the guidance will be placed in the Library shortly.

Ms Harman: To ask the Secretary of State for Health what quantity of clinical waste has been disposed of in each of the past five years. [25937]

Mr. Horam: This information is not available centrally.

Ms Harman: To ask the Secretary of State for Health if hospital trusts have a statutory duty to ensure the appropriate disposal of clinical waste. [25938]

Mr. Horam: I refer the hon. Member to the reply that I gave to the hon. Member for Don Valley (Mr. Redmond) on 21 March at columns *319–20.*

Ms Harman: To ask the Secretary of State for Health if he will make a statement on the safeguards in place to prevent the dumping of clinical waste classified for incineration. [25940]

Mr. Horam: The Environmental Protection Act 1990 includes a duty to prevent the unlawful depositing, handling and disposal of clinical waste, and is enforced by county council waste regulation units. Any body which produces controlled waste, including clinical waste, is responsible for any pollution caused to the environment or any harm to health from clinical waste while in their control and has a duty to transfer it only to an authorised person. Authorised persons must hold a waste management licence or be carriers registered with the Environment Agency. Breach of the duty of care is an offence, where conviction on indictment can lead to unlimited fines. In estates policy letter (95)33, issued in December 1995 by the National Health Service Estates Agency, trusts were reminded of their legal obligations in respect of the safe disposal of clinical waste and were asked to review their current arrangements to ensure that the necessary safeguards were in place.

Ms Harman: To ask the Secretary of State for Health on how many occasions NHS estates has issued memoranda concerning the trusts' responsibilities regarding the disposal of clinical waste. [25942]

Mr. Horam: I refer the hon. Member to the reply that I gave to the hon. Member for Fife, Central (Mr. McLeish) on 14 March at columns *753–54*, which listed all letters and guidance issued by National Health Service Estates to NHS hospital trusts about medical waste management. Copies of the guidance are available in the Library.

Hospital Incinerators

Ms Harman: To ask the Secretary of State for Health how many hospital incinerators were in operation in each year since 1989; and what agency is responsible for the inspection of hospital incinerators. [25935]

Mr. Horam: The number of hospital incinerators in operation in each year since 1989 is not available centrally.

The inspection of hospital incinerators with a capacity of more than 1 tonne per hour is the responsibility of the Environment Agency—previously Her Majesty's inspectors of pollution. The inspection of incineration plant with a capacity of less than 1 tonne per hour is the responsibility of the local authority's environmental department.

Ms Harman: To ask the Secretary of State for Health how many hospital trusts have built incinerators in the past five years. [25936]

Mr. Horam: Six hospital trusts have built incinerators in the last five years. An additional thirteen incinerators have been built on hospital sites as the result of joint ventures between the national health service and private companies.

Supplies Authority

Mr. Redmond: To ask the Secretary of State for Health if he will make a statement on (i) the savings per annum and (ii) the severance costs of the staffing review of the NHS supplies authority. [26319]

Mr. Horam: The review is still in progress, so it is not yet possible to estimate the total annual savings to be achieved, nor the aggregate costs of severance payments. The changes are designed to improve the service to customers and to give better value for money by simplifying the structure and removing unnecessary duplication of effort.

Medical Devices Agency

Mr. Luff: To ask the Secretary of State for Health if he will list the key business targets for the Medical Devices Agency for 1996–97. [26746]

Mr. Horam: I have today placed in the Library a copy of the 1996–97 key business targets for the Medical Devices Agency.

Care of the Elderly

Mr. French: To ask the Secretary of State for Health when he expects to publish his consultative document on care of the elderly; and if he will make a statement. [25308]

Mr. Bowis: I refer my hon. Friend to the reply that I gave him on 23 April.

Late Payments

Mrs. Roche: To ask the Secretary of State for Health what percentage of bills were paid late by his Department in 1995–96. [26116]

Mr. Horam: The information is being collected by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Mrs. Roche: To ask the Secretary of State for Health how much was paid late to the private sector by his Department for goods and services in 1995–96. [26154]

Mr. Horam: This information could be provided only at disproportionate cost.

Paracetamol and Methionine

Mr. Simon Hughes: To ask the Secretary of State for Health if he will list the licensed preparations which contain paracetamol and, for each preparation, whether the preparation is prescription-only medicine, pharmacy or general sale list, the year when the product was first marketed and if the product contains methionine or similar compounds. [26248]

Mr. Malone: A list of the 378 currently licensed preparations, which includes whether each is prescription-only medicine, pharmacy or general sale list, will be placed in the Library. It will state the year when the licence was granted, but not when each was first marketed as this is a matter for the licence holder, not the licensing authority. There are two licensed preparations containing methionine: Pameton caplets and Paradote, both of which are pharmacy products.

Cortico-steroid Drugs

Mr. Home Robertson: To ask the Secretary of State for Health (1) if he will make a statement on research evaluated by his Department relating to the harmful side effects of cortico-steroid drugs; [26595]

(2) if he will institute a national programme to monitor the prescription of cortico-steroid drugs in the United Kingdom and the extent and nature of side effects on patients; [26597]

(3) what is the most recent research evaluated by his Department on the suitability of prescribed cortico-steroid drugs; and what plans he has to promote further research; [26596]

(4) if he will make a statement on the provision of compensation for patients who have suffered long-term damage as a result of prescribed cortico-steroid drugs in cases where no warning had been given of such risks. [26598]

Mr. Malone: Corticosteroids are effective in the treatment of many serious and life-threatening disorders and have been used for many years. All medicines have side- effects. Those for corticosteroids are well documented in the product information which is produced by the manufacturer and authorised by the licensing authority and in the British National Formulary which the Department sends free of charge to all doctors.

A national programme for monitoring the side-effects of medicines already exists. The Medicines Control Agency continuously monitors and assesses the safety of all licensed human medicinal products including corticosteroids. This includes evaluating research obtained from various sources. In 1994, the Committee on Safety of Medicines evaluated the association of corticosteroids and severe chickenpox, as a result of which the product information of corticosteroids was revised.

I have no plans to monitor the prescribing of corticosteroids. It is for the prescribing doctor to decide on the suitability of treating a patient with corticosteroids using their clinical judgement and knowledge of the patient involved. Nor are there plans to commission research in this area at present.

The Government believe that any claims for compensation as a result of suspected reactions in association with prescribed medicines is a matter for individuals to pursue with the person or company involved, if necessary through the courts.

WALES

Nursery Voucher Scheme

Mr. Barry Jones: To ask the Secretary of State for Wales how many representations he has had concerning the nursery voucher scheme; and if he will make a statement. [25588]

Mr. Richards: I refer the hon. Member to the answer I gave the hon. Member for Ceredigion and Pembroke, North (Mr. Dafis) on 15 January 1996, *Official Report*, column *379*. Some 3,000 separate representations have now been received, the vast majority continuing to consist of petitions, printed pro forma letters and postcards, many organised by primary schools.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Wales what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26181]

Mr. Gwilym Jones: Estimated capital expenditure by the private sector on Welsh Office private finance initiative projects in 1996–97 is £60 million and for 1997–98, £150 million. No capital expenditure was recorded for 1995–96.

Beef and Suckler Cow Premiums

Mr. Hanson: To ask the Secretary of State for Wales when he plans to announce payment of beef and suckler cow premiums. [26183]

Mr. Gwilym Jones: I announced on 4 April that the vast majority of claimants should receive their payments by the end of April. We are on target to achieve that objective.

Paramedics

Mr. Llwyd: To ask the Secretary of State for Wales how many qualified paramedics there are per head of population in Wales; and if he will make a statement. [26000]

Mr. Richards: These figures are not routinely collected. An informal survey showed that there were 434 paramedics in Wales at 31 March 1995—1.49 per 10,000 population.

Welsh Language

Mr. Dafis: To ask the Secretary of State for Wales if he will list the bodies and organisations which he has been informed *(a)* are and *(b)* are not preparing language schemes in accordance with the Welsh Language Act 1993, indicating for *(a)* where possible the dates on which those schemes will be received by the Welsh Language Board; and if he will make a statement. [25764]

Mr. Richards: This is an operational matter for the Welsh Language Board. I have asked the chief executive to write to the hon. Member and I will arrange for a copy of the letter to be placed in the Library of the House.

School Admissions

Mr. Win Griffiths: To ask the Secretary of State for Wales, pursuant to his answer of 16 April, *Official Report*, column *426*, in respect of which schools he has received information on their approved admissions number. [26289]

Mr. Richards: Details of approved admission numbers are contained in the formal proposals for grant-maintained status that schools have to publish following a successful ballot and on which my decision as to whether they become grant-maintained is based. These details were provided in my reply of 16 April to the hon. Member.

Late Payments

Mrs. Roche: To ask the Secretary of State for Wales what percentage of bills were paid late by his Department in 1995–96. [26126]

Mr. Hague: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Public Bodies

Mr. Llwyd: To ask the Secretary of State for Wales if he will list the public bodies to which he appoints members ranked in order of their current level of spending and indicating (i) in total and (ii) for each body *(a)* the number of members and the percentage appointed by him and *(b)* the budget for the last available two years expressed in constant 1996 prices, and with the annual percentage change. [26030]

Mr. Gwilym Jones: As the answer to the hon. Members question is detailed, I have made arrangements to place a copy of the reply in the Library of the House.

Mrs. Roche: To ask the Secretary of State for Wales how much was paid late to the private sector by his Department for goods and services in 1995–96. [26143]

Mr. Hague: The information is not available in the form requested and could be provided only at disproportionate cost.

TRADE AND INDUSTRY

Fluorescent Lighting

Mr. Sheerman: To ask the President of the Board of Trade what is the average amount of mercury in a fluorescent lighting tube. [25748]

Mr. Page: Fluorescent lighting tubes currently produced are estimated to contain on average 10mg of mercury.

Beaufort's Dyke

Mr. Foulkes: To ask the President of the Board of Trade what reports he has evaluated of explosions in the immediate vicinity of Beaufort's dyke which were related to pipelaying activities undertaken by British Transco. [25721]

Mr. Eggar: The Department of Trade and Industry did not receive any reports directly but, during our regular contacts with The Scottish Office Agriculture, Environment and Fisheries Department we were informed of the British Geological Survey's findings. The DTI liaised with Premier Transco Ltd. in its contacts with BGS where information on explosions used during construction of the pipeline, particularly on the landfall sections, were made available, and efforts made to reconcile the data. It was concluded that the hitherto unexplained explosions, highlighted in the BGS survey, were the result of either military activity or preparatory work relating to the construction of the Scotland to Northern Ireland pipeline.

Employment Costs

Mr. Clifton-Brown: To ask the President of the Board of Trade what non-wage employment costs are faced by businesses in *(a)* the United Kingdom, *(b)* France and *(c)* Germany. [25108]

Mr. John M. Taylor: In the UK, for every £100 paid in wages, employers on average have to find an additional £18 in non-wage labour costs. In France, they must find another £41; and in Germany, £32.

Wages

Mr. Gordon Prentice: To ask the President of the Board of Trade what recent representations he has received about levels of wages in industries formerly covered by the wages councils. [25113]

Mr. John M. Taylor: Between April 1994 and April 1995, average earnings of full-time workers covered by the main wages councils prior to their abolition in August 1993 rose at a comparable rate to that of workers employed in all industries. I have received few representations on this matter in recent months.

Loan Guarantee Scheme

Mrs. Roche: To ask the President of the Board of Trade how many firms in city challenge and inner city task force areas received loan guarantees under the small firms loan guarantee scheme in 1995–96; what was the total amount guaranteed to these firms; and what was the total amount guaranteed to these firms because they were in these geographical areas. [26039]

Mr. Page: The estimated number of loans guaranteed to firms in city challenge or inner city task force areas in 1995–96 is around 160 at a value of £3.98 million. Final statistical details are not yet available.

Around 30 of the loans, at a value of around £80,000, would have fully benefited from trading from an address within the specific inner-city areas; around 125, at a value of £3.6 million, would have received partial benefits. The remainder did not benefit from their location.

Mrs. Roche: To ask the President of the Board of Trade how many firms which received loan guarantees under the loan guarantee scheme in the last year will be ineligible to apply for loans because of new exclusions coming into force on 1 September. [26041]

Mr. Page: The estimated number of loans guaranteed under the scheme in 1995–96, for business activities that will be excluded from 1 September, is around 700. Final statistical details are not yet available.

Business Links

Mrs. Roche: To ask the President of the Board of Trade which business links are charging for services; what is the charging structure for each such business link; and what date will mark the end of the three-year pump-priming period for each business link. [26034]

Mr. Page: All business links are charging for at least some of their services. Business links are private sector companies, not Government bodies, and each has its own charging structure. A list of the dates when three-year pump-priming will end, or has ended for all business links with an offer, is given in the table. The final payment of DTI grant will be made up to four months after the dates shown.

Area	*Date when DTI pump-priming offer funding ended or is due to end*
Birmingham	31 March 1996
Manchester	31 March 1996
South-east Cheshire	31 March 1996
North Cheshire	31 March 1996
Tyneside	31 March 1996
Leicestershire	26 September 1996
Hereford and Worcester	9 March 1997
CEWTEC (Ellesmere Port)	27 March 1997
Gloucestershire	30 March 1997
Thames Valley	31 March 1997
Dorset	31 March 1997
Barnsley/Doncaster	31 March 1997
Wigan	31 March 1997
Shropshire	5 April 1997
Walsall	11 July 1997
Southern Derbyshire	26 July 1997
Lincolnshire	29 July 1997
Dudley	31 July 1997
Wearside	31 July 1997
Cumbria	30 September 1997
Mers	30 September 1997
County Durham	23 March 1998
Isle of Wight	31 March 1998
Milton Keynes	31 March 1998
WESSTTEC (Avon)	31 March 1998
Central England	31 March 1998
Coventry/Warwickshire	31 March 1998
Staffordshire	31 March 1998
Calderdale and Kirklees	31 March 1998
Rotherham	31 March 1998
Northumberland	31 March 1998
Teeside	31 March 1998
Devon and Cornwall	31 March 1998
Sandwell	9 April 1998
Bedfordshire	30 April 1998
Rochdale	30 April 1998
St. Helens	30 April 1998
Oldham	21 May 1998
Sheffield	29 June 1998
Somerset	30 June 1998
Bolton/Bury	31 July 1998
North Derbyshire	10 August 1998
Leeds	17 August 1998
Greater Nottingham	22 August 1998
Hertfordshire	31 August 1998
Humberside	17 September 1998
Kent	30 September 1998
City Partners (London)	30 September 1998
Wakefield	9 October 1998
Wiltshire	13 October 1998
East London	22 October 1998
Central London	23 October 1998
South-west	24 October 1998
West London	24 October 1998
SOLOTEC (South London)	26 October 1998
Northamptonshire	6 November 1998
Essex	18 December 1998
Sussex	31 December 1998
North Nottinghamshire	17 January 1999
North-west London	31 January 1999
Norfolk and Waveney	31 January 1999
Bradford and district	5 February 1999
North London	19 February 1999
Surrey	25 February 1999
Heart of England	28 February 1999
Greater Peterborough	28 February 1999
Wolverhampton	12 March 1999
Central and South Cambridgeshire	31 March 1999
Suffolk	31 March 1999
North Yorkshire	31 March 1999
Hampshire	31 May 1999

Working Week

Ms Quin: To ask the President of the Board of Trade what recent representations he has received regarding the maximum length of the working week. [25081]

Mr. John M. Taylor: During the past 12 months, 26 letters have been received by the Department of Trade and Industry and the former Employment Department about the length of the working week. They expressed views both in support of the imposition of restrictions on the number of hours which can be worked in a week, and opposing such restrictions.

NORTHERN IRELAND

"The Nemesis File"

Rev. Martin Smyth: To ask the Secretary of State for Northern Ireland, pursuant to his answer to the hon. Member for Torbay (Mr. Allason) on 14 December, *Official Report,* column *801,* if he will make a statement on the progress of the Royal Ulster Constabulary investigation into the claims made in the book, "The Nemesis File". [25578]

Sir John Wheeler: The position remains the same as in my written reply of 14 December 1995 to the hon. Member for Torbay. The RUC investigations into the allegations contained in this book continue.

St. Patrick's Training School

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland how many residents at the Rathgael centre in Bangor in 1995 were brought there because St. Patrick's training school was unable to provide a place; if these inmates had higher levels of absconding; and if he will make a statement. [25755]

Sir John Wheeler: During 1995 a total of 14 boys were referred to Rathgael because they could not be accommodated at St. Patrick's training school. Of these boys, 11 or 79 per cent. were responsible for absconding on a total of 17 occasions—an average of 1.2 abscondings per pupil. Of the remaining throughput of 271 during 1995, 133 or 49 per cent. absconded on a total of 764 occasions—an average of 2.8 times per pupil.

Late Payments

Mrs. Roche: To ask the Secretary of State for Northern Ireland how much was paid late to the private sector for goods and services by his Department in 1995–96.[26150]

Sir John Wheeler: The information is not readily available in the format requested and could be provided only at disproportionate cost.

Mrs. Roche: To ask the Secretary of State for Northern Ireland what percentage of bills were paid late by his Department in 1995–96. [26119]

Sir John Wheeler: Information available relates to calendar years rather than financial years. In 1995 the Northern Ireland Office and Northern Ireland Departments paid 96.6 per cent. of their bills in accordance with agreed contractual conditions or, where no such contractual conditions existed, within 30 days of receipt of goods and services or the presentation of a valid invoice.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Northern Ireland what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26172]

Sir John Wheeler: It is estimated that the following amounts, rounded to the nearest £10 million, will be levered in through the private finance initiative:

1995–96: £60 million

1996–97: £50 million

1997–98: £80 million.

The information for 1996–97 onwards is also published in the Financial Statement and Budget Report 1996–97.

Disabled People (Benefits and Allowances)

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland how many people in each Northern Ireland constituency are currently in receipt of *(a)* disability living allowance, *(b)* incapacity benefit, *(c)* attendance allowance, *(d)* invalid care allowance and *(e)* severe disablement allowance. [25758]

Mr. Moss: The information is not available at present for either attendance allowance or invalid care allowance. The information for disability living allowance, incapacity benefit and severe disablement allowance is given in the following table:

Parliamentary constituencies	*Disability living allowance 30 November 1995*[1]	*Incapacity benefit*[2] *30 November 1995*[1]	*Severe disablement allowance*[2] *30 November 1995*[1]
Belfast East	3,909	3,844	540
Belfast North	6,938	5,985	713
Belfast South	3,494	3,447	482
Belfast West	9,622	9,412	838
East Antrim	4,345	4,018	646
East Londonderry	4,554	5,591	946
Fermanagh and South Tyrone	4,718	4,599	885
Foyle	9,449	8,220	1,209
Lagan Valley	5,581	4,864	692
Mid Ulster	6,536	7,057	1,066
Newry and Armagh	6,046	6,474	1,110
North Antrim	3,726	4,881	793
North Down	3,422	3,852	632
Strangford	3,739	4,496	658
South Antrim	4,705	4,685	1,040
South Down	5,486	6,342	1,033
Upper Bann	6,779	6,930	791
Missing Postcodes[3]	3,744	3,416	684
Total	96,793	95,983	14,758

[1] This is the most recent date for which information is available for all three benefits.

[2] Figures do not include clerical cases which are not held on the system. The number of clerical cases is, at present, unknown, but is estimated to form only a small proportion of the total cases.

[3] A number of cases cannot be allocated to constituencies as their postcodes have not been provided. These cases may not be evenly distributed across constituencies.

Paramedics

Mr. Llwyd: To ask the Secretary of State for Northern Ireland how many qualified paramedics there are per head of population in Northern Ireland; and if he will make a statement. [26002]

Mr. Moss: In Northern Ireland there are 1.26 qualified paramedics per 10,000 population.

Farmers' Incomes

Mr. Illsley: To ask the Secretary of State for Northern Ireland what were the average incomes of farmers in Northern Ireland in each year since 1979. [26198]

Mr. Ancram *[holding answer 22 April 1996]:* Total income from farming divided by the total number of active farms in Northern Ireland is as follows:

Total income from farming per farm 1979–1995

Year	*Income per farm £*
1979	1,374
1980	1,014
1981	2,277
1982	2,874
1983	3,250
1984	4,364
1985	2,971
1986	2,136
1987	3,996
1988	4,842
1989	5,604
1990	3,996

Total income from farming per farm 1979–1995

Year	*Income per farm £*
1991	5,403
1992	6,917
1993	8,309
1994	11,021
1995[1]	12,105

[1] Provisional

Intensive Farming

Mr. Illsley: To ask the Secretary of State for Northern Ireland what provisions are in place in the Department of Agriculture to *(a)* control and *(b)* restrict over-intensive farming in Northern Ireland with particular reference to the use of fertilisers and pesticides. [26197]

Mr. Ancram *[holding answer 22 April 1996]:* The control of pesticides and fertilisers is subject to statutory provisions which apply uniformly throughout the UK.

Provisions exists under five environmentally sensitive areas schemes and the habitat improvement scheme to restrict over-intensive use of fertilisers and pesticides. These schemes form part of the Northern Ireland agri-environment programme.

Department of Economic Development (Energy Efficiency Unit)

Mr. Illsley: To ask the Secretary of State for Northern Ireland if he will give a breakdown of expenditure in the energy efficiency, mineral, gas and electric unit in the Department of Economic Development in each of the years 1993–94, 1994–95 and 1995–96. [26204]

Mr. Ancram *[holding answer 22 April 1996]:* The information requested is as follows:

Budget	*Amount 1993–94*	*1994–95*	*1995–96*
Energy Efficiency			
Energy Enterprise Scheme	482,808	680,823	571,900
Energy Conservation/Energy Efficiency Survey Scheme	[1]1,000		
Energy Management Assistance Scheme	65,317	105,105	82,783
Home Insulation Scheme	107,890	220,144	[2]135,066
Domestic Energy Efficiency Scheme		338,651	2,676,000
Minerals			
Standby Generators	7,647	7,947	9,080
Minerals Exploration	97,300	239,864	211,633
DED Oil Adviser	3,207	3,322	3,412
Payments related to subsidence (Abandoned Mines)	151,618	58,728	68,424
Payments to National Environment Research Council for Geological Survey of Northern Ireland	370,426	387,879	425,681
Gas			
Wind up of Towns Gas Industry	4,275,645	1,521,811	247,040
Development of new Natural Gas Industry	260	230,847	404,317
Electricity			
Consultancy Studies on Energy Matters	102,326	200,109	99,355
Privatisation of the Electricity Supply Industry in NI Expenses	14,281,024		

[1] Residual payments: scheme replaced by energy management assistance scheme.
[2] Residual payments: scheme replaced by domestic energy efficiency scheme.

Public Bodies

Dr. Wright: To ask the Secretary of State for Northern Ireland how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25959]

Sir John Wheeler *[holding answer 22 April 1996]:* None of the individuals appointed to public bodies in Northern Ireland during 1994–95 were from names supplied by the public appointments unit.

Unfair Dismissal (Women)

Mr. Dafis: To ask the Secretary of State for Northern Ireland how many cases of unfair dismissal of women have been recorded in Northern Ireland during the last three years; and if he will make a statement. [25212]

Mr. Ancram *[holding answer 23 April 1996]:* The number of unfair dismissal cases brought by women and registered by the industrial tribunals for 1993, 1994 and 1995 are as follows:

Cases of unfair dismissal brought by women in Northern Ireland

Year	*Total registered*
1993	592
1994	354
1995	340

SCOTLAND

Algrade Trust

Mr. Home Robertson: To ask the Secretary of State for Scotland if he will make a further statement on the progress of the investigation of the affairs of the Algrade Trust by the Scottish Charities Office; and if evidence has been requested from the BBC. [25711]

Lord James Douglas-Hamilton: The further inquiries referred to in my written answer of 27 February 1996, *Official Report*, column *530*, are continuing and are not likely to be concluded before the end of June. The BBC programme has been viewed by the investigators and the matter is being pursued with the corporation.

Mr. Home Robertson: To ask the Secretary of State for Scotland if he will make a statement on the progress of investigations by the police and the procurator fiscal into the former Algrade Trust house at Humbie. [25712]

Lord James Douglas-Hamilton: The police investigation is continuing. A man by name of Robert Herriot appeared on petition on 22 January 1996 at Haddington sheriff court charged with crimes involving indecent conduct. The case is being precognosced by the procurator fiscal and will be reported to Crown counsel for instructions on criminal proceedings.

Marine Laboratory, Aberdeen

Mr. Foulkes: To ask the Secretary of State for Scotland when that new survey by the Scottish Office Agriculture, Environment and Fisheries Department marine laboratory in Aberdeen will commence; how long it is expected to last; which commercial companies are also involved; what arrangements are being made for representatives of the press and hon. Members to observe the survey; and if he will make a statement. [25772]

Mr. Raymond S. Robertson: The further survey work will be undertaken between the dates of 26 April–17 May and 19–29 July inclusive following some recently completed preparatory work. Underwater Engineering Ltd., Aberdeen is providing support equipment for the side-scan sonar studies and Oceanscan Ltd., Aberdeen is providing the pulse induction equipment. A further contract for the provision of equipment for the July survey is under consideration. Because of the tight survey schedule, no provision has been made for press or hon. Members' involvement. The results of this further survey will be published.

Private Prisons

Mr. Galbraith: To ask the Secretary of State for Scotland (1) how many representations he has received concerning the proposed private prison at Bishopbriggs; and how many were *(a)* for and *(b)* against the proposal; [25911]

(2) when he expects to make an announcement concerning the siting of the new private prison. [25913]

Lord James Douglas-Hamilton: Three petitions and 56 individual letters have been received objecting to the proposal. One letter has been received which supports the proposal. An announcement about the location for the new prison is expected before the end of June this year.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Scotland what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26179]

Mr. Michael Forsyth: For the three years in question, the estimated capital expenditure under the private finance initiative on programmes within my responsibility is *(a)* £22 million, *(b)* £139 million and *(c)* £362 million.

Further Education

Mr. Worthington: To ask the Secretary of State for Scotland what assessment he has made of the effect of employing less experienced staff on the student unit of measurement in further education colleges. [25981]

Mr. Raymond S. Robertson: None. There is no evidence that colleges are employing less experienced staff.

Mr. Worthington: To ask the Secretary of State for Scotland if he will explain the formula used for the student unit of measurement in further education. [25982]

Mr. Robertson: My right hon. Friend has placed the document "Funding Methodology for Scottish Further Education Colleges" in the Library of the House.

Mr. Worthington: To ask the Secretary of State for Scotland what assessment he has made of whether those areas of Scotland with a historically good record of financial support for further education are relatively disadvantaged under the new system of funding. [25998]

Mr. Robertson: The purpose of the new system of funding for colleges is to create a more equitable and transparent system of funding for colleges throughout Scotland. In changes to the level of grant allocated to colleges in 1996–97 there is no discernible geographical pattern.

Mr. Worthington: To ask the Secretary of State for Scotland what restrictions there are on Scottish further education colleges taking extra higher national certificate and higher national diploma students; and for what reasons there are such restrictions. [25984]

Mr. Robertson: When grant allocations to colleges for 1996–97 were made, it was a condition of grant that they held the number of new entrants to full-time higher education courses at their 1994–95 academic year levels. This was due as part of the Government's policy of consolidating the number of students following higher education courses, on the grounds of affordability and following a period of rapid expansion.

Mr. Worthington: To ask the Secretary of State for Scotland for what reasons he has withdrawn the premium in grant given to further education colleges for advanced courses that allowed them to achieve equity with such courses in higher education colleges. [25983]

Mr. Robertson: My right hon. Friend is not aware of any premium in grant given to further education colleges for advanced courses.

Mr. Worthington: To ask the Secretary of State for Scotland in what way financial allowance is made for courses that are more expensive to run in his calculation of a college's entitlement to funding. [25985]

Mr. Robertson: To reflect the costs of different subjects a set of weightings is applied to the funding of student activity at colleges.

Mr. Worthington: To ask the Secretary of State for Scotland what assessment he has made of the effect of the current year's system of funding further education colleges on the likelihood of courses being run for the construction industry; and what is the basis for this assessment. [25986]

Mr. Robertson: The approach to funding for further education colleges is designed to encourage colleges to provide courses and training to meet local and national labour market needs. My right hon. Friend has no evidence to suggest there is a shortage of courses relevant to the construction industry.

Mr. Worthington: To ask the Secretary of State for Scotland (1) if funding for advanced courses in further education contains funding for five units of support studies; [25987]

(2) if funding for non-advanced studies in further education colleges contains funding for five units of support studies. [25988]

Mr. Robertson: No. Neither the academic content of courses nor the form of learning activity undertaken by students is specified by my right hon. Friend.

Mr. Worthington: To ask the Secretary of State for Scotland if expenditure on senior management affects the calculation of student units of measurement for further education colleges; and how. [26031]

Mr. Robertson: A fixed element is allocated to each college by applying an additional weighting to the first 5,500 student units of measurement. This element acknowledges that certain fixed costs are incurred irrespective of the size of the college. These costs include the principalship, administration—including computer equipment—and student support.

Mr. Worthington: To ask the Secretary of State for Scotland what discussions he has had with representatives of further education in Scotland about the future of the sector; and if he will make a statement about projected expenditure. [26033]

Mr. Robertson: My right hon. Friend met the current chairman of the Association of Scottish Colleges last year to discuss further education issues.

Details of projected expenditure figures for further education colleges in Scotland are contained in "Serving Scotland's Needs—The Government Expenditure Plans 1996/97–1998/99", a copy of which is available in the Library of the House.

Mr. Worthington: To ask the Secretary of State for Scotland what effect he plans his funding policy for further education colleges to have on the number of high-level courses offered by colleges. [25989]

Mr. Robertson: The funding methodology for further education colleges is neutral in terms of level of course or mode of attendance. However, when grant allocation to colleges for 1996–97 were made, it was a condition of grant that they held the number of new entrants to full-time higher education courses at their 1994–95 academic year levels.

Mr. Worthington: To ask the Secretary of State for Scotland which specific areas of skill shortage in Scotland he is seeking to remedy through his funding policy for further education colleges. [25990]

Mr. Robertson: The approach to funding for further education colleges is designed to encourage colleges to provide courses and training to meet local and national labour market needs.

Mr. Worthington: To ask the Secretary of State for Scotland how much finance would have been needed, in constant price terms, to provide the same level of service in 1996–97 by further education colleges as in 1995–96; and how much has been provided by him. [25991]

Mr. Robertson: The amount of recurrent grant allocated to further education colleges in 1995–96 was £229.631 million. Assuming efficiency gains of 4 per cent. and inflation at 2.75 per cent. the amount of recurrent grant required to maintain the same level of service in 1996–97 would have been £226.508 million. The actual amount of recurrent grant allocated for 1996–97 is £231.160 million.

Mr. Worthington: To ask the Secretary of State for Scotland on what grounds the grants for *(a)* Glasgow college of food technology, *(b)* Glasgow school of nautical studies and *(c)* Glasgow college of building and printing were reduced in the current year. [25992]

Mr. Robertson: Grant levels of these colleges were reduced as a result of the implementation of a new funding formula which rewards colleges which have been most successful in reducing unit costs and attracting and retaining students. These three colleges continue to have unit costs higher than the national average.

Mr. Worthington: To ask the Secretary of State for Scotland on what basis he intends to allocate funds for bursaries for further education colleges. [25993]

Mr. Robertson: Funds for bursaries have been allocated to each further education college in line with the historical bursary levels provided by the former regional councils.

Mr. Worthington: To ask the Secretary of State for Scotland pursuant to his answer of 3 April, *Official Report*, column *273*, if he will make a statement on the numbers of staff and job designations now employed at senior management level in Scottish further education colleges. [26032]

Mr. Robertson: The information requested is not held centrally. It is for individual college boards of management to determine the numbers and job designations of staff at senior management level.

Bursaries

Mr. Worthington: To ask the Secretary of State for Scotland if he has reserved sufficient resources to fund this year's bursaries at the same level as those funded by the former regional councils. [25997]

Mr. Raymond S. Robertson: Yes. Sufficient bursary funds have been allocated to further education colleges for 1996–97 to reflect historical bursary expenditure incurred by the former regional councils.

Mr. Worthington: To ask the Secretary of State for Scotland if money for bursaries for further education colleges will take into account levels of poverty in an area. [25994]

Mr. Robertson: Yes. The money for bursaries allocated to further education colleges reflects historical bursary expenditure patterns at each college and the bursary scheme has regard to each student's financial status.

Mr. Worthington: To ask the Secretary of State for Scotland if students already receiving bursaries for courses this year will automatically receive bursaries at the same level in the next academic year. [25995]

Mr. Robertson: Very few bursary eligible courses cover two academic years. However, it will be for individual boards of management of further education colleges to determine precise bursary levels and qualifying criteria within a national bursary policy.

Mr. Worthington: To ask the Secretary of State for Scotland if he will take into account existing levels of bursaries in allocating funds to further education colleges. [25996]

Mr. Robertson: Yes. Existing levels of bursary provision have been taken into account in allocating funds to each further education college.

Late Payments

Mrs. Roche: To ask the Secretary of State for Scotland how much was paid late to the private sector for goods and services by his Department in 1995–96. [26148]

Lord James Douglas-Hamilton: The information on the percentage of bills paid late is currently in the process of being collected and collated for publication by the Department of Trade and Industry. The form in which statistical information is collected within The Scottish Office for this purpose does not allow an accurate assessment of the annual value of late payment, and such a figure could be provided only at disproportionate cost.

Mrs. Roche: To ask the Secretary of State for Scotland what percentage of bills were paid late by his Department in 1995–96. [26121]

Lord James Douglas-Hamilton: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Monofilament Nets

Mr. Morley: To ask the Secretary of State for Scotland what information he has evaluated on the incidence of bycatch of harbour porpoises in large mesh monofilament gill nets in reaching his decision on the use of such nets. [26485]

Mr. Raymond S. Robertson: The likely impacts of various types of synthetic net were evaluated in reaching a decision on this matter.

Mr. Morley: To ask the Secretary of State for Scotland how many harbour porpoises have been killed in large mesh monofilament gill net fisheries *(a)* in the North sea and *(b)* in the Celtic sea in each of the last five years. [26486]

Mr. Robertson: Information is not available on which to estimate these numbers.

Mr. Morley: To ask the Secretary of State for Scotland what advice he has received from *(a)* the Joint Nature Conservation Committee and *(b)* Minister of Agriculture, Fisheries and Food on the risk to harbour porpoises from large mesh bottom set monofilament gill nets. [26487]

Mr. Robertson: The JNCC expressed concern that the change might lead to an increase in the incidental capture of harbour porpoises. MAFF did not raise this matter.

Mr. Morley: To ask the Secretary of State for Scotland what assessment he has made of the impact of his decision on the use of large mesh monofilament gill nets on the achievement the United Kingdom Government's commitment under the agreement on the conservation of small cetaceans of the Baltic and North seas to reduce the number of harbour porpoises caught in fishing nets. [26488]

Mr. Robertson: These nets should not pose any greater threat to cetaceans than other synthetic nets. This measure should not affect our obligations under that agreement.

Mr. Morley: To ask the Secretary of State for Scotland, pursuant to his answer to the hon. Member for Argyll and Bute (Mrs. Michie) on 6 March, *Official Report*, column *267*, what are the arrangements for monitoring bycatches of marine mammals; and what assessment he has made of their effectiveness at *(a)* assessing the level of bycatches and *(b)* reducing bycatches where necessary. [26489]

Mr. Robertson: There are national arrangements for monitoring any bycatches involving fishermen reporting incidents on a voluntary basis. The effectiveness of the scheme is kept under review and additional scientific research has been commissioned to aid that process.

Beef (Safety)

Mr. Home Robertson: To ask the Secretary of State for Scotland what assessment his Department's medical advisers have made on the safety of British beef; if he will give guidance to local authorities on the suitability of British beef for catering in schools and other institutions; and if he will make a statement. [26286]

Lord James Douglas-Hamilton *[holding answer 22 April 1996]:* The Chief Medical Officer at the Scottish Office accepts the advice of the Spongiform Encephalopathy Advisory Committee that, with the effective enforcement of current controls and the new measures now being introduced, any BSE-related risk from eating beef is likely to be extremely small, and that children are at no greater risk than adults. In a letter to doctors on 20 March, the Chief Medical Officer made clear his view that there is no reason why people should not continue to eat beef. The Scottish Office Education and Industry Department also wrote on 27 March to chief executives of local authorities, to directors of education and to other interested parties, including independent schools, conveying the advisory committee's advice and stressing the Government's view that there was no reason to advise that beef should be withdrawn from school meal menus.

Ambulance Service

Mr. McAllion: To ask the Secretary of State for Scotland if he will make it his policy that the Scottish ambulance service shall continue to be run as an integrated and comprehensive service providing all patient services to all NHS trusts in Scotland. [26019]

Lord James Douglas-Hamilton *[holding answer 22 April 1996]:* The Scottish Ambulance Service NHS Trust will continue to provide accident and emergency

ambulance services under contract to Health Boards in Scotland. Where an NHS trust decides to invite competitive tenders for the provision of non-emergency patient transport services, the Scottish Ambulance Service NHS Trust shall continue to run that service if it can demonstrate through the tendering process that it can deliver the standard demanded and offer the best value for money.

SOCIAL SECURITY

Late Payments

Mrs. Roche: To ask the Secretary of State for Social Security what percentage of bills were paid late by his Department in 1995–96. [26122]

Mr. Burt: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Mrs. Roche: To ask the Secretary of State for Social Security how much was paid late to the private sector for goods and services by his Department in 1995–96. [26147]

Mr. Burt: The information is not held in the format requested.

CHURCH COMMISSIONERS

Late Payments

Mrs. Roche: To ask the right hon. Member for Selby, representing the Church Commissioners, (1) what percentage of bills were paid late by the Church Commissioners in 1995–96; [26112]

(2) how much was paid late to the private sector by the Church Commissioners for goods and services in 1995–96. [26159]

Mr. Alison: It is the commissioners' policy to pay their suppliers within the agreed credit terms.

EDUCATION AND EMPLOYMENT

School Testing

15. **Mr. Lidington:** To ask the Secretary of State for Education and Employment what representations she has received about the programme of testing in schools. [25093]

Mr. Robin Squire: There has been an extremely high response to the Government's recent consultation paper on the future of national curriculum assessment and testing with over 2,000 responses received from schools and other organisations. We are currently analysing the replies before considering the next steps.

School Discipline

16. **Sir Fergus Montgomery:** To ask the Secretary of State for Education and Employment what measures she is taking to help schools enforce firm discipline. [25094]

Mr. Robin Squire: We are taking forward the package of measures which my right hon. Friend announced last September, through a programme of developmental projects, worth about £18 million over three years, to identify and promote best practice in managing pupil behaviour and through consideration of legislation to help bolster schools' authority.

Research Assessment Exercises

17. **Mrs. Anne Campbell:** To ask the Secretary of State for Education and Employment if she will make a statement on the effects of the most recent research assessment exercise. [25095]

Mr. Forth: An independent study for the higher education funding bodies is assessing the effect of recent research assessment exercises and will inform the process in future. We believe that competition for research funds and their selective allocation remains the best way of ensuring the most effective use of public money.

Student Finance

18. **Mr. McFall:** To ask the Secretary of State for Education and Employment what recent discussions she has had with the Committee of Vice-Chancellors and Principals regarding student finance. [25096]

Mr. Forth: My right hon. Friend met representatives of the CVCP on 6 February to discuss a number of issues, including student finance.

School Standards

19. **Mr. Congdon:** To ask the Secretary of State for Education and Employment when she last met representatives of the Office for Standards in Education to discuss standards in schools. [25097]

Mr. Robin Squire: Ministers and officials meet regularly with Her Majesty's Chief Inspector and Ofsted officials to discuss issues related to education standards in schools.

Female Employment

20. **Mr. Barry Field:** To ask the Secretary of State for Education and Employment what steps she is taking with regard to the employment of women. [25098]

Mrs. Gillan: Our policies encourage economic growth, create jobs and provide opportunities for all in the labour market; there is a full range of measures to enhance the quality and quantity of women's participation in the work force.

Expelled Pupils

21. **Mr. Robathan:** To ask the Secretary of State for Education and Employment how many children were expelled from maintained schools in 1995. [25099]

26. **Mr. Madden:** To ask the Secretary of State for Education and Employment how many children at present she estimates are excluded from maintained schools. [25104]

Mr. Robin Squire: This information is not available centrally. The Department is collecting figures on permanent exclusion in the school year 1994–95, through the annual census returns sent to all schools in January. Data should be available by the early autumn.

University Funding

22. **Mr. Bayley:** To ask the Secretary of State for Education and Employment if she will make a statement about the level of funding for universities. [25100]

Mr. Forth: Total public expenditure on higher education in the UK is over £7 billion, some 20 per cent. of total education expenditure. The November 1995 Budget settlement confirmed the 1994 plans for higher education recurrent expenditure. Planned capital expenditure was reduced in line with capital provision in most other public expenditure programmes, reflecting the policy that capital should, wherever possible, be financed through private finance schemes.

Economic Activity

23. **Mr. Hain:** To ask the Secretary of State for Education and Employment what proposals she has for increasing economic activity rates among males of working age. [25101]

Mr. Forth: We will continue with the policies which have seen the economy grow for over three years, the number of men in jobs rise by over 100,000 over the last year and unemployment among men fall by over 600,000 since recovery began.

Special Needs

24. **Mr. Sutcliffe:** To ask the Secretary of State for Education and Employment what proportion of the education budget is spent on pupils with special needs; and if she will make a statement. [25102]

Mrs. Gillan: It is not possible to disaggregate expenditure on all pupils with special needs. Expenditure on pupils with statements of special educational need by local education authorities in England was 6.5 per cent. of their total net recurrent expenditure on education, excluding mandatory awards, in 1994–95, the latest year for which figures are available.

31. **Mr. Connarty:** To ask the Secretary of State for Education and Employment what percentage of the training budget is notionally allocated for special needs training. [25110]

Mrs. Gillan: The 1996–97 training for work budget for England includes funding for residential training centres and pre-vocational pilots, both of which are for special needs training. These elements represent, respectively, 4 per cent. and 5 per cent. of the total training for work budget. In addition, the funding arrangements of both youth training and training for work are designed to ensure that special needs are supported through the mainstream programmes.

Rural Training and Job Opportunities

25. **Mr. Llwyd:** To ask the Secretary of State for Education and Employment what recent evaluation her Department has made of the training and job opportunities available for young people in rural areas; and if she will make a statement. [25103]

Mr. Paice: Our training and job opportunities are evaluated as a matter of course. Unemployed young people in rural areas, as elsewhere, have available to them the full range of the Department's training and job opportunities.

Employment Creation

27. **Mr. Gapes:** To ask the Secretary of State for Education and Employment in which member states of the European Union more jobs have been created than in the United Kingdom since 1990. [25105]

Mr. Forth: There has been a widespread fall in the number of jobs in European Union countries since 1990. Only Belgium, Greece, Ireland, Luxembourg, the Netherlands and Austria have seen net increases over that period. In the UK, employment fell in the early 1990s but has since recovered quickly, and over the last three years more jobs have been created in the UK than in all other major European countries put together.

33. **Mr. Butler:** To ask the Secretary of State for Education and Employment what assessment she has made of the effectiveness of policies in creating jobs in *(a)* the United Kingdom and *(b)* other EU countries. [25112]

Mr. Forth: The UK, which has the most flexible and deregulated labour market in Europe, also has a higher proportion of the adult population in work, and a lower unemployment rate, than any other major EU country. Between 1983 and 1992, the UK created over 2 million jobs, more than France and Italy combined.

State Education

28. **Mr. Pawsey:** To ask the Secretary of State for Education and Employment what further action she intends to take to improve the quality and standard of state education. [25106]

Mr. Robin Squire: The Government's plans further to improve the quality and standard of state education include publishing primary school tables based on the national curriculum assessment results of 11-year-olds; funding 13 literacy and 12 numeracy centres in local education authorities, starting in September 1996; and working closely with the Teacher Training Agency, in co-operation with the Office for Standards in Education, to review the current arrangements for teacher appraisal.

Unemployment

29. **Mr. Campbell-Savours:** To ask the Secretary of State for Education and Employment what representations she has received on unemployment in Maryport in the last month. [25107]

34. **Mr. Heppell:** To ask the Secretary of State for Educationa and Employment what recent representations she has received on the level of unemployment in the Nottingham, East constituency. [25114]

Mr. Forth: None.

Construction Industry

30. **Mr. Bellingham:** To ask the Secretary of State for Education and Employment when he next expects to meet chairmen of training and enterprise councils and local enterprise companies to discuss training in the construction industry. [25109]

Mr. Paice: My right hon. Friend and I regularly meet training and enterprise council representatives to discuss a wide range of topics, including training across different sectors.

International Labour Standards

32. **Sir Michael Neubert:** To ask the Secretary of State for Education and Employment when she next plans to meet her European counterparts to discuss international labour standards. [25111]

Mr. Forth: International labour standards formed part of discussions at the recent Group of Seven jobs conference at Lille on 1 and 2 April 1996. My right hon. Friend has no immediate plans for further discussions on this issue.

Youth Training

35. **Mrs. Bridget Prentice:** To ask the Secretary of State for Education and Employment what proposals she has to extend training opportunities for unemployed 18 to 25-year-olds. [25115]

Mr. Paice: The Department will continue to offer and support a wide range of opportunities for unemployed 18 to 25-year-olds.

Mr. Clapham: To ask the Secretary of State for Education and Employment how many trainees left the youth training scheme for employment in the last year for which figures are available. [25076]

Mr. Paice: In 1994–95, the latest year for which figures are available, 72 per cent. of those completing youth training were in employment six months later.

Access to Work Scheme

Mr. Ian McCartney: To ask the Secretary of State for Education and Employment if self-employed people will be required to make a personal contribution toward the funding of personal support they receive through the access to work programme. [25779]

Mr. Paice: As my right hon. Friend the Secretary of State said in her announcement on 26 March, *Official Report*, columns *489–91*, we are considering this issue further.

Nursery Voucher Scheme

Mr. Mills: To ask the Secretary of State for Education and Employment if she will publish a comprehensive report on the nursery voucher trials in the four areas concerned. [26421]

Mr. Robin Squire: The Department will make available its evaluation of the operational arrangements for the first phase of the nursery education voucher scheme, in time to make any necessary changes before the implementation of phase 2 in April 1997, and is considering plans for further evaluation of the first phase. Inspections of private and voluntary sector providers are expected to begin in the autumn, leading to an accumulating body of published inspection evidence.

Mr. Mills: To ask the Secretary of State for Education and Employment what estimate she has made of the cost of funding nursery vouchers in the trial areas of Wandsworth, Westminster, Kensington and Chelsea; and how many places have been offered in those local education authorities for *(a)* three-and-a-half-year-old and *(b)* four-year-old children. [26443]

Mr. Squire: The estimated cost of providing a nursery education voucher worth £1,100 for every four-year-old in the London local education authorities participating in phase 1 of the scheme is £7.5 million.

In January 1995 an estimated 4,500 four-year-olds were being educated in the maintained sector in those LEAs. Information on the number of places offered to three-and-a-half-year-olds is not held centrally.

Mr. Mills: To ask the Secretary of State for Education and Employment what assessment she has made of the impact of the nursery voucher scheme on the calculation of the standard spending assessment for Solihull council. [26420]

Mr. Squire: The nursery education voucher scheme has no impact on the calculation of Solihull's standard spending assessments in 1996–97. In calculating SSAs for 1997–98 it is proposed to reduce each LEA's SSA by the product of the voucher value and the number of four-year-olds in maintained provision in 1995–96, allowing for termly variations in attendance. This implies that each LEA, taking into account both SSA and grant paid under the voucher scheme, will have the same funding as they would have received had the scheme not been introduced, provided the schools they maintain continue to recruit four-year-olds at present levels. The views of local government as a whole on the funding methodology for 1997–98 will be taken into account in the usual way.

Mr. Harry Greenway: To ask the Secretary of State for Education and Employment what assessment she has made of the impact of the nursery voucher scheme on the nursery places provided by local authorities in the pilot areas; and if she will make a statement. [25309]

Mr. Squire: The impact of the nursery education voucher scheme on the provision of places will become clear once the vouchers returned from providers have been analysed.

I have every confidence that, over time, expansion will take place across all sectors.

Mr. Spearing: To ask the Secretary of State for Education and Employment if, for each of the education authority areas operating the scheme for vouchers for pre-school education, she will state, *(a)* the number of pupils eligible for vouchers (i) in nursery classes in primary schools and (ii) all others, *(b)* the number of voucher holders issued with vouchers and *(c)* the total number of places available and those in (1) nursery classes in primary schools, (2) nursery schools maintained by local education authorities, (3) provision by voluntary organisations and (4) private fee-paying provision. [25518]

Mr. Squire: Estimates of the four-year-old population and the number of four-year-olds in maintained provision in January 1995 in the four local education authorities participating in phase 1 of the nursery education voucher scheme are given in the following table. These estimates are, however, less reliable when broken down by both year group and local education authority area. The table also shows the number of vouchers issued in each area accounting, overall, for over 80 per cent. of the estimated population.

Estimates are not held centrally for four-year-old pupils by type of maintained provision, nor for places in the private and voluntary sectors.

LEA	*Total four-year-olds in January 1995*	*Four-year-olds in maintained provision at January 1995*	*Number of vouchers issued*
Kensington and Chelsea	1,650	800	938
Wandsworth	3,300	2,600	2,831
Westminster	1,900	1,110	1,170
Norfolk	9,300	6,300	8,507

School Maintenance

Mr. Redmond: To ask the Secretary of State for Education and Employment how many school inspection reports since 1993 have drawn attention to inadequate maintenance. [26310]

Mr. Robin Squire: This is a matter for Her Majesty's chief inspector of schools, who heads the Office for Standards in Education. I have asked Mr. Chris Woodhead to write to the hon. Member.

Education and Training

Rev. Martin Smyth: To ask the Secretary of State for Education and Employment what assessment she has made of the value of *(a)* education for life and *(b)* training for employment. [25351]

Mr. Robin Squire: General education and job-related skills are valuable both to individuals and to our international competitiveness. They are both essential if individuals are to take full advantage of their opportunities in life, and not least to be able to earn a living. Research has shown that educational qualifications reduce the likelihood of unemployment and are associated with increased earnings.

Opportunity 2000

Ms Coffey: To ask the Secretary of State for Education and Employment if she will list those companies and Government Departments that are members of Opportunity 2000. [26467]

Mrs. Gillan: Opportunity 2000 is an independent, employer-led body. The following Government Departments and agencies are members: the Benefits Agency, Cabinet Office, Charity Commission, Civil Service College, Contributions Agency, Crown Prosecution Service, Department for Education and Employment, Department for National Savings, Department of the Environment, Department of Health, Department of Social Security, Department of Trade and Industry, Department of Transport, Foreign and Commonwealth Office, HM Customs and Excise, HM Prison Service, HM Treasury, Home Office, Inland Revenue, Lord Chancellor's Department, Ministry of Agriculture, Fisheries and Food, Ministry of Defence, Northern Ireland civil service, Overseas Development Administration, Patent Office, Scottish Office, Serious Fraud Office and Welsh Office. A full list of members can be obtained from Opportunity 2000, 44 Baker street, London W1M 1DH.

Investors in People

Mrs. Roche: To ask the Secretary of State for Education and Employment how many firms with fewer than *(a)* 100 employees, *(b)* 50 employees, *(c)* 20 employees, and *(d)* 10 employees and *(e)* in total (i) achieved and (ii) participated in Investors in People in each year since the scheme began. [26106]

Mr. Paice: At 29 February 1996, a total of 18,191 employers in the UK were committed to achieving the Investors in People standard and 3,305 are recognised as having achieved the standard.

A statistical breakdown is provided in the following table:

Investors in People commitments and recognitions

Number of employees	*<100*	*<50*	*<20*	*<10*	*Total*
December 1991					
Commitments	91	63	41	19	199
Recognitions	6	4	2	2	25
December 1992					
Commitments	432	302	176	79	898
Recognitions	48	34	16	12	129
December 1993					
Commitments	2,323	1,707	792	332	4,000
Recognitions	303	214	121	61	576
December 1994					
Commitments	6,912	5,199	2,765	1,288	10,626
Recognitions	934	665	378	187	1,569
December 1995					
Commitments	12,056	9,116	4,769	2,172	17,774
Recognitions	1,978	1,422	779	365	3,194

1. The 'total' figure relates to employers of all sizes.
2. All figures are cumulative.

Careers Service Companies and TECs

Dr. Wright: To ask the Secretary of State for Education and Employment if (i) careers service companies and (ii) training and enterprise councils are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, (e) performance indicators and *(f)* provisions under the citizens charter. [25971]

Mr. Paice *[holding answer 22 April 1996]:* Careers service companies and training and enterprise councils are private companies and are not subject to investigation by the Parliamentary Commissioner.

Careers service companies and TECs are not subject to scrutiny by the Audit Commission. This function is carried out by the National Audit Office, which has access to careers service companies and TECs for the purpose of any examination of the economy, efficiency and effectiveness with which Government Departments have used resources.

Government contracts with careers service companies and TECs require them to comply with the Government's code of practice on open government. The Department publishes a series of indicators annually for each TEC, the inter-TEC comparison tables, covering performance in the main programme activities under contract with TECs. Performance indicators also form part of the criteria for TECs achieving a three-year licence. It is our intention to publish performance indicators for careers service companies in autumn 1997.

Government's contracts with careers service companies and TECs, and the TEC National Council's framework for local accountability set out principles for openness, integrity and accountability which are features of the citizens charter. TECs and careers service companies can apply for the charter mark award if they wish.

Dr. Wright: To ask the Secretary of State for Education and Employment what *(a)* annual reports, *(b)* annual accounts, *(c)* minutes of meetings, *(d)* agendas

of meetings and *(e)* registers of members' interests are published by training and enterprise councils; and if in each case this is under statutory requirement. [25967]

Mr. Paice *[holding answer 22 April 1996]:* Training and enterprise councils are private companies and are required by the Companies Act to produce annual accounts which are lodged with Companies House. The Government contract with TECs requires that they publish an annual report and audited statement of accounts. The contract also requires TECs to pay due regard to the TEC National Council's framework of local accountability, which expects TECs to make their register of interests available for public inspection,. The publication of board papers is a matter for each company.

Late Payments

Mrs. Roche: To ask the Secretary of State for Education and Employment what percentage of bills were paid late by her Department in 1995–96. [26128]

Mr. Robin Squire: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Mrs. Roche: To ask the Secretary of State for Education and Employment how much was paid late to the private sector by her Department for goods and services in 1995–96. [26157]

Mr. Squire: The information required could be provided only at disproportionate cost to the Department. The Department does not maintain this information in the form requested.

Public Bodies

Dr. Wright: To ask the Secretary of State for Education and Employment how many appointments to the public bodies listed in "Public Bodies" for her Department were made during 1994–95 from names supplied by the public appointments unit; and if she will list them. [25955]

Mr. Robin Squire *[holding answer 22 April 1996]:* There were 70 such appointments or reappointments. However, no central record was maintained of the sources of names of appointees. In some cases they may have been nominated from more than one source, including the public appointments unit.

Science and Mathematics Graduates

Mr. Gunnell: To ask the Secretary of State for Education and Employment how many students graduating in physics, chemistry and mathematics have applied for courses leading to a teaching qualification during 1996–97; and what were the equivalent figures in *(a)* 1994–95 and *(b)* 1995–96. [25077]

Mrs. Gillian Shephard: The total number of applications received for post-graduate certificate of education courses in mathematics, physics, chemistry and combined science starting in 1995 was around 4,600; about 5,000 applications were received for courses starting in 1994. Applications are still being received for courses starting in 1996, with around 2,400 applications received up to 3 April.

Educational Bodies

Dr. Wright: To ask the Secretary of State for Education and Employment what *(a)* was the gross public spending for each year since 1990–91, in 1995–96 prices and *(b)* is the projected expenditure for each year to 1997–98, in 1995–96 prices, of (i) grant-maintained schools, (ii) city training colleges, (iii) further education corporations, (iv) higher education corporations, (v) careers service companies and (vi) training and enterprise councils. [25978]

Mr. Paice *[holding answer 22 April 1996]:* The figures requested are set out in the following table:

Figures at 1995–96 *£ million*

	1990–91 Outturn	*1991–92 Outturn*	*1992–93 Outturn*	*1993–94 Outturn*	*1994–95 Outturn*	*1995–96 estimated Outturn*	*1996–97 Outturn*	*1997–98 Plans*
Grant-maintained schools	12	25	54	149	229	212	233	244
City technology colleges	69	53	54	52	52	52	53	55
Further education[1,2]	1,963	1,989	2,026	2,826	2,918	3,024	2,958	2,895
Higher education[3]	3,499	3,114	3,063	2,923	3,513	3,614	3,348	3,216
Career service[4]	143	142	149	144	156	193	196	203
Training and enterprise councils[5]		1,366	1,264	1,275	1,257	1,188	1,262	1,251

[1] Figures for 1990–91 to 1992–93 cover spend by local education authorities at FE colleges and in adult education centres. Figures for 1993–94 onwards cover funding for the Further Education Funding Council. The figures exclude student support expenditure.

[2] Provision for 1992–93 included grants by the council to institutions in connection with their preparation for independent status.

[3] Figures for 1993–94 onwards are for funding for the Higher Education Funding Council for England (HEFCE). Figures for 1990–91 to 1992–93 are for funding of the universities and the polytechnics and colleges funding councils: these figures include Scottish and Welsh universities, but exclude the Open university, Cranfield institution of technology and Royal College of Art which became the responsibility of the HEFCE from 1993–94. Figures exclude income from tuition fees and student support.

[4] From 1994–95 figures show direct expenditure by the Department. Until 1994, the careers service was funded by local authorities.

[5] The TEC network was established nationally in 1991–92. The figures cover the Department's programmes which TECs deliver currently and include the TEC management fee. TECs also deliver Department of Trade and Industry and Department of the Environment initiatives. Expenditure figures exclude programmes transferred to the DTI, e.g. the small firms budgets, and to the DOE, e.g. the single regeneration budget. They also exclude further education funds transferred from TECs to FEFC. Figures exclude payments not channelled through TECs, e.g. allowances for trainees on training for work.

Dr. Wright: To ask the Secretary of State for Education and Employment what *(a)* annual reports, *(b)* annual accounts, *(c)* minutes of meetings, *(d)* agendas of meetings and *(e)* registers of members' interests are published by (i) city technology colleges, (ii) further education corporations, (iii) higher education corporations and (iv) grant-maintained schools; and in each case if it is a statutory requirement. [25965]

Mr. Paice *[holding answer 22 April 1996]:* The information requested is shown in the following table:

	Annual reports[1]	*Annual accounts*[2]	*Minutes of meetings*[3]	*Agendas of meetings*[4]	*Registers of members' interests*[5]
Grant-maintained schools	[1]Yes	[1]Yes	[1]Yes	[1]Yes	[2]Yes
City technology colleges	[3]Yes	[3]Yes	No	No	[4]No
Further education corporations	[7]No	[3]Yes	[6]Yes	[6]Yes	[7]No
Higher education corporations	[8]Yes	[9]Yes	[8]Yes	[8]Yes	[8]Yes

[1] Statutory requirements under the instrument and articles of government.
[2] Requirement of funding agency via the rainbow pack—condition of grant.
[3] All are required to prepare an annual report and accounts. Fourteen of the 15 are limited companies, and lodge their report and accounts at Companies House.
[4] Many are in the process of preparing registers.
[5] A condition of funding that they are publicly available.
[6] Required by statutory instrument.
[7] Often produced and made available on a voluntary basis.
[8] Per committee of University Chairmen best practice guide.
[9] Per financial memorandum.

Dr. Wright: To ask the Secretary of State for Education and Employment if (i) grant-maintained schools, (ii) city technology colleges, (iii) further education corporations and (iv) higher education corporations are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(9)* provisions under the citizen's charter. [25972]

Mr. Paice *[holding answer 22 April 1996]:* the information requested is shown in the following table:

	Investigation by the Parliamentary Commissioner (a)	*Scrutiny by the Audit Commission (b)*	*Scrutiny by the National Audit Office (c)*	*Statutory provisions for open government. (d)*	*Performance indicators (e)*	*Provisions under the Citizen's Charter (f)*
Grant-maintained schools	No	No	Yes	No	No	No
City technology colleges	No	No	Yes	No	Yes	No
Further education corporations	No	No	Yes	No	Yes	[1]No
Higher education corporations	No	No	Yes	No	No	No

[1] As a condition of grant, colleges must have their own equivalent charters.

AGRICULTURE, FISHERIES AND FOOD

Bovine Spongiform Encephalopathy

Dr. Spink: To ask the Minister of Agriculture, Fisheries and Food if the slaughterhouse support measures announced on 16 April, *Official Report*, columns 513–29, include assistance for cutting, boning, defatting and packing operations; and if he will make a statement. [25724]

Mrs. Browning: Wholesale businesses involved in cutting, boning, defatting and packing meat are licensed as cutting premises under the Fresh Meat (Hygiene and Inspection) Regulations 1995 as amended. Under the emergency aid scheme for the slaughtering industry announced by my right hon. Friend the Minister of Agriculture, Fisheries and Food on 16 April, *Official Report*, columns 513–29, the Intervention Board for Agricultural Produce will purchase stocks of unsaleable beef from licensed cuttings premises at 65 per cent. of their pre-crisis market price, and will arrange for their secure disposal.

Dr. Spink: To ask the Minister of Agriculture, Fisheries and Food if he will list the objectives of the Coopers and Lybrand phase 2 study into beef production, processing and distribution; if that study will address whether assistance should be made available for the processing and distribution industries and for those who hold processed frozen-down beef stocks; and if he will make a statement. [25723]

Mrs. Browning: Coopers and Lybrand has been commissioned to report to the Agriculture Departments on how much unsaleable beef from UK herds slaughtered in the UK—over and above that identified in the slaughtering and cutting plant stock survey of 9 April 1996—is still in the supply chain. It is asked to:

identify the volume and location of such beef;

identify any financial, operational, legal and tax issues which may cause complications in the removal of unsaleable beef from the supply chain;

in consultation with Government Departments, and taking account of measures already announced, develop a scheme for the removal and disposal of such unsaleable stock.

In his statement of 16 April my right hon. Friend the Minister of Agriculture, Fisheries and Food noted that the support announced for the slaughtering sector was based on the particular circumstances and role of that sector. The Government therefore did not consider that equivalent assistance should be paid to other sectors.

Mr. Beggs: To ask the Minister of Agriculture, Fisheries and Food if the operators of abattoirs and meat processing plants, hauliers and others associated with the beef trade will be granted compensation in proportion to lost income resulting from recent developments in relation to BSE. [25606]

Mrs. Browning: I refer the hon. Member to the statement made by my right hon. Friend the Minister of Agriculture, Fisheries and Food on 16 April, *Official Report*, columns 513–29, in which he outlined a comprehensive system of support for the essential links in the beef supply chain, in particular the rendering and slaughtering sectors. The purpose of the temporary financial aid for these sectors is to provide a breathing space during which companies can adjust to the changed market circumstances, not to provide compensation for loss of income.

Mr. Hanson: To ask the Minister of Agriculture, Fisheries and Food how many cases of BSE have been recorded in the Dexter breed. [25943]

Mrs. Browning: None.

Miss Emma Nicholson: To ask the Minister of Agriculture, Fisheries and Food what plans he has to extend the 30 months age limit for entry into the food chain to 36 months in respect of extensively produced beef. [26136]

Mrs. Browning: Officials are working on a scheme under which animals which can safely be identified as low risk my be sold for human consumption. Such a scheme could operate irrespective of the age of the animal. We will consult the industry on a scheme shortly.

Miss Nicholson: To ask the Minister of Agriculture, Fisheries and Food what financial assistance will be made available to those in the animal feed industry for local authority charges incurred in the disposal of meat and bone meal products. [26135]

Mrs. Browning: Residual feedingstuffs may be disposed of either by incineration or by landfill at a suitable site. Only limited resources are available to deal with the very wide ranging consequences of the measures that have been introduced to prevent the continued transmission of BSE. I do not, therefore, propose offering financial assistance for local authority charges incurred by those in the animal feed industry in disposing of meat and bone meal products.

Mr. Gale: To ask the Minister of Agriculture, Fisheries and Food if he will introduce a ban on the importing of beef and veal from *(a)* EU and *(b)* other countries in which there has been a reported case of BSE; and if he will make a statement. [26589]

Mrs. Browning: The prohibition on meat from animals aged over 30 months of age applies equally to imports as well as domestic consumption. The only exception to this is meat from a named list of third countries which have never had a case of BSE. Third countries which have had cases of BSE and all member states are covered by the 30-month rule.

Mr. Ainger: To ask the Minister of Agriculture, Fisheries and Food what research is being funded by his Department into a live test for BSE based on DNA within cattle; and if he will make a statement. [23370]

Mrs. Browning *[holding answer 28 March 1996]:* No such research is under way, as BSE is not a genetically inherited disease, nor are changes to the DNA structure and sequence known to be associated with the development of the disease.

Mr. Hinchliffe: To ask the Minister of Agriculture, Fisheries and Food what assessment his Department carried out into Professor Harash Narang's test for BSE in live cattle; and what were the results. [23228]

Mr. Ainger: To ask the Minister of Agriculture, Fisheries and Food what conclusion was reached by his Department on the efficacy of the live test for BSE in cattle developed by Harash Narang; when the test was evaluated; and if he will make a statement. [23354]

Mrs. Browning *[holding answers 28 and 29 March 1996]:* MAFF is aware of reports in the media that Dr. Narang is working to develop a test to detect BSE in live cattle. No details of such a test have been published in an independent, peer reviewed scientific journal, the usual way for validating such claims. The Department has also asked Dr. Narang for details of his test so that its efficacy and usefulness can be evaluated; he has so far refused to provide any details.

Mr. Cohen: To ask the Minister of Agriculture, Fisheries and Food what changes took place, and when, to enable cattle feed containing animal offal to be fed to cattle; when the manufacturers were allowed to lower the temperature at which cattle feed was processed; when Ministers banned beef offal from *(a)* animal feed and *(b)* the human food chain, and what were the reasons for the difference in time between *(a)* and *(b)*; and which Ministers were responsible for decisions relating to these changes. [23434]

Mrs. Browning *[holding answer 1 April 1996]:* The processing of offals, and the subsequent use of one by product, meat and bone meal has evolved over a period of many years. It had been a standard practice within the industry to feed bovine animals with feed supplements containing meat and bonemeal derived from ruminants. The contamination of ruminant feed in the early 1980s which led to the BSE epidemic was not the result of any regulatory changes introduced by the Government. A number of changes to the rendering process were introduced for commercial reasons. These changes included a reduction in the time/temperature combination of rendering and also the elimination of an organic

extraction step. This last measure was removed primarily for health and safety reasons. There were no changes to the regulations governing these aspects of rendering at that time.

The feeding of ruminant protein to ruminants was prohibited on 18 July 1988.

The Bovine Offals (Prohibition) Regulations, which forbade the use of certain specified bovine offals or anything prepared from them in human food, came into force in November 1989. In September 1990, following the experimental transmission of BSE by intracerebral injection to pigs, the prohibition was widened to prevent the use of SBOs, or protein derived from them, in food for any animal.

The Minister of Agriculture, Fisheries and Food, the Under-Secretary of State for Wales and the Under-Secretary of State for Scotland were responsible for the implementation and subsequent amendment of the controls on specified bovine offals.

Mr. Ron Davies: To ask the Minister of Agriculture, Fisheries and Food if he will list the dates of birth, by month and year, of the 10 youngest cattle to have been confirmed as BSE sufferers. [26333]

Mrs. Browning *[holding answer on 23 April 1996]:* The dates of birth of the 10 youngest cattle, including estimated ages, to have been confirmed as BSE sufferers are as follows:

Autumn 1986

January 1987

November 1987

Autumn 1987 (3 cases)

May 1988

November 1988

June 1989

October 1990.

Horticultural Research

Mrs. Golding: To ask the Minister of Agriculture, Fisheries and Food how much his Department has spent on research in horticulture in each year since 1986. [26211]

Mr. Boswell: The Department's expenditure on research in horticulture for each financial year from 1987–88 is:

1987–88: £17.2 million

1988–89: £17.9 million

1989–90: £17.5 million

1990–91: £13.3 million

1991–92: £10.5[1] million

1992–93: £11.1[1] million

1993–94: £11.4[1] million

1994–95: £13.4 million

1995–96: £13.6 million.

[1] Excludes some work on pesticides for horticultural crops.

A figure for 1986–87 is not available.

Food Additives

Mr. Colvin: To ask the Minister of Agriculture, Fisheries and Food what research his Department has *(a)* commissioned and *(b)* evaluated into the mutagenic and carcinogenic qualities of (i) E233 Thiabendazol, (ii) E231, (iii) E904 and (iv) E914. [26164]

Mrs. Browning: My Department has not funded any research on mutagenicity and carcinogenicity in relation to these substances.

However, each of them has been evaluated by the Department of Health Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment, and the EU Scientific Committee for Food and classified as safe for use in food.

Small Farmers (Financial Assistance)

Miss Emma Nicholson: To ask the Minister of Agriculture, Fisheries and Food what discussions are being held with the Department of Social Security to provide assistance for small farmers whose sole source of income is from sales of cattle at local markets and who are ineligible for family credit, unemployment benefit and income support. [26130]

Mrs. Browning: No formal discussions have taken place between MAFF and DSS on the payment of benefits to small farmers whose income is dependent on the sale of cattle. A range of in work benefits is available to people, including small farmers, on low incomes. Eligibility will be dependent on the individual's specific circumstances. Farmers who think they might qualify should make inquiries at their local Benefits Agency office and apply in the usual way.

Private Finance Initiative

Ms Janet Anderson: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26178]

Mr. Boswell: The estimate of funding to be made available through the private finance initiative is currently:

1995–96: nil

1996–97: £10 million

1997–98: £20 million.

Meat and Livestock Imports

Miss Emma Nicholson: To ask the Minister of Agriculture, Fisheries and Food what import restrictions he plans to *(a)* introduce and *(b)* maintain on (i) live imports and (ii) meat products entering the United Kingdom to ensure that they are subject to the same regulations as United Kingdom animals. [26132]

Mrs. Browning: The importation of live animals into the United Kingdom is subject to rules laid down in existing statutory instruments. Additional control measures are added periodically to the Animals and Animal Products (Import and Export) Regulations 1995 and the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995 to

implement new harmonised EC legislation. There are no plans for the United Kingdom to introduce any unilateral import restrictions.

As regards meat products, the Beef (Emergency Control) Order 1996, as amended, which came into force on 29 March, prohibits the sale of all bovine meat derived from bovines which, at the time of slaughter, showed more than one pair of permanent incisors unless it can be shown by reference to a national administrative document—in effect, a cattle identification document—that the animal was no more than 30 months old. This new measure, applies to all bovines slaughtered after the commencement of the order, other than those slaughtered in third countries listed in the schedule to the No. 2 amendment order where the Government are satisfied that we can import beef without risk.

These controls are being kept under review in the light of further progress with the package of measures currently under discussion by the Council of Agriculture Ministers.

Protection of Animals at Slaughter

Sir Andrew Bowden: To ask the Minister of Agriculture, Fisheries and Food when Her Majesty's Government plans to ratify the European convention for the protection of animals at slaughter; and if he will make a statement. [26240]

Mrs. Browning: Council directive 93/119/EC on the protection of animals at the time of slaughter or killing takes account of the European convention for the protection of animals at slaughter. The Welfare of Animals (Slaughter or Killing) Regulations 1995, which apply in Great Britain, implement that Community directive.

Parallel legislation is being prepared in Northern Ireland and should be implemented during this year. When this legislation is in place, it is the Government's intention to ratify the European convention on behalf of the United Kingdom.

Late Payments

Mrs. Roche: To ask the Minister of Agriculture, Fisheries and Food what percentage of bills were paid late by his Department in 1995–96. [26109]

Mr. Boswell: This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Mrs. Roche: To ask the Minister of Agriculture, Fisheries and Food how much was paid late to the private sector by his Department for goods and services in 1995–96. [26161]

Mr. Boswell: The information requested is not readily available and could not be produced without disproportionate cost. MAFF aims to pay all invoices within 30 days of the receipt or in accordance with terms agreed with suppliers.

Cats and Dogs

Mr. Key: To ask the Minister of Agriculture, Fisheries and Food if the special provisions for the United Kingdom and Ireland in the Balai directive regarding the import of traded cats and dogs were based on the recommendations of the Scientific Veterinary Committee in paper VI/1533/92-EN-REI-1.; and if he will make a statement. [26337]

Mrs. Browning: The rabies provisions of the Balai directive—EC directive 92/65—including those provisions for the movement of traded dogs and cats into the UK and Ireland from other member states, we agreed taking into account the Scientific Veterinary Committee report VI/1533/92-EN-Rev.1. Although not identical to the recommendations in this report, these provisions represent the safeguards the Council of Ministers agreed were necessary to reduce the risks that it identified.

Mink Farms

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food how many licensed mink farms there are currently in the United Kingdom. [26468]

Mrs. Browning: At 31 March 1996 there were 12 licensed mink farms in England. This Department is not responsible for mink farm licensing in the other parts of the United Kingdom.

Chocolate Directive

Mr. Simon Coombs: To ask the Minister of Agriculture, Fisheries and Food what progress the Commission has made in formulating proposals to amend the 1973 chocolate directive; and if he will make a statement. [27010]

Mrs. Browning: I understand the Commission has agreed proposals to amend the 1973 chocolate directive. These would allow all countries to authorise the addition of small amounts of vegetable fat, should they wish to do so, require the use of such fats to be separately labelled, allow the continued manufacture of a high milk formulation of milk chocolate in the UK and Ireland, but require designation of such chocolate as "household milk chocolate" when marketed in other member states.

The Government welcomes the emphasis given in these proposals to subsidiarity and coherence of the single market but are disappointed by the proposals for double labelling of vegetable fats and the continued pejorative description of some types of high quality milk chocolate. We shall seek changes in those parts of the proposal which seek to discriminate against British products, stifle innovation, limit consumer choice or impose undue regulatory burdens on industry.

EU Fisheries Council

Mr. Duncan: To ask the Minister of Agriculture, Fisheries and Food what was the outcome of the Fisheries Council held in Brussels on Monday 22 April; and if he will make a statement. [26748]

Mr. Baldry: I represented the United Kingdom at the meeting of the Fisheries Council in Brussels on 22 April, together with the Under-Secretary of State for Scotland, my hon. Friend the Member for Aberdeen, South (Mr. Robertson).

I emphasised the importance of securing a satisfactory solution to the problem of quota hoppers. In many cases, these vessels have very little economic link with the UK and other countries where they are found. I explained that this is a problem which must be solved as a priority.

I explained the United Kingdom's ideas for the creation of regional consultative committees. These would increase the regional input into the common fisheries policy by bringing together fisherman and officials from member states active in particular fisheries. They would provide a forum to discuss any issue of regional relevance—for example, technical conservation measures or the state of the stocks. In response, the Commissioner emphasised her concern to secure greater regional inputs from the fishing industry. She undertook to build on these and to establish a pilot committee to test the idea.

I drew attention to the magnitude of the industrial fisheries in the North sea urging a cautious approach to their management. In particular, I called for the introduction of a precautionary total allowable catch for sand eels and for a greater collaborative research effort on the multi-species interactions connected with industrial fisheries to increase our understanding of their impact on other species.

The Council unanimously agreed new measures to introduce greater flexibility in quota management and more systematic penalties for quota overshoots. The flexibility provisions have been limited to take account of concerns expressed both by fishermen and environmental organisations. They are optional at member state level. The Council and Commission agreed a UK suggestion that data on landings must be collected and presented on a consistent basis throughout the Community before the new penalties for overfishing apply.

The Council agreed by qualified majority, with Belgium, France and Ireland voting against, a compromise on the opening of certain autonomous tariff quotas for the import of fish and fishery products balancing the interests of processors with those of the catching sector.

The Council unanimously agreed a 1996 total allowable catch of 150,000 tonnes for the expanding Atlanto-Scandian herring stock in waters north of Shetland. This provides a welcome additional fishing opportunity for the UK fleet.

The Commission gave a progress report on its preparatory work for the next series of multi-annual guidance programmes. Scientific advice demonstrated a clear case for further measures to reduce overfishing, but an extensive consultation exercise with fishing interests throughout the Community confirmed the underlying economic difficulties which the sector continued to face. The Council will take up these issues in more detail at its next meeting in June.

I welcomed a report by the Commission on enforcement activity by member states and called for early action to achieve more consistent standards of enforcement.

My hon. Friend the Under-Secretary reported to the Council on the outcome of bilateral discussions with Norway about the continued weakness in the European farmed salmon market and stressed the need for the Commission to keep the position under close review.

Poultry

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food (1) how many broiler chickens slaughtered in the United Kingdom were rejected in the last six months of 1995 and to date in 1996 as being unfit for human consumption; what were the public health considerations leading to such rejections; and if he will make a statement; [26102]

(2) how many chickens were dead on arrival at United Kingdom poultry slaughterhouses in the first six months of 1995 and to date in 1996; and if he will make a statement; [26103]

(3) when the national Meat Hygiene Service commissioned a welfare audit in 1995; what were the results of that audit; and if he will make a statement.[26104]

Mrs. Browning *[holding answer 23 April 1996]:* I have asked the chief executive of the Meat Hygiene Service to reply to the hon. Member direct.

Letter from Johnston McNeill to Mr. Elliot Morley, dated 24 April 1996:

As Chief Executive of the Meat Hygiene Service (MHS) your questions concerning the number of broiler chickens rejected at slaughter, the number of chickens dead on arrival at slaughterhouses and the results of the MHS's welfare audit have been passed for me for reply [26102, 26103 & 26104].

The Meat Hygiene Service was launched on 1 April 1995 as an Executive Agency of MAFF. It took over from some 300 local authorities responsibility for enforcement of the hygiene and welfare at slaughter legislation in licensed meat premises in England, Scotland and Wales.

According to MHS data, 5,855,611 broiler chickens slaughtered in Great Britain in the last six months of 1995 and to date in 1996 were rejected as being unfit of human consumption. Considering a total throughput of broiler chickens of around 483 million for the same period, this represents 1.2% thereof. Poultry meat may not be sold for human consumption unless it meets the conditions laid down in the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995. These Regulations require, notably, fresh poultry meat to have been obtained from a licensed premise, been subject to pre-slaughter and post-mortem health inspections and show no sign of disease.

The number of chickens (broilers and hens) which were dead on arrival at slaughterhouses in Great Britain in the last six months of 1995 and to date in 1996 is 1,227,284.

The report of the animal welfare audit carried out by the MHS has now been finalised. A copy has been placed in the Library today.

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food in what circumstances ensiled poultry litter can be fed to *(a)* poultry and *(b)* other farm animals; and if he will make a statement. [26105]

Mrs. Browning *[holding answer 23 April 1996]:* It is illegal under regulation 15(11) of the Feedingstuffs Regulations 1995 to sell or use as a compound feed any material which contains faeces or urine, irrespective of any form of treatment or admixture.

Written Answers to Questions

Thursday 25 April 1996

OVERSEAS DEVELOPMENT ADMINISTRATION

Kenya

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with the Kenyan Government on refugees now living in that country; and what assistance is being made available for the welfare and health care of such refugees. [26308]

Mr. Hanley: Such topics are part of our normal ongoing bilateral discussions with the Government of Kenya. Our 1995–96 assistance to refugees in Kenya included £500,000 via the United Nations High Commissioner for Refugees and nearly £83,000 through Christian Aid and CARE.

PRIME MINISTER

Engagements

Mr. Harry Greenway: To ask the Prime Minister if he will list his official engagements for Thursday 25 April. [25311]

The Prime Minister: This morning, I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

Oral Contraceptives

Mr. Simon Hughes: To ask the Prime Minister what representations he has received regarding the manner in which the licensing authority handled the matter relating to oral contraceptives containing desogestrel or gestodene. [26577]

The Prime Minister: I have received a small number of letters from doctors and members of the public in relation to this matter.

SCOTLAND

Sustainable Development

Mr. Dafis: To ask the Secretary of State for Scotland what plans he has to publish the reports of his advisory group on sustainable development. [25839]

Mr. Kynoch *[holding answer 23 April 1996]:* My right hon. Friend expects to publish a report on progress in sustainable development in Scotland later this year which will include an outline of the activities of his advisory group on sustainable development. He has no plans to publish the advice he receives from the group.

Forest Enterprise Agency

Mr. Wallace: To ask the Secretary of State for Scotland what steps he has taken to ensure that the environmental targets established for the Forest Enterprise agency will not be compromised by actions taken to meet financial objectives and targets; and if he will make a statement. [26208]

Mr. Kynoch: The framework document for the Forest Enterprise agency sets out its environmental, financial and other objectives. Progress will be monitored against the performance measures which are also listed in the framework document.

Woodlands

Mr. Gallie: To ask the Secretary of State for Scotland what proposals he has for encouraging the improvement of Britain's woodlands. [27106]

Mr. Michael Forsyth: I am pleased to announce that the Forestry Commission will be giving support, under the woodland improvement grant, to two further projects aimed at improving Britain's woodlands.

The woodland improvement grant was launched in 1995 as part of the woodland grant scheme. That first project is helping to provide for public access to woodlands and will run for a further two years. The woodland improvement grant will now also be available to improve the management of poor-quality woods and for work to enhance the biodiversity of woodlands.

In the rural White Papers, we recognised the importance of bringing woods back into productive management. Now we can support landowners who wish to do restorative work in poor quality woodlands to return these areas to sustainable management. Many aspects of work will receive funding, including uneconomic felling, respacing, rhododendron control and protective work.

Woodland improvement grant funds will also be available to help Britain's ancient semi-natural woodlands and to support work in woodlands to conserve rare species such as red squirrel, dormouse, capercaillie and various bats and butterflies. These are some of the most important habitats and threatened species identified in "Biodiversity, the UK Action Plan" which the Government published following on from the Rio and Helsinki conferences. We expect woodland improvement grant to grant aid work identified in agreed management plans, for example coppice management for rare butterflies and dormice, fence removal for capercaillie and the conservation of native woodlands in national parks and priority areas in Scotland.

Within these two umbrella projects, we expect to see local partnerships develop which not only means that resources are used more effectively but allows such groups to come together and work towards one cause. Woodland improvement grant will normally fund around half the cost of the work but, subject to approval by the European Commission, we expect a number of local projects to be run as challenge funding where owners have the opportunity to compete for the available funds.

Further information for those wishing to apply for these new grants is available from the Forestry Commission.

Fisheries Protection Agency

Mr. Gallie: To ask the Secretary of State for Scotland if he will make a statement about performance targets for the Scottish Fisheries Protection Agency for 1996–97. [27108]

Mr. Raymond S. Robertson: For the financial year 1996–97 I have set the following targets:

Aerial surveillance—per cent. of hours flown on task: 85 per cent.

Aerial surveillance—cost per aircraft sighting: £88

Marine surveillance—number of boardings at sea: 2,600

Marine surveillance—cost per boarding: £2,590

—utilisation of effective patrol days: 96 per cent.

Sea Fisheries Inspectorate—cost per logsheet check: £64

75 per cent. of cases for prosecution to be reported within six weeks of offence being detected and 90 per cent. within eight weeks

Number of cases where court proceedings are taken as percentage of offences reported to prosecuting authorities: 75 per cent.

In order to ensure that the Scottish Fisheries Protection Agency uses its resources efficiently, I have set it a target to achieve cash releasing efficiency gains of 2 per cent. during 1996–97.

The chief executive will be directly accountable to me for the achievement of these targets, which will be reported in the agency's annual report.

TRADE AND INDUSTRY

Royal Observatories

Mr. Waterson: To ask the President of the Board of Trade if he has received the report of the review of the Royal Observatories; and if he will make a statement. [26724]

Mr. Ian Taylor: I have received the report of the review steering committee chaired by Professor Ian Halliday of the university of Wales, Swansea. Its central recommendation is that the management of United Kingdom telescopes and the delivery of the instrumentation programme currently provided by the Royal Observatories should be subject to competitive tendering by all competent suppliers. I have accepted in full the review's conclusions and recommendations, which have been endorsed by the Particle Physics and Astronomy Research Council. I have asked PPARC to take forward implementation of the recommendations. I have today published the review steering committee's advice to me and have placed a copy in the Library of the House.

Manufacturing Industry

Mr. Jim Cunningham: To ask the President of the Board of Trade what was the United Kingdom share of world trade in manufacturing exports for each year since 1979 *(a)* by volume and *(b)* by value. [24781]

Mr. Oppenheim *[holding answer 16 April 1996]:* The data requested is set out in the table, based on estimates derived from OECD data.

UK value and volume shares of world exports of manufactured goods 1979–94

Year	*Volume share Per cent.*	*Value share Per cent.*
1979	6.9	6.7
1980	6.7	7.1
1981	6.1	6.2
1982	6.2	6.1
1983	5.9	5.6
1984	5.8	5.3
1985	5.9	5.5
1986	5.9	5.4
1987	6.0	5.6
1988	5.8	5.7
1989	5.8	5.6
1990	6.0	5.9
1991	5.8	5.8
1992	5.7	5.6
1993	5.5	5.3
1994	5.5	5.4

Departmental Code of Practice

Mr. Jamieson: To ask the President of the Board of Trade what codes of practice operate in his Department to ensure that *(a)* individuals advising on financial assistance to companies and *(b)* those assenting to company applications on the DTI board do not themselves financially benefit from their decisions as, or subsequently to become, (i) directors and (ii) trading partners of the beneficiary companies; and if he will make a statement. [25301]

Mr. Oppenheim *[holding answer 18 April 1996]:* The civil service code states that civil servants should not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others. This general principle applies to full, part-time or fee-paid employment in business or other bodies outside the civil service or the establishment of a consultancy within two years of leaving crown employment. With regard to external advisers to the Department, I refer the hon. Member to my answer of 3 April 1996, *Official Report*, columns *313-14*. Appointments to the Industrial Development Advisory Board and the regional industrial development boards are made in accordance with the Cabinet Office's guide to public appointments procedures which covers potential conflicts of interest. Registers of members' interests are also held. In this connection also, the Department is implementing the recommendations on regional industrial development boards referred to in its note on the collapse of ROM-Data, laid before Parliament in February.

Public Bodies

Dr. Wright: To ask the President of the Boards of Trade how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25952]

Mr. John M. Taylor *[holding answer 22 April 1996]:* From 1 January 1994 to 31 December 1995, departmental records show that 13 appointments to nine separate public bodies were made from names supplied by the public appointments unit. A list of the appointments is as follows.

Copyright Tribunal
Mrs. Dawn Baker
Monopolies and Mergers Commission
Mr. Richard Prosser
Nuclear Electric Plc
Mr. Patrick Macdougall
Professor Roger Perry
Coal Authority
Mr. John Cunliffe
Mr. Roy Lynk OBE
Mr. Tom Slee
National Consumer Council
Mr. David Hatch, CBE JP
Welsh Consumer Council
Mr. Richard Thomas, MBE
Gas Consumers' Council
Ms Jenny Kirkpatrick
Link Board
Mrs. Susan Bird
Particle Physics and Astronomy Research Council
Dr. Geoffrey Robinson
Dr. Carole Jordan.

Nickel Dust

Mr. Hardy: To ask the President of the Board of Trade what level of nickel dust will be released by combustion for the purposes of electricity generation; and if the figure exceeds the action levels determined by Her Majesty's inspectorate of pollution in 1995. [25627]

Mr. Page *[holding answer 23 April 1996]:* The vast majority of UK electricity generation arising from fossil fuels is based on coal or natural gas combustion. Nickel features as a trace element in coal, with a typical concentration of 20 ppm covering a range from 0.5 to 50 ppm, and is also present in fuel oil.

Nickel compounds, along with other trace elements which are released to air during electricity production, are generally associated with particulates. These are captured by particulate removal devices which, in large coal-fired generating plants, exhibit a typical removal efficiency greater than 99 per cent. Emission levels of nickel compounds arising from the combustion of fuel in power stations are not identified separately. Controls on these substances are applied indirectly through the regulation of particulate releases and there is little routine monitoring of such trace elements or reliable estimates of their release in the UK.

Preliminary estimates provided by the power generators to the Environment Agency indicate that release rates are in the range $9x10^{-3}$ to $4x10^{-2}$ grams per second—g/s—for coal-fired stations and to 3 to 5 g/s for oil–fired stations. These levels are greater than the "significant release rate" of $8x10^{-3}$ g/s proposed by Her Majesty's Inspectorate of Pollution in 1995. The "significant release rate" provides guidance to operators on the level of release above which the substance should be considered in any environmental assessment submitted as part of an application for authorisation under integrated pollution control. The "significant release rate" supersedes but performs the same function as the "Action Level" proposed by HMIP in a consultation guidance document on best practical environmental option—BPEO—assessment procedures in April 1994. Under typical operating conditions, releases of this magnitude might be expected to result in ambient air concentrations which are less than 2 per cent. of the environmental assessment level for nickel as an annual average.

In view of the preliminary nature of these estimates, the Environment Agency has asked the major operators to provide a written response by 1 October 1996 to demonstrate how reliable annual estimates are to be provided for a number of trace substances, including nickel compounds.

Inward Investment (Merseyside)

Mrs. Jane Kennedy: To ask the President of the Board of Trade, pursuant to his answer of 5 March, *Official Report,* column *137,* how many inward investment strategies for Merseyside have been produced by his Department since 1985. [26504]

Mr. John M. Taylor: No inward investment strategies for Merseyside have been developed since 1985, although a strategy is currently being developed with local partners.

Mrs. Kennedy: To ask the President of the Board of Trade, pursuant to his answer of 5 March, *Official Report,* column *137,* when he expects an inward investment strategy for Merseyside to be completed; and if he will publish that strategy. [26505]

Mr. Taylor: An outline strategy has been prepared involving all the relevant local agencies on Merseyside. It is set within the framework for inward investment support provided by the objective 1 single programming document. A decision on whether and when to publish the strategy will be taken by local partners in due course.

Patent Office

Mr. Harvey: To ask the President of the Board of Trade what are the objectives of process re-engineering as applied to the Patent Office; and if he will make a statement. [26616]

Mr. Ian Taylor: The objective of process re-engineering is the more effective delivery of services. That is also the criterion by which any specific proposals are judged.

Single Market Programme

Mrs. Roche: To ask the President of the Board of Trade how many pieces of legislation have been enacted to implement the single market programme *(a)* in the United Kingdom as a whole, *(b)* in the United Kingdom affecting firms with fewer than 100 employees and *(c)* in each other EU country (i) as a whole and (ii) affecting firms with fewer than 100 employees. [26040]

Mr. Oppenheim *[holding answer 24 April 1996]:* A table showing the number of measures in the Commission's 1985 White Paper on the single market transposed into national law by each member state as at December 1995 follows. The Department does not monitor the number of pieces of national legislation necessary to transpose the directives. The measures contained in the White Paper aim to benefit business generally and apply to all companies.

State of Implementation of the White Paper Measures
276 provisions in force/222 reqiring national implementing measures
Breakdown of situation by Member State[1]

(31 December 1995)

	Measures notified	*Not applicable*	*Derogations*	*Measures not notified*	*Partial notification*	*Infringement for non-conformity*
DK	217	3	0	1	1	0
NL	214	2	0	5	0	1
E	211	1	2	4	1	3
S	203	4	7	7	1	0
L	207	6	0	9	0	0
P	207	3	3	7	0	2
UK	210	2	0	3	4	3
F	209	1	0	7	3	2
FIN	193	6	4	10	9	0
B	200	2	0	11	2	7
I	198	4	0	15	2	3
IRL	198	4	0	16	2	2
EL	193	3	3	21	1	1
D	194	3	0	11	4	10
A	184	3	7	18	10	0

[1] The situation regarding transposition in the new Member States is being reviewed in the light of bilateral meetings in early 1996.

Late Payments

Mrs. Roche: To ask the President of the Board of Trade what percentage of bills were paid late by his Department in 1995–96. [26110]

Mr. John M. Taylor *[holding answer 24 April 1996]:* This information is being collated by the Department and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Mrs. Roche: To ask the President of the Board of Trade how much was paid late to the private sector for goods and services by his Department in 1995–96.[26146]

Mr. Taylor *[holding answer 24 April 1996]:* This information is not held in the form requested and could be provided only at disproportionate cost.

Coalfield Communities (Recreational Sites)

Mr. Hardy: To ask the President of the Board of Trade when he expects the discussions between his Department and British Coal in regard to the retention and safeguarding of recreational sites in coalfield communities to be included; and if he will make it his policy that the future of these sites be safeguarded. [26354]

Mr. Page: The Government's objective remains that British Coal land in active use for sport and recreation will be retained for those purposes. Discussions continue with British Coal and the Coal Industry Social Welfare Organisation as to how this can best be achieved. Those discussions will be concluded as soon as possible.

DEFENCE

Works of Art

Mrs. Clwyd: To ask the Secretary of State for Defence (1) what was the cost to public funds of the three paintings depicting the Army in Bosnia; [20840]

(2) if he will make a statement on the procedures used within his Department to authorise the purchase of works of art with public funds; [20839]

(3) for what purposes his Department buy works of art; [20841]

(4) how many works of art have been purchased by his Department since 1979 using public funds. [20838]

Mr. Arbuthnot: Works of art are purchased to enhance the working environment or to represent an aspect of the history of the Department. The three paintings representing events in Bosnia were purchased for the departmental art collection in January 1995 at a cost of £6,556.50, including VAT. The purchase was made because it was considered that the collection should include paintings depicting the Army's important contribution in Bosnia.

Approval was given in the normal way within the civilian management area which is responsible for works of art. It complied with normal budgetary and accounting procedures.

Type 23 Frigates

Dr. David Clark: To ask the Secretary of State for Defence what is his Department's estimate of the value of the equipment to be placed on the new type 23 frigates. [25780]

Mr. Arbuthnot: The estimated value of the major combat systems, including the command system, for the new type 23 frigates is about £115 million.

Married Quarters Estate

Dr. David Clark: To ask the Secretary of State for Defence how many married quarters his Department currently possesses; how many of these are currently up for sale; and how many are currently unoccupied. [25778]

Mr. Arbuthnot: As at 31 December 1995—the latest date for which figures are available—the married quarters stock of the Ministry of Defence numbered 71,016. Of these, 14,396 were unoccupied. Those currently available for sale include 58,371 in England and Wales offered in the sale of the married quarters estate and approximately 4,000 other surplus properties being disposed of by the MOD directly.

Mr. Spellar: To ask the Secretary of State for Defence how many bids for the married quarters estate are *(a)* for the whole estate and *(b)* for selected parts. [25918]

Mr. Arbuthnot: All the indicative bids for the married quarters estate are for the whole of the estate for sale.

Mr. Spellar: To ask the Secretary of State for Defence how many units of housing *(a)* are currently being sold from the married quarters estate and *(b)* are the subject of sale negotiations. [25919]

Mr. Arbuthnot: We intend to transfer ownership of the majority of the married quarters estate in England and Wales to the private sector. In addition, 3,322 quarters are currently in the process of disposal, separately from the overall sale of the estate.

Admiralty Arch Residence

Dr. David Clark: To ask the Secretary of State for Defence when he moved into a residence in Admiralty Arch; for how long he plans to retain the residence; how many rooms it possesses; if he is paying rent on it; and if he will make a statement. [25777]

Mr. Portillo: Like a number of my predecessors as Secretary of State for Defence, I obtained the Prime Minister's permission to use one of the three flats in Admiralty house which are within his gift. I have used the flat since August 1995, including for overnight accommodation between October 1995 and March 1996. In accordance with long-standing practice, the ministry of Defence makes a payment to the landlord—since 1 April 1996, the Cabinet Office—for its rent and maintenance costs. Council tax on the flat is paid direct to the City of Westminster. The flat has up to three bedrooms.

Defence Estates Organisation

Mr. Sweeney: To ask the Secretary of State for Defence if he will make a statement on Defence agency for the Defence Estates Organisation. [27292]

Mr. Soames: The Defence Estate Organisation was formed on 1 April 1995 from the Defence works service, Defence lands service and a central secretariat branch. The DEO provides a strategic overview of the defence estate and professional support to MOD budget holders and United States visiting forces for the management of the estate, including the contract provision of works services, maintenance of the rural estate, advice on planning issues and the disposal of surplus property. The organisation will now be considered for Defence agency status under the next steps procedures. The first stage of this process is a "prior options" study. This study will consider whether the work that the DEO does should be abolished, privatised or contractorised. An entry inviting comments from interested parties will appear tomorrow in the May 1996 edition of the "Government Opportunities Bulletin".

Copyright

Mr. Maclennan: To ask the Secretary of State for Defence what progress his Department has made towards obtaining a photocopying licence from the Copyright Licensing Agency to ensure compliance with copyright law. [26721]

Mr. Arbuthnot: My Department is currently considering a licence with the Copyright Licensing Agency. We are awaiting a reply to correspondence sent to the agency.

Phoenix Aircraft

Dr. David Clark: To ask the Secretary of State for Defence if he will make a statement concerning current progress on the Phoenix unmanned surveillance aircraft; when he plans to make an announcement concerning its future; and what is the current estimated cost of the project. [25799]

Mr. Arbuthnot: The Phoenix prime contractor, GEC-Marconi Avionics, has recently completed, at its own expense, the agreed programme of work described by my predecessor on 5 April 1995—*Official Report*, columns *1139-40*. The results are now being assessed, and I hope to make an announcement about the future of the project before the summer recess. The estimated cost of procuring the system is £227 million at 1994–95 price levels.

EDUCATION AND EMPLOYMENT

Pupil Assessments

Mr. Spearing: To ask the Secretary of State for Education and Employment, pursuant to her answer of 25 March, *Official Report*, columns *434–35*, what evidence she has evaluated which shows that performance of a school pupil in respect of subjects and grades achieved in any public examination at the age of 16-plus years can be predicted on the basis of assessment made at the age of 11-plus years. [25852]

Mr. Paice: The school year 1999–2000 will be the first year when it will be possible to compare pupils' 1995 key stage 2 national curriculum assessment results at age 11 with the same pupils' public examination results at age 16.

The majority of existing local schemes that I am aware of use GCSE examination results in any measurement of value added at secondary level. Measurement with other results, such as vocational qualifications, is made more difficult because the nature of the qualifications aimed for are often not directly comparable with the previous academic attainments of the pupils concerned.

Teaching Agencies

Mr. John Marshall: To ask the Secretary of State for Education and Employment when she published draft codes of conduct to regulate the activities of agencies supplying teachers for schools; and when she intends to publish a definitive code. [26768]

Mr. Robin Squire: A draft circular giving advice to schools on the recruitment of supply teachers, and guidance notes for employment agencies, were sent to consultees on 17 November 1995. A wide range of comments has been received and is still under consideration. We plan to issue the final guidance later this term.

Incapacity for Work

Mr. Bradley: To ask the Secretary of State for Education and Employment how many people who have been found incapable of work since April 1995 have signed on as unemployed and receive *(a)* income support, *(b)* unemployment benefit, *(c)* both unemployment benefit and income support and *(d)* credits only; and how many people have joined the unemployment register as a result of being found capable of work or disallowed incapacity benefit, income support or severe disablement allowance. [26819]

Mr. Forth: Responsibility for the subject of the question has been delegated to the Employment Agency under its chief executive. I have asked him to arrange for a reply to be given.

Letter from Robert Horne to Mr. Keith Bradley, dated 25 April 1996:

The Secretary of State has asked me, in the absence of the Chief Executive, to reply to your question about how many people who have been found incapable of work since April 1995 have signed on as unemployed and what benefits they have received; and how many people have joined the unemployment register as a result of being found capable of work or disallowed Incapacity Benefit, Income Support or Severe Disablement Allowance.

In answer to the first part of your question, people found incapable of work following the All Work Test can continue to receive Incapacity Benefit (IB) and would not therefore need to claim unemployment benefits.

You also ask how many people have joined the unemployment register as a result of being found capable of work or disallowed IB. In the period April 1995 to March 1996 40,257 people disallowed IB following the All Work Test made a claim for unemployment benefits and thereby registered for employment. No figures are held for those who have joined the unemployment register, who previously claimed Income Support or Severe Disablement Allowance.

I hope this is helpful.

Copyright

Mr. Maclennan: To ask the Secretary of State for Education and Employment what progress her Department has made towards obtaining a photocopying licence from the Copyright Licensing Agency to ensure compliance with copyright law. [26720]

Mr. Robin Squire: The Department has been in correspondence with the Copyright Licensing Agency Ltd. and is awaiting a proposal directed at the Department for Education and Employment.

Jobcentres

Mr. Redmond: To ask the Secretary of State for Education and Employment (1) what assessments she has made of the performance of jobcentres in *(a)* Doncaster and *(b)* Mexborough measured against charter standards in the last 12 months; [26611]

(2) how many complaints were received about the services provided by jobcentres in *(a)* Doncaster and *(b)* Mexborough during the last 12 months; and what were the equivalent figures for the previous (i) 12, (ii) 24 and (iii) 36 months. [26612]

Mr. Forth: Responsibility for the subject of the question has been delegated to the Employment Agency under its chief executive. I have asked him to arrange for a reply to be given.

Letter from Mike Fogden to Mr. Martin Redmond, dated 25 April 1996:

The Secretary of State has asked me to reply to your questions about the performance of Jobcentres in Doncaster and Mexborough in the last 12 months measured against Charter standards, and about the number of complaints received about the services provided by the above Jobcentres.

Jobseeker's Charter standards are monitored throughout the Employment Service. The standards are agreed by the Citizens Charter Unit and Number 10 Policy Unit. The following standards can be expected by jobseekers under the Jobseeker's Charter:

jobseekers should be seen on time if they have an appointment, if not they should be seen within 10 minutes of offered an appointment;

telephone calls should be answered within 30 seconds;

letters should be responded to within five days, jobseekers's questions should be answered in clear, plain language;

vacancies on display should be up to date and available; and

benefit payments should be for the right amount of money and on time.

Table 1 and 2 attached show the standards achieved for the periods you requested in the Employment Service (ES) Districts in which Doncaster and Mexborough are located. Analysis would indicate that the standards, particularly on client waiting times, are lower in the Doncaster ES District compared to Barnsley and the Dearne. The main factor affecting the service to the public during the period was the introduction of a pilot system known as the Labour Market System (LMS). LMS is a computer based system designed to support the ES frontline, job-broking and client advisory processes. As with any major innovation of this size there have been a number of system and organisational problems to resolve. I am pleased to report that the majority of teething problems have been overcome and we are now starting to see real improvements for our clients. You will be interested to note that following the successful pilot of LMS in the Doncaster ES District a decision was taken to rollout LMS in all Jobcentre locations.

As part of the Jobseeker's Charter we obtain feedback from our clients on the quality of our services. A formal suggestions and complaints system is in place at Jobseekers to monitor this. Table 3 shows the volume of complaints received by Doncaster and Mexborough offices. Suggestions by clients and employers are regularly monitored and where possible improvements are made to our services. For example, improved Back To Work Teams (BTWTs) are currently being introduced into Jobcentres following the 1995 local customer satisfaction surveys. BTWTs are groups of ES people who provide the full range of ES programmes and services to specific groups of clients. The teams can offer a continuity of service to clients, as well as ensuring all eligibility conditions for receipt of benefit are satisfied.

In addition to the above quarterly monitoring of standards, information is gathered via local and national customer satisfaction surveys. The last local customer satisfaction survey in Mexborough was carried out in the two weeks commencing 18 March 1995 (published July 1995). Offices within the Doncaster ES District were excluded from the 1995 survey because of the LMS pilot. You will be interested to note that a survey of customer satisfaction within the Doncaster Jobcentres took place two weeks ago although the results are yet to be published and analysed.

Should you require any further information please do not hesitate to contact my District Managers. Terry Allen is District Manager for Doncaster District and he can be contacted on Tel: (01302) 552101, and Paul Armstrong is District Manager for Barnsley and the Dearne—which covers Mexborough—and can be contacted on Tel: (01226) 263000.

I hope this is helpful.

Table 1: Standards of service by Barnsley and the Dearne Employment Service District under the jobseeker's charter
Barnsley and the Dearne Employment Service District comprises the Jobcentres in Barnsley, Goldthorpe, Hoyland, Mexborough and Wombwell.

Percentage

Quarter ending	*Waiting times (Seen within 10 minutes)*	*Answering telephone (within 30 seconds)*	*Reply to letters (within 5 working days)*	*Up to date vacancies*	*First payment within 13 days*[1]	*Accuracy of payment by value*[2]
March 1996	86	97.3	100	96.6	74.3	[3]98.4
December 1995	97.1	96.9	100	95.2	82.8	[4]98.1
September 1995	100	99	100	95	75.6	[5]97.7
June 1995	100	98	99	96	77.3	[6]99.4

[1] This indicator is compiled monthly and the figures for the month highlighted have been given.
[2] For this indicator the quarterly return dates differ.
[3] 5.1.96.
[4] 6.10.95.
[5] 7.7.95.
[6] 7.4.95.

Table 2: Standards of Service by Doncaster Employment Service District under the Jobseeker's Charter
Doncaster Employment Service District comprises the East Laith Gate, Queensgate Corner, Queensgate House, and Trafford Way Jobcentres in Doncaster and Thorne Jobcentre

Percentage

Quarter ending	*Waiting times (seen within 10 minutes)*	*Answering telephone (with 30 seconds)*	*Reply to letters (within 5 working days)*	*Up to date vacancies*	*First payment within 12 days*[1]	*Accuracy of payment by value*[2]
March 1996	82	100	87.5	91.1	74.5	[3]96.8
December 1995	80.8	100	100	89.7	77.8	[4]98.2
September 1995	86.6	100	100	83.9	70.8	[5]92.5
June 1995	92.6	100	85.8	82.7	70.8	[6]97.0

[1] This indicator is compiled monthly and the figures for the month highlighted have been given.
[2] For this indicator the quarterly return dates differ.
[3] 5.1.96.
[4] 6.10.95.
[5] 7.7.95.
[6] 7.4.95.

Table 3: Complaints received under the jobseeker's charter

	Number of complaints received by Mexborough jobcentre	*Number of complaints received by Doncaster jobcentres (excluding Thorne)*
Year ending March 1996	7	33
Year ending March 1995	2	45
Year ending March 1994	0 (Records not available until quarter ending December 1993)	Records not available
Year ending March 1993[1]	Records not available	Records not available

[1] Under the Jobseeker's Charter, there are no national guidelines on the length of time completed documents are retained and it is at the discretion of the District Manager as to how long information are kept on file.

LORD CHANCELLOR'S DEPARTMENT

Bankruptcy

Mr. Barnes: To ask the Parliamentary Secretary, Lord Chancellor's Department what arrangements he has made to ensure that disabled people who wish to defend themselves without drawing upon the services of a solicitor and barrister, are able to do so in bankruptcy proceedings before the High Court; and if he will make a statement. [26801]

Mr. Jonathan Evans: The question concerns as specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

Letter from M. D. Huebner to Mr. Harry Barnes, dated 25 April 1996:

The Parliamentary Secretary of the Lord Chancellor's Department has asked me to reply to your Question about the ability of disabled people to defend bankruptcy proceedings in person.

Under the Rules of the Supreme Court, any person under a mental disability may not defend proceedings themselves but must act through a next friend or *guardian ad litem*. The Rules also provide that a next friend must act by a solicitor. Physically disabled people are, of course, free to defend themselves in all proceedings, including bankruptcy.

The Royal Courts of Justice has made a number of improvements to disabled access to its buildings over the last four years. Bankruptcy proceedings normally take place in the Thomas More Building. This is the most modern part of the complex and there is wheelchair access to all floors. Facilities are also available for the hard of hearing to have access to a hearing enhancement system. Blind court users are assisted through Braille indicators at strategic locations in the building, such as next to lift buttons, and space is also provided in courts and chambers should they wish to use Braille machines for transcription.

There is also a Customer Service Officer in the Royal Courts of Justice who is permanently on hand to help with any problems that a disabled person may have.

Legal Aid

Mr. Cox: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the magistrates courts covering the Greater London area. [25577]

Mr. Jonathan Evans: There are presently 50 magistrates courts in the Greater London area. They are:

Area	
Inner London	
(These courts deal with mainly adult business)	
Board of Green Cloth Verge of the Palaces (Special Jurisdiction: Gaming and Licensing)	SW1
Belmarsh	SE28
Bow Street	WC2
Camberwell Green	SE5
City of London	EC4
Clerkenwell	WC1
Greenwich	SE10
Hampstead	NW3
Highbury Corner	N7
Horseferry Road	SW1
Marlborough Street	W1A
Marylebone	NW1
Old Street	EC1
South Western	SW11
Thames	E3
Tower Bridge	SE1
Walton Street	SW3
West London	W14
Wells Street	W1
Woolwich	SE18
Outer London	
Acton	W3
Barking	IG11
Barnet	EN5
Bexley	DA6
Brent	NW10
Brentford	TW8
Bromley	BR1
Croydon	CR9
Ealing	W13
Enfield	N17
Feltham	TW13
Haringey	N6
Harrow	HA1
Havering	RM1
Hendon	NW9
Kingston upon Thames	KT1
Redbridge	IG6
Richmond upon Thames	TW9
Stratford	E15
Sutton	SM6
Uxbridge	UB8
Waltham Forest	E17
Wimbledon	SW19
Youth and family courts	
Camden and Islington	N7
City, Hackney and Tower Hamlets	E3
Greenwich	SE10
Hammersmith and Fulham, Kensington and Chelsea	W1
Lambeth and Wandsworth	SW17
Lewisham and Southwark	SE5
Family court	
Hammersmith and Fulham, Kensington and Chelsea and Westminster	NW1

FOREIGN AND COMMONWEALTH AFFAIRS

Bahrain

Mr. Fatchett: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Government of Bahrain about human rights in that country; and if he will make a statement. [25836]

Mr. Hanley *[holding reply 23 April 1996]:* Bahrain is a friend and ally. We have followed recent developments there closely and have been concerned at the recent violence. We are aware of allegations of human rights abuses, and will speak to the Bahraini Government about them.

Immigration

Mr. Madden: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) when Mr. Ghafoor Ahmed, born 1 January 1972 is to be interviewed at the post in Islamabad in connection with his application to join his wife in the United Kingdom; and if he will make a statement; [26805]

(2) when the explanatory statement into the refusal to grant entry clearance to Mr. Sajid Mahmood, (Ref. IMM/B9871) is to be *(a)* completed at the post in Islamabad and *(b)* despatched to the immigration appellate authorities in London; and if he will make a statement; [26803]

(3) when the explanatory statement into the refusal to grant entry clearance to Mr. Mohammed Usman, (Ref. IMM/C6876) is to be *(a)* completed at the post in Islamabad and *(b)* despatched to the immigration appellate authorities in London; and if he will make a statement; [26804]

(4) when a decision is to be taken on the application by Mrs. Salim Bibi (Ref: LBA/1081/95 and B548471) made to the United Kingdom post in Islamabad to join her husband in the United Kingdom; and if he will make a statement. [26777]

Mr. Hanley: I have asked the high commission at Islamabad for details and will arrange for the hon. Member to receive a substantive reply from the migration and visa correspondence unit as soon as possible.

Copyright

Mr. Maclennan: To ask the Secretary of State for Foreign and Commonwealth Affairs what progress his Department has made towards obtaining a photocopying licence from the copyright licensing agency to ensure compliance with copyright law. [26715]

Sir Nicholas Bonsor: Discussions between ourselves and the Copyright Licensing Agency are continuing. An issue of particular concern which remains to be resolved is whether CLA's jurisdiction extends to posts overseas. An agreement with CLA is not necessary to comply with United Kingdom copyright legislation.

DUCHY OF LANCASTER

Copyright

Mr. Maclennan: To ask the Chancellor of the Duchy of Lancaster what progress his Department has made towards obtaining a photocopying licence from Copyright Licensing Agency Ltd. to ensure compliance with copyright law. [26713]

Mr. Freeman: My Department has been approached by Copyright Licensing Agency Ltd. and is considering the terms of the photocopying licence proposed by the agency.

PUBLIC ACCOUNTS COMMISSION

National Audit Office

Mr. Forman: To ask the Chairman of the Public Accounts Commission if the Commission has appointed new auditors for the National Audit Office. [27162]

Sir Peter Hordern: Yes. The Commission has appointed the firm of Robson Rhodes. The appointment will be for a fixed term of three years from 1 April 1996. The appointment is renewable for a further two years at the discretion of the Commission.

TREASURY

Capital Gains and Transfer Taxes

Mr. Colvin: To ask the Chancellor of the Exchequer what have been the total receipts form *(a)* capital gains tax and *(b)* capital transfer tax for the last five financial years for which figures are available. [22992]

Mr. Michael Jack: The information requested is given in the table which follows. Inheritance tax replaced capital transfer tax in 1996.

£ million

	Capital gains tax[1]	*Inheritance tax*
1990–91	1,852	1,262
1991–92	1,140	1,299
1992–93	982	1,211
1993–94	710	1,333
1994–95	925	1,411
1995–96 (provisional estimate)	800	1,550

[1] Capital gains made by companies, including the gains of insurance companies attributable to policy holders, are chargeable to corporation tax and excluded from, the figures above.

Self-assessment (Self-employed)

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what estimate he has made of the change in the income tax yield form the self-employed for *(a)* 1996–97, *(b)* 1997–98 and *(c)* 1998–99 which will result from the change in the basis period of account under self-assessment. [26189]

Mr. Jack *[holding answer 22 April 1996]:* As I explained in my reply to the hon. Member for Oxford, East (Mr. Smith) on 9 February, *Official Report*, column *388*, just over £700 million of the yield in 1998–99 from self-assessment, as shown in the table 5.2 of the "Financial Statement and Budget Report 1996–97", relates to income tax and class 4 national insurance contributions on the profits of trades, professions and vocations. The equivalent figures for 1996–97 and 1997–98 are a yield of about £50 million and a cost of about £100 million respectively.

These estimates are particularly sensitive to assumptions about growth in income from these sources.

Tax Reliefs

Mr. Pearson: To ask the Chancellor of the Exchequer (1) what would be the full-year yield of restricting income tax relief at each marginal rate; [24926]

(2) if he will estimate the full-year yield from limiting *(a)* all tax reliefs claimed at the marginal rate and *(b)* the personal allowance to relief at (1) the basic rate and (2) the 20 per cent. rage giving in each case the number of taxpayers affected; [24934]

(3) what was the cost of tax relief for the most recent year available for deductions and reliefs listed under each of the reference numbers 303 to 317 on form X of the Inland Revenue survey of personal incomes. [24931]

Mr. Jack: Estimated full year yields at 1996–97 income levels for personal allowances, pension contribution and other reliefs are as follows. These are based on readily available information from a projection of the 1993–94 survey of personal incomes and other survey data projected in line with assumptions in the Budget forecast. The figures do not take account of any behavioural effects which might result from the introduction of such changes. If all allowances and reliefs were restricted the total yield would be greater than the sum of the individual figures.

	Restriction to			
	Basic rate		*20 per cent.*	
Effect of restricting	*£ million*	*Numbers affected £ millions*	*£ million*	*Numbers affected millions*
Personal allowances	1,600	3.3	5,000	25.2
Relief for pension contributions	790	2.0	1,350	11.7
Other reliefs	190	0.8	n/a	n/a

n/a—not available.

Latest estimates of the costs of deductions and reliefs from information collected in the SPI are included in tables 1.6 and B1 of "Inland Revenue Statistics 1995". In some cases the SPI, which is based on administrative date, provides only some of the required information about a relief and other data sources are also used.

Public Bodies

Dr. Wright: To ask the Chancellor of the Exchequer how many appointments to the public bodies listed in "Public Bodies" for his Department were made during 1994–95 from names supplied by the public appointments unit; and if he will list them. [25953]

Mrs. Angela Knight *[holding answer 22 April 1996]:* During 1994–95, there were 14 appointments from names supplied by the public appointments unit to bodies listed under HM Treasury in "Public Bodies":

Name	*Public body*
Mr. W. D. Walker, OBE	Financial Services Tribunal
Mr. I. L. Rushton	Financial Services Tribunal
Mr. M. C. Mowat	Financial Services Tribunal
Mr. I. N. Mokhtar	Financial Services Tribunal
Ms M. S. Lai	Financial Services Tribunal
Mr. R. G. Burnett	Financial Services Tribunal
Ms M. E. Black	Financial Services Tribunal
Ms Ruth Lea	Review Body for Nursing Staff, Midwives, Health Visitors and Professions Allied to Medicine
Mrs. Sheila Gleig	Review Body for Nursing Staff, Midwives, Health Visitors and Professions Allied to Medicine
Mr. David Penton	Doctors' and Dentists' Review Body
Mrs. Elizabeth Drummond	Schoolteachers' Review Body
Mr. Guy Neely	Armed Forces Pay Review Body
Mrs. Yve Newbold	Senior Salaries Review Body
Mrs. Rosemary Day	Senior Salaries Review Body

Conceptions (Doncaster)

Mr. Redmond: To ask the Chancellor of the Exchequer how many conceptions occurred in each of the last five years for which figures are available in the Doncaster health authority. [26644]

Mrs. Angela Knight: The figures requested are shown in the table. They cover conceptions which led to maternities or to abortion under the 1967 Abortions Act. No information is available centrally about conceptions terminated by spontaneous miscarriages or illegal abortions.

Conceptions recorded for Doncaster Health Authority

Year	*Thousands*
1989	5.1
1990	5.1
1991	5.0
1992	4.9
1993	4.7

ENVIRONMENT

Human Organs (Disposal)

Mr. Cohen: To ask the Secretary of State for the Environment, pursuant to his answer of 2 April, *Official Report*, column *169*, if human organs subsequent to pathological examination should be classified as waste, and upon disposal require the completion of waste transfer notes under the duty of care regulations. [25776]

Mr. Clappison: The issues which need to be addressed in the circumstances described by the hon. Member are those which I set out in my answer of 2 April 1996, *Official Report*, column *169*.

Mr. Cohen: To ask the Secretary of State for the Environment what organs or body parts of (i) Ronnie Kray and (ii) Frederick West *(a)* should have been, according to his Department's guidance, and *(b)* were recorded on a duty of care waste transfer note; and if he will make a statement. [25853]

Mr. Clappison: It is the responsibility of the producer or the person in possession of a substance to decide whether it is waste and, if so, to take the necessary action in relation to that waste. It is the responsibility of the person transferring controlled waste, and the person to whom such waste is being transferred, to take the action in relation to transfer notes which is required by the Environmental Protection (Duty of Care) Regulations 1991. The Department does not have a right of access to records kept under the 1991 regulations.

Mr. Cohen: To ask the Secretary of State for the Environment if human corpses are classified as waste; and if human corpses are subject to duty of care work transfer notes as controlled waste. [25775]

Mr. Clappison: The burial and cremation of human corpses are outside the scope of legislation on waste.

Battle of Trafalgar Bicentenary

Mr. Spellar: To the Secretary of State for the Environment what preparations his Department is making for the commemoration of the bicentenary of the battle of Trafalgar and the death of Nelson.

Sir Paul Beresford: My Department will consider any plans for commemorating this event in October 2005 a little nearer the time.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for the Environment what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [16170]

Sir Paul Beresford: The Department of the Environment and its sponsored bodies attracted over £4.5 billion in private investment in support of its programmes in 1994–95 and anticipates a similar outturn in 1995–96. Forecasts for 1996–97 and 1997–98 are for about £6 billion in private investment to be generated. The level of capital expenditure by the private sector on the Department's recently announced private finance initiative projects is forecast to be £0 million in 1995–96, £25 million 1996–97 and £47 million 1997–98.

Cement Kilns

Mr. Gordon Prentice: To ask the Secretary of State for the Environment when the results of the National Physical Laboratory monitoring of plume grounding at Castle Cement were sent to Lancashire county council; and for what reasons no request was made for observations or comments. [26007]

Mr. Clappison: A copy of the National Physical Laboratory monitoring report was sent as received, for information, to the chief executive of Lancashire county council on the 23 January 1996.

Mr. Prentice: To ask the Secretary of State for the Environment what is his latest estimate of the date when the Government will publish their response to the second report of the Environment Committee on "The Burning of Secondary Liquid Fuel in Cement Kilns", HC 497 of Session 1994–95. [26099]

Mr. Clappison: Our current estimate is that the response will be published by the end of May 1996.

Mr. Prentice: To ask the Secretary of State for the Environment what assessment he has made of potential conflicts of interest arising from the appointment of a director of Ready Mix Concrete as a director of the Environment Agency in respect of decisions on the circumstances in which cement companies should be permitted to burn hazardous waste in cement kilns. [26100]

Mr. Clappison: Careful consideration was given to potential conflicts of interest presented by appointments to the agency board, including the appointment of a director of Ready Mixed Concrete. Appropriate arrangements exist for such conflicts to the be declared, and for board members to withdraw from discussions or decisions likely to affect those interests.

These arrangements are set out in schedule 1 to the Environment Act 1995, and in the Environment Agency's own internal guidance for board members. The latter requires details of interests to be held on a register which will be available for public inspection.

Appointees to boards, such as the Environment Agency, are people with a track record of success in their chosen fields, who are likely to have a variety of outside commitments and interests. It would be wrong to exclude such people from public appointments as their skills and experience are essential to the board's success.

Regional Offices

Sir Fergus Montgomery: To ask the Secretary of State for the Environment if he will list his Department's responsibilities on which the integrated regional offices are required to advise him on the allocation of resources. [25934]

Mr. Curry: The Government offices for the regions are required to provide advice to the Secretary of State for the Environment on the allocation of resources for the housing investment programme, housing partnership fund, flats over shops programme, cash incentive scheme, the single regeneration budget challenge fund and the European regional development fund.

Sir Fergus Montgomery: To ask the Secretary of State for the Environment what was the annual expenditure for each integrated regional office on each programme in each of the last three years. [25933]

Mr. Curry: The information requested is as follows:

Employment Department

Expenditure outturn	*NE*	*NW*	*M*	*YH*	*WM*	*EM*	*ER*	*SW*	*SE*	*L*
1993–94										
Training for work fees	39.5	38.5	23.9	47.5	44.3	36.7	23.4	28.6	27.6	59.6
Youth programmes	60.8	74.7	47.0	80.1	74.9	57.6	56.7	55.6	64.0	58.4
1994–95										
Employer Investment in People (£ million)	4.2	7.5	2.4	5.9	5.8	6.4	5.0	6.0	7.2	10.7
Childcare Grants (£ million)	0.8	1.2	0.4	1.3	1.2	1.0	0.9	1.1	1.6	1.6
Training for Work Fees (£ million)	35.6	36.6	18.4	43.6	34.7	34.4	22.0	25.9	24.6	54.7
Youth Programmes (£ million)	55.8	91.3	33.2	71.9	72.8	60.5	60.5	53.1	77.6	60.4
WRFE (£ million)	5.0	13.1	3.8	14.6	11.9	8.5	10.2	10.3	15.7	18.5
Skill Choice (£ million)	1.7	1.0	0.6	n/a	1.7	1.3	3.6	1.0	0.6	0.6
Workstart (£ thousand)	376.0	—	—	—	—	—	—	24.0	—	—
Learning for Work (£ million)	0.2	0.3	0.2	0.2	0.3	0.2	0.3	0.4	0.7	0.8
Technical Vocational Education Initiative (£ million)	2.6	11.2	4.5	11.3	4.6	9.2	5.3	9.5	9.5	14.3
Careers Service—Contracted (£ million)	3.0	4.5	n/a	2.8	10.3	3.3	2.5	5.7	3.0	n/a
Careers Service—Directed (£ million)	6.7	13.1	5.9	13.7	9.7	8.4	12.0	8.6	16.7	22.2

Employment Department/Department for Education and Employment: 1995–96

Expenditure outturn	*NE*	*NW*	*M*	*YH*	*WM*	*EM*	*ER*	*SW*	*SE*	*L*
Employer Investment in People (£ million)	3.9	7.8	2.1	5.2	6.4	5.9	4.6	4.0	6.0	10.2
Skills for Small Businesses (£ million)	0.4	0.8	0.2	0.6	0.8	0.5	0.8	0.5	0.6	1.1
Childcare Grants (£ million)	1.0	1.9	0.5	1.8	2.0	1.4	1.9	1.7	2.5	2.2

Employment Department/Department for Education and Employment: 1995–96

Expenditure outturn	*NE*	*NW*	*M*	*YH*	*WM*	*EM*	*ER*	*SW*	*SE*	*L*
Training for Work Fees (£ million)	28.7	30.9	16.6	36.0	33.6	24.9	18.5	21.4	21.8	43.2
Youth Training and Modern Apprenticeships (£ million)	54.7	94.1	29.1	74.0	70.6	60.7	56.4	53.3	78.3	59.7
Accelerated Modern Apprenticeships (£ thousand)	14.0	2.0	0.0	20.0	9.0	8.0	6.0	3.0	0.0	2.0
Work Experience (£ million)	0.4	0.4	0.1	0.3	0.7	0.3	0.6	0.4	1.1	0.4
FECDF (£ million)	1.7	3.9	1.0	3.2	3.9	2.3	3.0	2.9	4.5	4.3
Adult Information and Guidance (£ thousand)	552.6	403.8	242.8	926.5	361.3	0.0	308.8	61.6	70.0	426.0
Skill Choice (£ thousand)	246.7	87.5	76.6	0.0	79.4	10.6	600.3	43.8	63.8	58.5
Workstart (£ thousand)	70.7	—	—	—	—	—	—	—	—	—
Jobmatch (£ million)	—	—	—	—	—	0.2	—	—	—	0.5
Technical Vocational Education Initiative (£ million)	1.1	7.1	3.9	10.7	1.9	5.4	1.3	4.6	1.8	13.2
Careers Libraries (£ thousand)	82.2	208.5	45.9	183.1	167.1	160.0	193.2	149.3	257.0	191.7
Careers Guidance (£ million)	0.0	1.1	1.2	1.4	1.3	0.5	1.1	0.5	2.6	4.8
Careers Service—Contracted (£ million)	12.2	17.7	0.8	15.2	16.4	13.8	16.5	16.5	16.0	0.3
Careers Service—Directed (£ million)	0.6	6.1	5.3	6.6	5.5	2.4	4.7	2.4	11.3	21.7

1. The tables identify the former Employment Department and DFEE programmes in whose administration and delivery Government Offices are involved. The programmes are mainly delivered through Training and Enterprise Councils, Local Education Authorities and Careers Services, under contract to the Department.

2. The table for 1993–94 refers to programme expenditure by Employment Department Regional Offices, whose boundaries are in some instances different from those of Government Offices for the Regions, which were formed in April 1994. Breakdowns of all programme spend for 1993–94 are not available. However, spend on the two largest programmes run by the Department is given. The spend in the table may not align precisely with the outturn published in the Appropriation Accounts at national level.

3. Final outturn for 1994–95, as published in the Appropriation Accounts, is available at national level only. The spend in the table for 1994–95 may not align precisely with outturn published in the Appropriation Accounts.

4. Spend for 1995–96 is still provisional. Final outturn will not be available until the Appropriation Accounts are published in the Autumn and is available at national level only. The spend in the table therefore represents the most up to date information available but may not align precisely with spend to be published in the Appropriation Accounts.

5. Training for Work spend excludes Allowances, not available at Government Office level.

Department of Trade and Industry

£ million

	1993–94 outturn		*1994–95 outturn*		*1995–96 expected outturn*	
	Net	*Gross*	*Net*	*Gross*	*Net*	*Gross*
ERDF Payment to third parties	18.0	18.0	29.3	29.3	29.2	29.2
Regional Selective Assistance	95.1	95.3	112.9	113.2	111.7	113.0
Inward Investment	8.8	8.9	10.5	10.5	12.5	12.5
Business Services Locally Delivered (including development of Business Links)	83.8	83.8	48.2	48.2	86.2	86.2
Export Promotion Schemes and Services (excluding Trade Policy element (WTO subscription)	39.5	54.7	45.6	56.2	54.2	57.6
SMART	12.9	12.9	13.4	13.4	11.8	11.8
SPUR	8.7	8.7	8.5	8.5	8.7	8.7

1. The table identifies the main DTI programmes in whose administration and delivery the Government Offices are involved. The GOs are not directly involved in administering or delivering the whole amount of the programme expenditure identified in the table. Regional breakdowns for DTI programmes are not available.

2. Net figures are net of receipts.

Department of Transport

£ thousand

Outturn	*NE*	*NW*	*M*	*YH*	*WM*	*EM*	*ER*	*SW*	*SE*	*L*
1994–95										
Statutory Advertising	54.1	71.0	23.5	44.0	36.6	13.1	23.7	24.2	6.7	42.0
Public Inquiry	0	0	0	0	0	0	0	0	0	0
Consultancy and Studies	0	17.0	2.8	0	11.0	0	0	0	0	80.0
Woolwich Ferry	—	—	—	—	—	—	—	—	—	3,768.0
Transportation Studies	—	—	—	—	—	—	—	—	—	1,089.0
1995–96										
Statutory Advertising	147.4	53.0	25.4	42.0	23.5	20.4	30.0	18.7	39.8	45.6
Public Inquiry	0	0	1.7	0	0	0	0	35.0	0	0

Department of Transport

£ thousand

Outturn	*NE*	*NW*	*M*	*YH*	*WM*	*EM*	*ER*	*SW*	*SE*	*L*
Consultancy and Studies	0	13.0	12.1	10.0	18.4	0	0	24.3	40.0	261.0
Woolwich Ferry	—	—	—	—	—	—	—	—	—	4,136.0
Transportation Studies	—	—	—	—	—	—	—	—	—	1,490.0

1. Details of programme expenditure prior to the formation of Government Offices for the Regions in April 1994 are not available.

Department of the Environment

£ million

Outturn[1]	*NE*	*NW*	*M*	*YH*	*WM*	*EM*	*ER*	*SW*	*SE*	*L*
1993–94										
Housing Investment Programme	83.0	162.0	53.8	154.6	194.7	116.2	142.4	140.6	187.5	530.4
Estate Action[2,3]	28.7	60.3	39.6	41.8	46.1	27	5.9	12.2	3.8	85.3
Housing Partnership Fund	3.6	2.6	0.7	2.8	3.4	4.0	3.9	4.8	3.1	1.1
Housing Action Trust[2]	—	—	16.0	26.5	2.0	—	—	—	—	30.6
Flats Over Shops	1.0	0.8	0.3	1.0	0.9	0.9	0.7	1.0	0.8	1.9
Energy Efficiency/Cash Incentive Scheme	0.4	0.6	0.7	0.8	0.5	0.7	0.4	0.5	0.3	0.3
Derelict Land Grant[4]	7.8	27.5	8.0	23.9	19.9	8.7	0.8	3.3	0.8	3.6
City Action Team[2]	0.8	0.4	0.4	0.4	0.4	0.4	—	—	—	0.5
Task Forces[2]	1.8	1.0	2.2	2.3	2.6	2.3	—	0.6	—	5.0
Urban Development Corporation[2]	78.5	37.1	22.5	16.7	62.4	—	—	20.7	—	105.4
City Challenge[3,5]	45.8	31.8	22.3	27.8	29.0	21.2	—	—	—	52.3
Manchester Regeneration	—	23.3	—	—	—	—	—	—	—	—
Docklands Light Railway[2]	—	—	—	—	—	—	—	—	—	28.1
Merseyside Special grant	—	—	0.6	—	—	—	—	—	—	—
ERDF	41.2	28.2	23.0	32.6	34.3	10.4	—	2.4	11.5	—
Coalfield Areas Fund[6]					Total expenditure: 166.5					
Urban Programme[2]/UPF[6]					Total expenditure: 2.3					
1994–95										
Housing Investment Programme	78.1	156.2	63.3	142.8	172.2	108.8	112.9	115.4	137.7	442.4
Housing Partnership Fund	1.5	3.0	0.7	2.6	2.9	2.1	2.4	2.3	3.0	10.2
Flats over Shops Programme	1.0	1.0	0.2	1.2	0.9	1.0	0.4	0.9	0.8	1.5
Cash incentive Scheme	—	—	—	—	0.7	—	3.2	2.0	7.6	16.3
Single Regeneration Budget	160.9	148.8	104.6	161.5	176.1	75.6	14.6	42.7	13.7	320.8
Coalfield Areas Fund	0.2	—	—	0.2	0.4	1.2	—	—	—	—
Manchester Regeneration	—	30.2	—	—	—	—	—	—	—	—
ERDF	53.9	49.5	32.5	43.0	70.1	23.3	—	13.0	2.7	0.1
1995–96										
Housing Investment Programme	64.9	134.4	37.1	119.7	136.7	84.3	93.6	97.8	136.8	367.0
Housing Partnership Fund	1.6	2.8	0.7	2.7	3.1	1.9	2.1	2.8	3.2	9.7
Cash incentive Scheme	0.6	1.9	0.7	0.3	1.9	1.5	4.8	2.6	10.9	34.6
Specified Capital Grant for Private Sector Renewal	12.6	52.0	13.5	32.3	49.1	25.6	24.4	33.8	43.6	49.8
Single Regeneration Budget	152.6	143.9	102.7	133.1	147.9	73.8	9.6	29.7	9.4	313.5
ERDF	28.8	27.4	29.2	32.8	27.6	10.8	0.2	11.5	1.3	1.6

[1] The table above refers to programme expenditure by the Regional Offices of the Department of the Environment. Government Offices were established in April 1994.
[2] Subsumed within Single Regeneration Budget from April 1994.
[3] Estate Action figures exclude resources for Design Improvement Controlled Experiment (DICE).
[4] Transferred to English Partnerships from April 1994.
[5] City Challenge figures include City Challenge Housing Corporation expenditure in 1993–94 and exclude payments made in 1993–94 for expenditure actually incurred in 1992–93.
[6] Figures for the Urban Programme, Urban Partnership Fund (UPF) and Coalfield Areas Fund are not held centrally on a region by region basis. The Urban Programme was subsumed within the Single Regeneration Budget from April 1995.

Whitley Incinerator, Coventry (Fire)

Mr. Jim Cunningham: To ask the Secretary of State for the Environment what conclusions have been reached by Her Majesty's inspectorate of pollution's investigation into the fire at Whitley incinerator, Coventry, on 8 March; and if he will make a statement. [25922]

Mr. Clappison *[holding answer 22 April 1996]:* The investigations into the incident at the Coventry and Solihull Waste Disposal Co. Ltd. incinerator on 8 March are still in progress. A detailed report from the operator is expected shortly, together with a report from Coventry Environmental Services, which has been investigating the health effects. These reports will be considered in order

to determine whether there are any actions required to prevent or minimise similar incidents in the future. The investigation is likely to be complete by the end of May.

Shopping Development

Mr. Betts: To ask the Secretary of State for the Environment if he will list the response he has received to his draft planning guidance on out-of-town shopping development. [26530]

Sir Paul Beresford: Over 500 responses were received.

Mr. Betts: To ask the Secretary of State for the Environment when he proposes to issue revised guidance on planning permission for out-of-town shopping development. [26529]

Sir Paul Beresford: We hope to do so before the summer recess.

Satellite Dishes

Mr. David Nicholson: To ask the Secretary of State for the Environment in which local authority districts in the south-west a satellite dish size of 90 cm is currently permitted without planning permission. [26339]

Sir Paul Beresford: A general planning permission, without the need for a planning application to the local planning authority, is granted by the Town and County Planning (General Permitted Development) Order 1995 for the installation of satellite antennas, subject to certain restrictions including size limits. In the south-west of England, the size limit for installation on dwellinghouses and other buildings under 15 m high is 90 cm in Devon and Cornwall. The size is necessary for good reception in those counties. Elsewhere in the south west the permitted limit is 70 cm. Our recent consultation paper, "Planning and Telecommunications", proposes that satellite antennas of up to 90 cm should be permitted throughout England.

Orimulsion

Mr. Hardy: To ask the Secretary of State for the Environment if orimulsion will be included in the hazardous waste list. [25507]

Mr. Clappison: The list of hazardous waste was established by European Council Decision 94/904/EC. In the United Kingdom it is reproduced in the list set out in part I of schedule 2 to the Special Waste Regulations 1996 laid before Parliament on 1 April 1996. In my Department's view, orimulsion is not included in the list.

Mr. Hardy: To ask the Secretary of State for the Environment what are the functions of the toxic metals contained in orimulsion. [25508]

Mr. Clappison: Toxic metals contained in orimulsion have no function and are present as impurities.

Local Government Finance

Ms Armstrong: To ask the Secretary of State for the Environment if he will list each local authority's capital allocation, credit approvals and capital grants by *(a)* protective services, *(b)* single regeneration budget, *(c)* fire service, *(d)* Ministry of Agriculture, Fisheries and Food, *(e)* European regional development fund, *(f)* personal social services, *(g)* education, *(h)* housing, *(i)* transport, *(j)* other services and *(k)* total for the years 1996–97, 1995–96, 1994–95, 1993–94, plus the bids made by local authorities for 1996–97. [26778]

Sir Paul Beresford: A list has been placed in the Library of the House, giving annual capital guidelines and basic credit approvals for each local authority for the years 1993–94 to 1996–97, and total supplementary credit approvals and capital grants for each local authority for the years 1993–94 and 1994–95. The rest of the information requested is not available centrally; to collate it would be possible only at disproportionate cost.

Copyright

Mr. Maclennan: To ask the Secretary of State for the Environment what progress his Department has made towards obtaining a photocopying licence from the Copyright Licensing Agency to ensure compliance with copyright law. [26716]

Sir Paul Beresford: The Department is undertaking a review to ensure compliance with copyright law. If necessary, a photocopying licence will then be sought.

Council Tax

Mr. Rendel: To ask the Secretary of State for the Environment if he will split band G of the council tax into narrower bands. [26781]

Sir Paul Beresford: My right hon. Friend has no plans to do so.

Mr. Whittingdale: To ask the Secretary of State for the Environment if he will list the council tax payable by a band D household for each local authority area in Essex, excluding parish council precepts. [26877]

Sir Paul Beresford: The council tax payable by a band D household for each local authority area in Essex, excluding parish precepts is as listed.

	1996–97 £
Basildon	651.96
Braintree	588.33
Brentwood	583.38
Castle Point	636.84
Chelmsford	591.70
Colchester	607.61
Epping Forest	573.82
Harlow	704.55
Maldon	561.96
Rochford	586.71
Southend on Sea	573.00
Tendring	583.94
Thurrock	605.34
Uttlesford	568.81

Council Housing Transfers

Mr. Clifton-Brown: To ask the Secretary of State for the Environment when he will announce additions to the programme for housing transfers by councils in 1996–97; and if he will make a statement. [27241]

Mr. Curry: I am pleased to announce that Cotswold district council has gained a place on the 1996 housing transfer programme. The authority aims, subject to the approval of its tenants, to transfer its stock of over 4,300 homes to Fosseway housing association by the end of March 1997.

The Government are committed to a continuing programme of transfers as a means of generating private finance to repair and improve the condition of social housing and to increase diversity and choice for tenants.

The inclusion of Cotswold raises the number of authorities on the 1996 programme to six, giving a revised programme of approximately 25,000 dwellings, valued at £223.6 million.

The 1995 transfer programme has been completed. Eleven authorities transferred almost 45,000 homes to housing associations, raising a total of £963 million in private sector funds.

TRANSPORT

Young Drivers (Accidents)

Mr. Llwyd: To ask the Secretary of State for Transport how many fatal accidents occurred during *(a)* 1993, *(b)* 1994 and *(c)* 1995 involving drivers under 20 years of age; and if he will make a statement. [25159]

Mr. Norris: There were 428 fatal accidents in 1993 involving drivers under 20 years of age, and 426 in 1994. Information for 1995 will be available in July.

Rail Investment

Mr. Gordon Prentice: To ask the Secretary of State for Transport what major investment schemes which have been assessed as not meeting the commercial criteria but having wider benefits to the north-west are included in Railtrack's network management statement; and if he will make a statement. [26417]

Mr. Watts: Railtrack's network management statement sets out an illustrative list of investment schemes which include infrastructure renewal works in the Manchester area and the west coast main line route modernisation scheme. As the statement explains, in the restructured railway, it is for the Franchising Director, in consultation with train operating companies and Railtrack, to assess whether an infrastructure investment scheme meets the service standards and other criteria to enable Railtrack to take the project forward.

Union Railways

Ms Glenda Jackson: To ask the Secretary of State for Transport if he will list total payments to date made by Union Railways to *(a)* consultants, *(b)* outside organisations and *(c)* individuals, indicating the name of the body involved and the services provided. [22238]

Mr. Watts *[holding answer 22 March 1996]:* This information is not available in the form requested. The following is a list of consultants who have either undertaken studies on behalf of Union Railways, or seconded persons to work in house with UR on the development of the CTRL project. The list excludes agencies that provided temporary secretaries, draughtmens and general office staff.

Engineering
Mott MacDonald
Sir William Halcrow and Partners
Partners Scott Wilson Kirkpatrick
Sir Alexander Gibb
Eurorail Ltd.
Ove Arup Engineering
Faithful and Gould
Kier Build Ltd.
Knight Piesold and Partners
WS Atkins
Geotechnical Consulting Group
TH Technology
Environmental
Ove Arup Environment
Aspinwall and Company Ltd.
Land Property and Town Planning
Parkman Ltd.
Terraquest Land Services Ltd.
Symonds Travers Morgan Ltd.
Tibalds Monro
Peter Brett Associates
Jones Lang Wooton
Land Aspects Consultancy
Montagu Evans
Miscellaneous
Laing Henry Ltd.
Public Policy Unit
WS Atkins
TH Technology
Grandfield
McKenna and Company
Freshfields
Transmark Worldwide
Environmental Resource Management
Oxford Archaeological Unit
Mott MacDonald
Ashdown Environmental Ltd.
Cobham Resource Consultants
Reading Agricultural Consultants
Rupert Taylor
Shankland Cox
PIDEA
Michael Boddington Associates
Kennedy and Donkin Transportation Ltd.
SQ Design
Cremer and Warner
Arthur AnderRon and Co.
C. Price
SG Warburg and Co. Ltd.
Bechtel Ltd.
Buchanan and Partners
Llewellyn Davies
Newell and Sorrell Ltd.
DCA Design Consultants

99 Productions
Nick Derbyshire and Associates
GH Nichols
MAI Research Ltd.
Hutchinson Lock and Munk
Business Forecasting and Evaluation
Coopers and Lybrand
Oscar Faber TPA
Hunt Analytics Inc.
Michael H. Schabas
Hague Consulting Group
London Economics Ltd.
Henley Centre for Forecasting Ltd.
MVA Consultancy
Sir Alexander Gibb
Kleinwort Benson Ltd.
Steer Davies and Gleave
Marcial Echenique and Partners
National Economic Research Association
Derek Salkeld and Associates

The total aggregate payments made to the listed companies since Union Railways' creation in 1992 is as follows.

Year	*Aggregate payment excluding VAT £ million*
1992–93	12.7
1993–94	20.5
1994–95	28.8
1995–96 (to date)	10.7

Weighbridges

Mr. Allen: To ask the Secretary of State for Transport how many weighbridges in the United Kingdom are run by *(a)* his Department and *(b)* local authorities. [26772]

Mr. Watts: I have asked the chief executive of the Vehicle Inspectorate executive agency to write to the hon. member.

Letter from Ron Oliver to Mr. Graham Allen, dated 25 April 1996:

The Secretary of State has asked me to reply to your question on the number of weighbridges run by a) the Department, and b) local authorities.

The Vehicle Inspectorate is responsible for the maintenance and operation of 72 weighbridges throughout the UK. We do not have information on the number of weighbridges under local authority control.

Car Accidents

Mr. Allen: To ask the Secretary of State for Transport if he will publish figures relating to car accidents involving *(a)* private cars, *(b)* company cars and *(c)* rental cars by (i) vehicles and (ii) mileage travelled. [26773]

Mr. Norris: Some of the information requested is published in the report "Cars: Make and Model: The Risk of Driver Injury and Car Accident Rates in Great Britain: 1994".

The following table shows a summary of the available data which are contained in this report. Rental cars are included in the category of company-owned cars and it is not possible to identify rented vehicles from the available accident record.

Injury accident involvement per 10,000 licensed vehicles in each group

	Privately owned		*Company owned*	
	Fatal or serious	*All*	*Fatal or serious*	*All*
Registered on or since 1 January 1992				
Standard performance	23	144	30	198
High performance	27	143	32	216
Registered before 1 January 1992				
Standard performance	23	150	25	156
High performance	31	176	27	157

Corresponding estimates of mileage travelled are not available. However, the following annual average mileage estimates have been drawn from the 1992–94 national travel survey and are included in the report.

Estimated annual average mileage by age and ownership of car

Age of vehicle	*Privately owned*	*Company owned*
Up to 1 year old	10,200	22,000
Over 1 and up to 2 years old	10,000	23,000
Over 2 and up to 3 years old	9,900	21,200
Over 3 years old	8,100	17,700
All ages	8,600	20,800

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for Transport what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26688]

Mr. Norris: My Department has the following contracts with Serco Ltd.:

Description	*Termination date*
Software Services Agreement	31 July 1996
Maintenance of radar (call-off)	31 March 1997
Maintenance of Vessel tracking systems (call-off)	31 March 1997

The total cost of the contracts is £123,000. Individual contract costs are not provided as this information is commercial confidential.

The cost to the Department of early termination of these contracts would be negotiable and depend on the individual circumstances and loss suffered by the

contractor. In any case, this amount, when taken together with any payments already made, should not exceed the total contract price.

London Taxi Fares

Mr. Bendall: To ask the Secretary of State for Transport if he will make a statement about London taxi fares and fees. [27293]

Mr. Norris: The Secretary of State has made an order increasing London taxi fares by about 4.59 per cent. on average with effect from Saturday 27 April 1996. The new tariff will incorporate a minimum charge of £1.40—including a hire charge of £1—for the first 513 m—561.22 yds—or 111 seconds. The rate will then be 20p for every 256.5 m —280.61 yds— or 55.5 seconds up to six miles and 20p for each 171 m—187.07 yds—or 37 seconds thereafter. The charge for each additional passenger will be 40p.

The Secretary of State has decided that there will be no increase this year in the fees for London taxi driver and vehicle licences, currently £87 and £78 respectively.

Croydon Tramlink

Mr. Congdon: To ask the Secretary of State for Transport what is the latest position on Croydon Tramlink; and if he will make a statement. [27147]

Mr. Norris: I am glad to say that, following analysis of bids from four consortiums, London Transport has identified Tramtrack Croydon Ltd. as the preferred bidder for the concession to build and operate Croydon Tramlink. London Transport will therefore be taking forward discussion with Tramtrack Croydon Ltd., with the aim of completing the concession agreement with it. My right hon. Friend the Secretary of State will need to be satisfied with the final proposals before making grant available, but I welcome that further step forward for this private finance initiative scheme.

This important public transport scheme should be seen alongside other projects. I know that many Croydon residents are keen that the Coulsdon inner relief road on the A23 should go ahead; and I am glad to be able to confirm that, despite the substantial reductions in roads spending announced in the last Budget, that particular scheme remains in the trunk road programme.

National Transport Debate

Mr. Congdon: To ask the Secretary of State for Transport when he intends to publish the Government's response to the national debate on transport. [27107]

Sir George Young: I am publishing today a Green Paper, providing the Government's response to the transport debate and setting out our vision for the future of transport policy. The Green Paper, "Transport: the Way Forward" draws together for the first time in nearly 20 years most of the key issues affecting transport policy.

The Government issued last October a statement on transport priorities in Northern Ireland. The Secretaries of State for Scotland and for Wales intend to publish transport policy statements later.

Mobile Homes

Mr. Day: To ask the Secretary of State for Transport when he will introduce regulations granting residents of mobile homes at Chesters croft, Cheadle Hulme, rights of compensation under the provisions of the Planning and Compensation Act 1991. [26737]

Mr. Watts: I hope to introduce them as soon as practicable.

Motorway Repairs (Lighting)

Mr. Flynn: To ask the Secretary of State for Transport what assessment he has made of the effects on accident levels of inappropriately sited *(a)* security lights and *(b)* lights used on motorways to illuminate repair work. [26779]

Mr. Watts: I have asked the chief executive of the Highways Agency to write to the hon. Member.

Letter from Lawrie Haynes to Mr. Paul Flynn, dated 25 April 1996:

The Secretary of State for Transport has asked me to write to you in reply to your recent Parliamentary Question about the assessment of the effects on accident levels of inappropriately sited security lighting and lighting used on motorways to illuminate repair works.

I am not aware of any studies into the relationship between security lighting and road accidents. The Highways Agency has carried out a number of accident studies at roadworks over the years and the illumination of repair works has not been identified as causing a safety problem.

Copyright

Mr. Maclennan: To ask the Secretary of State for Transport what progress his Department has made towards obtaining a photocopying licence from the Copyright Licensing Agency to ensure compliance with copyright law. [26709]

Mr. Norris: My Department is revising the matter. Staff are told to comply with copyright provisions and checks are made to reduce the risk of infringement when photocopies are made.

Driving Licences

Mr. Dunn: To ask the Secretary of State for Transport if he will make a statement about the implementation of the second EC directive on driving licences. [26859]

Sir George Young: The changes being introduced as a result of the second directive are very complex. Some aspects have required clarification or negotiation with the commission, and some information from the commission is still awaited. We understand that a number of other member states do not expect to be in a position to implement the directive fully for some time.

We now intend to implement the directive in two stages. The theory test for cars and motorcycles will be introduced as planned on 1 July 1996. However, other changes to the legislation will be introduced on 1 January 1997. They include the introduction of theory tests for other vehicles; the introduction of new categories of driving licence—in particular for new applicants for entitlement to drive minibus and light good vehicles—and changes to eyesight requirements for driving of lorries and buses.

NATIONAL HERITAGE

National Lottery Charities Board

Dr. John Cunningham: To ask the Secretary of State for National Heritage (1) if she will make a statement on her policy with regard to councillors serving on National Lottery Charities Board panels; [26313]

(2) how many councillors have applied to serve on National Lottery Charities Board panels; [26311]

(3) what measures she has taken to ensure that appointments procedures for National Lottery Charities Board panels are transparent and democratic. [26314]

Mr. Sackville: I have been asked to reply.

Responsibility for the appointment of members to the National Lottery Charities Board currently lies with my right hon. and learned Friend, although responsibility is soon to pass to my right hon. Friend the Secretary of State for National Heritage.

The board itself is responsible for appointing members of its non-executive regional advisory panels. I have asked the chief executive of the board to write to the hon. Member on the points raised.

SOCIAL SECURITY

Departmental Expenditure

Mr. Malcolm Bruce: To ask the Secretary of State for Social Security what assessment he has made of the total expenditure of his Department, its agencies and non-departmental public bodies on publicity for each of the years *(a)* 1979–80, *(b)* 1989–90, *(c)* 1991–92, *(d)* 1993–94, *(e)* 1994–95 and *(f)* 1995–96 (i) to date and (ii) as estimated for the whole year; what estimate he has made of such expenditure for 1996–97; and if he will break these figures down to indicate expenditure on (1) advertising and (2) press and public relations. [11392]

Mr. Burt *[holding answer 25 January 1996]:* The total publicity expenditure incurred by this Department, its agencies and non-departmental bodies, is as follows:-

1989–90: £15,598,464

1991–92: £17,546,566

1993–94: £18,333,603

1994–95: £20,654,914

1995–96: £22,917,173[1]

Of these figures, the amounts spend on advertising are as follows:

1989–90: £5,343,986

1991–92: £4,834,813

1993–94: £5,964,988

1994–95: £3,597,308

1995–96: £6,383,467[1]

[1] Estimated figure to end of year.

1. Detailed plans for 1996–97 expenditure are yet to be finalised.

2. Information is not available prior to 1989–90. This Department was not in existence before 1988 and information could be obtained only at disproportionate cost.

3. The above figures are for publicity only. Press does not form part of publicity spending.

4. This Department does not incur expense on Public Relations.

Allowance Claimants

Mr. Clapham: To ask the Secretary of State for Social Security how many claimants were in receipt of reduced earnings allowance and special hardship allowance at the end of February; and what was the average payment under each scheme. [25854]

Mr. Roger Evans: The information is not available in the format requested. Such information as is available is as follows.

	Reduced earnings allowance	*Frozen or restricted reduced earnings allowance*
Allowances current	107,213	35,583
Average weekly payment	£36.05	£24.64

1. Special Hardship Allowance was replaced by Reduced Earnings Allowance from October 1986.

2. Figures shown are at 2 April 1994.

3. Based on a 10 per cent. sample with an allowance for late returns.

Income Support

Mr. Bradley: To ask the Secretary of State for Social Security how many persons were receiving income support on medical grounds at 31 March 1995. [25790]

Mr. Roger Evans: As of February 1995, 787,000 people were receiving income support because of disability or incapacity.

Notes:

1. Data are not available for March 1995.

2. Figure has been rounded to the nearest thousand.

3. The above figure includes those persons in receipt of the disability-premium and those receiving short term incapacity benefit, but excludes persons aged 60 and over, and those persons who would qualify for a lone parent and/or carer premium.

4. Sample Size: 1 in 20.

Source:

Income Support Quarterly Enquiry February 1995.

Mr. Bradley: To ask the Secretary of State for Social Security how many persons are currently receiving income support on medical grounds. [25791]

Mr. Evans: As of May 1995, the latest date for which information is available, 807,000 people were receiving income support because of disability or incapacity.

Notes:

1. Figures has been rounded to the nearest thousand.

2. The above figure includes those persons in receipt of the disability premium and those receiving Short Term Incapacity Benefit, but excludes persons aged 60 and over, and those persons who would qualify for a lone parent and/or carer premium.

3. Sample Size: 1 in 20.

Source:

Income Support Quarterly Enquiry May 1995.

Occupational Asthma

Mr. Ian McCartney: To ask the Secretary of State for Social Security (1) what was the average level of award paid to sufferers of occupational asthma, from whom benefit was recovered by the compensation recovery unit in each of the last three financial years; [25784]

(2) how much was recovered from payments to sufferers of occupational asthma by the compensation recovery unit in each of the last three financial years; [25782]

(3) from how many occupational asthma sufferers benefit was recovered by the compensation recovery unit in each of the three financial years. [25783]

Mr. Roger Evans: This is a matter for Peter Mathison, the chief executive of the Benefits Agency. He will write to the hon. Member.

Letter from Ursula Brennan to Mr. Ian McCartney, dated 24 April 1996:

As Peter Mathison is away from the office an annual leave at the moment, the Secretary of State for Social Security has asked me to reply to your recent Parliamentary Questions asking what was the average level of award paid to sufferers of occupational asthma, from whom benefit was recovered by the Compensation Recovery Unit (CRU); how much was recovered from payments and from how many occupational asthma sufferers benefit was recovered by the CRU; for each of the last three financial years.

The information requested is not available in the format requested. The average level of award paid to sufferers of occupational asthma is not available. Under the recoupment provisions, compensators are only required to notify CRU of a compensation claim if the award exceeds the Small Payment Limit of £2,500. Compensators are not required to provide information about either the level or composition of the award.

Prior to May 1994 information about recovery from payments to occupational asthma sufferers is not available, as the data held on the CRU computer system did not specifically identify such cases. Information from May 1994 is provided in the table below:—

Period	*Number of cases*	*Total amount recovered*[1]
May 1994–March 1995	3	£7,161.06
April 1995–March 1996	27	£211,510.18

[1] These figures include money recovered from both final and interim payments.

Figures are provisional and subject to change.

I hope you find this reply helpful.

Retirement Allowance

Mr. Clapham: To ask the Secretary of State for Social Security if claimants over retirement age but not yet 70 years of age and not in full-time employment who are in receipt of invalidity benefit as well as reduce earnings allowance will be transferred to retirement allowance. [25856]

Mr. Roger Evans: Yes. The Social Security (Industrial Injuries) (Regular Employment) Regulations 1990, as amended by the Social Security (Industrial Injuries and Diseases) (Miscellaneous Amendments) Regulations 1996 with affect from 24 March 1996, provide for reduced earnings allowance recipients who are over pension age and in receipt of incapacity benefit, which replaced invalidity benefit, to be transferred to retirement allowance.

Mr. Clapham: To ask the Secretary of State for Social Security how many claimants over retirement age and not in full-time employment who receive reduced earnings allowance will be transferred to retirement allowance from April; and what will be the estimated average change in weekly income resulting from the change over. [25855]

Mr. Evans: The information requested is not available in the format requested. Such information as is available is as follows.

The Benefits Agency has identified about 20,000 reduced earnings allowance recipients over pension age, who are not being paid at a frozen or restricted rate. Of these, any not in regular employment will be transferred to retirement allowance under the amended legislation which came into force on 24 March. The average difference between reduced earnings allowance and retirement allowance is estimated to be around £29 a week. This may be offset by additional income related benefit entitlement for some retirement allowance recipients.

Mr. Clapham: To ask the Secretary of State for Social Security if a claimant who is transferred from reduced earnings allowance to retirement allowance and is disadvantaged through his lost occupational pension entitlement will be compensated by extra retirement allowance. [25857]

Mr. Evans: Retirement allowance is paid in recognition that a reduction in earnings, due to an industrial accident or disease, during a person's working life could result in reduced pension entitlement. The rate payable can be no more than 25 per cent. of the rate of reduced earnings allowance.

Small Farmers

Miss Emma Nicholson: To ask the Secretary of State for Social Security what plans he has to set up emergency procedures for income support for financially vulnerable small farmers by exempting them from the actively seeking work criteria. [26131]

Mr. Roger Evans: Any claims from unemployed farmers would be subject to the normal benefit rules, including the actively seeking work rule. Farmers who continue to work may be entitled to in-work benefits depending upon their income and family circumstances.

Disability Pension

Mr. Bradley: To ask the Secretary of State for Social Security what is his estimate of *(a)* the cost and *(b)* the numbers benefiting financially if the housing benefit taper for people receiving a disability premium were reduced to 50 per cent. [26343]

Mr. Roger Evans: The estimated cost of reducing the housing benefit taper to 50 per cent. for claimants with a disability premium is £70 million; 245,000 existing claimants would gain, while a further 15,000 would be newly entitled to receive housing benefit.

Notes:

1. Estimates are based on the family expenditure surveys of 1991, 1992 and 1993, uprated to 1996–97 prices and benefit levels.

2. Expenditure estimates are rounded to the nearest £5 million, and caseloads to the nearest 5,000.

Social Fund

Ms Lynne: To ask the Secretary of State for Social Security what are his Department's plans for the future funding of *(a)* social fund money advice and *(b)* the Benefits Agency out-of-hours service, with particular reference to that provided by the London emergency office. [25630]

Mr. Roger Evans: This is a matter for Peter Mathison, the chief executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Ms Liz Lynne, dated 24 April 1996:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary question asking what are his Department's plans for the future funding of (a) Social Fund money advice and (b) the Benefits Agency (BA) Out of Hours Service, with particular reference to that provided by the London Emergency Office.

I recently outlined the BA's plans for the future delivery of social security benefits based on the BA vision of "right benefit money to the right person at the right time every time".

The Agency will carry out a wide-ranging review of its activities as part of the Departmental Change Programme. Such a programme of change will cover all fundamental areas of the organisation's business and we are committed to achieve a 25% improvement in our productivity by 1998/99. In the first year it has been necessary to identify efficiencies and economies in excess of £200 million. All efficiencies and economies have been considered alongside the expenditure priorities the Agency has been set.

It is against this background that the Agency decided to review the need for the Out Of Hours Service and the London Emergency Office which both provide a service to customers at night and weekends, and also the provision of Social Fund Money Advice.

It was decided to end the funding for Social Fund Money Advice from 1 April 1996 because it was found that the service that could be provided by Social Fund Officers was very limited, there was a very low customer take up, and other outside bodies such as the Citizens Advice Bureaux were able to provide a comprehensive service.

The need for and the level of service provided by the Out of Hours Service and the London Emergency Office is currently being examined and a decision on it viability is expected later this year.

I hope you find this reply helpful.

Child Support Agency

Ms Lynne: To ask the Secretary of State for Social Security what performance targets apply for the operation of the Child Support Agency's computer system. [25629]

Mr. Andrew Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Ms Liz Lynne, dated 24 April 1996.

I am replying to your Parliamentary Question to the Secretary of State for Social Security about the Child Support Agency Computer System (CSCS) performance targets.

The performance targets for CSCS are set out in a Service Level Agreement between the Child Support Agency (CSA) and the Information Technology Services Agency (ITSA).

The service level targets are as follows:

Availability

The target is for ITSA to provide the computer service to all CSA locations 95% of the planned service hours as laid down in the agreement.

Response Times

There are two targets for the time it takes the computer to respond and display information to the user these are:

an average response time of 5 seconds and for

95% of all responses to be within 7 seconds

Output Handling

The target is for ITSA to accurately handle and despatch 95% of all computer outputs within one working day.

Service Support

The target is for ITSA to clear 95% of all incidents (problems) within agreed clearance times as laid down in the agreement.

I am pleased to be able to tell you that all performance targets for CSCS have been consistently exceeded in 1995/96.

I hope this is helpful.

Mr. Frank Field: To ask the Secretary of State for Social Security what have been the annual running costs of the agency and the total to date. [26570]

Mr. Mitchel: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Mr. Frank Field, dated 24 April 1996:

I am replying to your parliamentary question to the Secretary of State for Social Security about Child Support Agency running costs.

The running costs of the Agency for its first two years were published in our relevant Annual Reports and Accounts. The details for 1995–96 are not quite finalised yet. The most up to date figures therefore are:

	£ million
1993–94	139
1994–95	192
1995–96	[1]197
Total	528

[1] Forecast figure subject to end of year adjustment. I hope this is helpful.

Ms Lynne: To ask the Secretary of State for Social Security if he will give a breakdown of full assessments by the Child Support Agency by amount and as a proportion of cases cleared from 1 April 1995 to the present time in the same format as his answer of 25 October 1995, *Official Report*, column *802*. [25765]

Mr. Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Ms Liz Lynne, dated 24 April 1996:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency assessments.

Data is currently available to 30 November 1995. A breakdown of the full maintenance assessments by amount and as a proportion of cases cleared from 1 April 1995 to 30 November 1995 is attached. Work is currently in progress to update this information and details should be available in July 1996.

I hope this is helpful.

Full assessment by amount and as a proportion of cases cleared: 1 April 1995 to 30 November 1995

Weekly maintenance	*Full assessments (000s)*	*Percentage as a proportion of cases cleared*
£0.00–£2.35	34.3	15.6
£2.36–£4.99	0.9	0.4
£5.00–£9.99	1.4	0.6
£10.00–£19.99	4.8	2.2
£20.00–£29.99	5.7	2.6
£30.00–£39.99	5.6	2.6
£40.00–£49.99	7.0	3.2
£50.00–£59.99	5.9	2.7
£60.00–£69.99	5.5	2.5
£70.00–£79.99	4.0	1.8
£80.00 +	4.4	2.0
Total	79.6	36.3

1. Data extracted from a 5 per cent. sample of cases as at 30 November 1995.
2. Includes absent parents on Income Support.
3. Figures do not sum due to rounding.

Mr. Field: To ask the Secretary of State for Social Security how much benefit savings have been achieved each year since April 1993; broken down into *(a)* maintenance collected, *(b)* maintenance arranged, *(c)* non-maintenance cessations and *(d)* in total for each of *(a)* to *(c)* since April 1993. [26569]

Mr. Mitchell: The administration of the Child Support Agency is a matter for the chief executive Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Mr. Frank Field, dated 24 April 1996:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency benefit savings.

The attached table shows the yearly breakdown of benefit savings achieved by the Agency since April 1993. Up to February 1996 the Agency has firmly recorded a total of £1,351 million in benefit savings. The figures for March have yet to be finalised. They will include the annual reconciliation of components like family credit and housing benefit. This will certainly mean that the forecast of £510 million for 1995/96 will be achieved. It may even be an underestimate. On this basis the estimated forecast for the first three years is £1,407 million.

I hope this is helpful.

Benefit Savings Achieved

£ million

	1993–94	*1994–95*	*1995–96 (up to February 1996*	*Total*
Maintenance collected (including AP IS deductions)	30	57	67	154
Maintenance arranged	177	133	117	427
Non-maintenance cessations	138	200	169	507
Other elements	73	89	101	263
Total	418	479	454	1,351

Ms Lynne: To ask the Secretary of State for Social Security which Child Support Agency documents are available under the terms of the open government code. [25628]

Mr. Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Ms Liz Lynne, dated 24 April 1996:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency documents which are available under the Open Government Code.

The attached list shows the principal Agency documents which are available to the public.

This list is not exhaustive; each request under the Open Government Code is dealt with individually, and wherever it is possible to do so the information or documents requested are made available.

I hope this is helpful.

Available to the public

CSA Annual Report/Accounts

Business Plan

Child Support Guide Vols. 1–3/Legislative Changes Handbook

CSA Charter

Field Operations Guide

Child Support Adjudication Guide

Child Support Act and Statutory Instruments

Post Opening Handbook/Manual.

Incapacity Benefit

Mr. Bradley: To ask the Secretary of State for Social Security (1) what number and proportion of persons who have failed the all work test for incapacity benefit have registered for employment; [25807]

(2) how many and what proportion of persons who have failed the all work test for incapacity benefit have subsequently become entitled to unemployed benefit. [25808]

Mr. Forth: I have been asked to reply.

Responsibility for the subject of the questions has been delegated to the Employment Service under its chief executive. I have asked him to arrange for a reply to be given.

Letter from Robert Horne to Mr. Keith Bradley, dated 25 April 1996.

The Secretary of State for Social Security has asked me, in the absence of the Chief Executive, to reply to your questions about the number and proportion of persons who have failed the All Work Test have registered for employment and subsequently been entitled to unemployment benefit.

In the period April 1995 to February 1996, 84,518 people have been disallowed Incapacity Benefit (IB) following the All Work Test. In the same period, 33,454 (43%) disallowed IB following the All Work Test made a claim for unemployment benefits and thereby registered for employment. No figures are available as to whether these people proved to be entitled to unemployment benefit or whether they received Income Support instead.

I hope this is helpful.

Overpayments

Ms Armstrong: To ask the Secretary of State for Social Security how much is owed to his Department in overpayment of benefits; and how much his Department has had to write off in each of the last five years. [26799]

Mr. Roger Evans: The amount owed to the Department due to the overpayment of benefits, as at the end of March 1996, is £462 million.

The amounts written off in each of the last five years are set out in the list:

1990–91: £51,573,000

1991–92: £63,404,000

1992–93: £77,914,000

1993–94: £92,743,000

1994–95: £107,887,000.

Copyright

Mr. Maclennan: To ask the Secretary of State for Social Security what progress his Department has made towards obtaining a photocopying licence from the Copyright Licensing Agency to ensure compliance with copyright law. [26717]

Mr. Burt: This Department is currently considering an approach from the copyright licensing agency to decide whether it is necessary to obtain a photocopying licence, and, if so, the basis for determining the fee payable.

Capacity for Work Test

Mr. Bradley: To ask the Secretary of State for Social Security how many people found capable of work have subsequently signed on as unemployed for *(a)* February and *(b)* March 1996. [26367]

Mr. Forth: I have been asked to reply.

Responsibility for the subject of the question has been delegated to the Employment Service under its chief executive. I have asked him to arrange for a reply to be given.

Letter from Robert Horne to Mr. Keith Bradley, dated 25 April 1996.

The Secretary of State for Social Security has asked me, in the absence of the Chief Executive, to reply to your question about the number of people found capable of work under the All Work Test, who have subsequently signed on as unemployed in February and March 1996.

In the months of February and March 1996, 5,735 and 6,803 people respectively made a claim for unemployment benefits, having been disallowed Incapacity Benefit (IB) following the All Work Test.

I hope this is helpful.

HOME DEPARTMENT

Operations Bumblebee and Eagle Eye

14. **Mr. John Marshall:** To ask the Secretary of State for the Home Department if he will make a statement about Operation Bumblebee and Operation Eagle Eye. [25050]

Mr. Maclean: Both operations are proving their worth. The commissioner tells me that the clear-up rate for domestic burglary has doubled and street robbery has fallen to 2,587, a drop of over 27 per cent.

Sentencing (Consistency)

15. **Mr. Tipping:** To ask the Secretary of State for the Home Department what research he has undertaken into the consistency of sentencing across different courts. [25052]

Mr. Maclean: No specific research project has been undertaken on this topic. However, information on sentencing variations between courts is published annually and a new publication has recently been issued showing the variations graphically between magistrates' courts.

Crime Prevention

16. **Mrs. Bridget Prentice:** To ask the Secretary of State for the Home Department if he will make a statement on the partnership approach to crime prevention. [25053]

Mr. Maclean: Partnership in all its forms has made a significant contribution to the fight against crime in recent years. We remain firmly committed to the concept and will continue to do all we can to encourage it.

Sentencing (Persistent Criminals)

17. **Mr. Sweeney:** To ask the Secretary of State for the Home Department what action he intends to take to ensure that sentences passed on persistent criminals more accurately reflect the time actually served in prison. [25054]

Mr. Maclean: I believe that there should be greater honesty in sentencing. Accordingly, I propose that the present parole and early release arrangements should be abolished and the term served would match more closely the term of imprisonment imposed by the court.

Fire Authorities (Budgets)

18. **Mr. Llwyd:** To ask the Secretary of State for the Home Department what representations he has received from fire authorities during the past two months on their budgets for 1996–97; and if he will make a statement. [25055]

Mr. Sackville: There has been a number of such representations. Responsibility for deciding what level of financial provision should be made available to fire brigades rests with the local fire authorities. They are obliged to set budgets which will enable them to comply with their statutory duties under the Fire Services Act 1947.

Asylum and Immigration Bill

19 **Mr. Morgan:** To ask the Secretary of State for the Home Department what representations he has received on the impact of the measures contained in the Asylum and Immigration Bill on charities dealing with the destitute and homeless. [25056]

Miss Widdecombe: We have received a number of representations expressing concern about the impact of the Bill's housing provisions. The Government consider it wrong that people who are present without valid leave or have been admitted on the basis that they will have no recourse to public funds should be able to claim housing assistance form local authorities. Clause 9 will enable that anomaly to be removed.

Mr. Loyden: To ask the Secretary of State for the Home Department if he will make a statement on the impact on the employment of members of ethnic minorities of the Asylum and Immigration Bill. [25059]

Miss Widdecombe: We believe that the Asylum and Immigration Bill will improve the employment position of members of the ethnic minorities lawfully resident in the United Kingdom and entitled to work here. Illegal working damages them just as it does everyone else who is entitled to work here.

Closed Circuit Television

21. **Mr. Waterson:** To ask the Secretary of State for the Home Department what research he has evaluated as to the effectiveness of CCTV in combating crime. [25058]

Mr. Maclean: My Department has published a number of research papers looking at various aspects of CCTV effectiveness as part of its series of crime prevention unit papers and the successor series of crime detection and prevention papers. The most recent of these—published on 29 December 1995—is paper number 68—"CCTV in Town Centres: Three Case Studies". Copies of all these papers are held in the Library.

Robberies (Cambridgeshire)

23. **Mrs. Anne Campbell:** To ask the Secrtary of State for the Home Department how many robberies were recorded in Cambridgeshire *(a)* in 1979 and *(b)* in 1995. [25061]

Mr. Maclean: There were 46 offences of robbery recorded in Cambridgeshire in 1979 and 352 offences recorded in 1995.

Recorded Crime

24. **Mr. Devlin:** To ask the Secretary of State for the Home Department if he will make a statement on the trend in the incidence of recorded crime since 1993. [25062]

Mr. Maclean: Recorded crime in England and Wales has been falling since 1993, with recorded crime in 1995 down 468,000 offences on 1992 levels. The recent falls have been nationwide, with 35 out of 43 police forces recording falls in 1995. This demonstrates that the police, along with law-abiding members of the community, can make a real difference in helping to prevent crime.

Policing (East Anglia)

25. **Mr. Bellingham:** To ask the Secretary of State for the Home Department when he next expects to meet chief constables from East Anglia to discuss policing in rural areas. [25063]

Mr. Maclean: My right hon. and learned Friend has no plans to do so at present.

Illegal Immigration (Profit)

26. **Mrs. Peacock:** To ask the Secretary of State for the Home Department what action his Department is taking to curb the activities of those bringing illegal immigrants into the United Kingdom for profit. [25064]

Miss Widdecombe: The Immigration Service works closely with the police and other agencies in this country and abroad to gather, evaluate and disseminate intelligence about those engaged in facilitating illegal entry to this country; suspected areas of abuse are investigated and the Crown Prosecution Service instigates prosecutions in appropriate cases.

The Immigration (Carriers' Liability) Act 1987 requires all air and sea carriers to ensure that they do not carry inadequately documented passengers. In addition, the Asylum and Immigration Bill seeks to create the new offences of facilitating for reward the entry of an asylum seeker and assisting a person to obtain leave to remain to which they have no entitlement.

Police Forces (Revenue Finance)

27. **Ms Coffey:** To ask the Secretary of State for the Home Department by how much he plans to increase the revenue finance for police forces in England and Wales in each of the next three years in order to increase by 5,000 the number of police officers. [25065]

Mr. Maclean: I refer the hon. Member to the reply given earlier to the hon. Member for Bootle, (Mr. Benton).

Persistent Burglars and Drug Dealers

Mr. Amess: To ask the Secretary of State for the Home Department what measures he proposes to take to deal with persistent burglars and drug dealers; and if he will make a statement. [25057]

Mr. Maclean: I propose that the courts should be required to impose stiff minimum prison sentences on persistent burglars and drug dealers. Full details of my proposals are set out in the White Paper "Protecting the Public: the Government's strategy on crime in England and Wales", a copy of which is in the Library.

Metropolitan Police

Mr. Harry Greenway: To ask the Secretary of State for the Home Department what was the *(a)* strength and *(b)* cost of the Metropolitan police force (i) in 1979 and (ii) currently; and if he will make a statement. [25310]

Mr. Maclean: At the end of March, Metropolitan police strength, excluding officers seconded from the Metropolitan police, for example to regional crime squads and central service, was 27,342. I understand that the latest estimate for net revenue expenditure for 1995–96

is £1,688.493 million. These figures compare with police strength of 22,168 as at 31 March 1979 and net revenue expenditure of £381.673 million in 1979–80.

Criminal and Terrorist Activity

Rev. Martin Smyth: To ask the Secretary of State for the Home Department if he will make a statement on the relationship with the Republic of Ireland *(a)* as a common migration zone and *(b)* regarding criminal and terrorist activity. [25352]

Mr. Howard: The United Kingdom and the Republic of Ireland, along with the Channel Islands and the Isle of Man, form the common travel area. The CTA reflects the fact that, with the exception of a short period around the second world war, British and Irish nationals have always been free to reside in either country. Journeys within the CTA are normally exempt from, immigration, control, although journeys which start from, or extend beyond, it are still liable to border controls.

Practical co-operation between the Royal Ulster Constabulary, the Metropolitan police and the Garda continues at all levels. Security co-operation with the Irish Government, and between our respective security forces, remains of vital importance.

Mrs. Audrey Grant

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department (1) when Mrs. Audrey Grant of Birmingham is to be deported to Jamaica; and what are the reasons for the deportation; [26844]

(2) what plans he has to review the case of Mrs. Audrey Grant and the deportation order served against her; and how many representations he has had from people concerned about the deportation. [26846]

Mr. Kirkhope: Mrs. Grant is not the subject of a deportation order. She has been given leave to move by the High Court for a judicial review of the decision to remove her to Jamaica as an illegal entrant. No action will be taken pending a decision by the court.

We have received recent representations about the case from nine members of Parliament and from 11 members of the public or organisations.

Deportees

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department how many deportees, over the last 12 months, have parents and children living legally in Britain. [26845]

Mr. Kirkhope: The information requested is not available.

KPMG

Mr. Byers: To ask the Secretary of State for the Home Department what has been the total value of contracts awarded to KPMG in each of the last three years for which information is available. [26283]

Mr. Howard *[holding answer 22 April 1996]:* Individual contract values cannot be given for reasons of commercial confidentiality. The number of contracts awarded to KPMG in each of the last three years and their total value is as follows:

	Number of contracts	£
1993–94	3	153,000
1994–95	2	60,000
1995–96	3	117,000

Mr. Byers: To ask the Secretary of State for the Home Department what consultancies have been let to KPMG by *(a)* the Forensic Science Service, *(b)* the probation training unit and *(c)* C6 division of the Home Office in the last three years. [25560]

Mr. Howard: Only one such contract has been awarded, by the probation training unit.

Prison Escapes

Mr. Hoyle: To ask the Secretary of State for the Home Department what are the procedures for informing *(a)* his Department and *(b)* the public when an escape has taken place from a prison. [26336]

Miss Widdecome *[holding answer 24 April 1996]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Doug Hoyle dated 25 April 1996:

The Home Secretary has asked me to reply to your recent Question asking what are the procedures for informing (a) his Department and (b) the public when an escape has taken place from a prison.

The procedures for informing Ministers are set in the Prison Service's Framework Document, a copy of which is available in the Library of the House. The Framework Document specifies that the Home Secretary will receive reports from the Director General on the escape of a category A prisoner. In addition to the stipulation contained in the Framework Document the Home Secretary receives reports on multiple escapes and escapes of notorious prisoners. Prison Service headquarters is informed immediately of any escape.

There are no national arrangements for the notification of the general public of an escape from prison.

Legal Actions (Costs)

Mr. Simpson: To ask the Secretary of State for the Home Department what has been the total cost to public funds of all the legal actions he has *(a)* lost and *(b)* settled since his appointment. [26012]

Mr. Howard: Records are not kept centrally in the form requested.

Prisoners (Drug Use)

Mr. Cox: To ask the Secretary of State for the Home Department what records are available to his Department in respect of prisoners in England and Wales who are registered drug users. [26543]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 25 April 1996:

The Home Secretary has asked me to reply to your recent Question asking what records are available to the Department in respect of prisoners in England and Wales who are registered drug users.

The Home Office Addicts Index maintains records of notified drug misusers. Because of the confidential nature of the data, the only prison staff allowed access are Medical Officers, who also have access to the medical records of individual prisoners.

British Steel

Mr. MacShane: To ask the Secretary of State for the Home Department what was the total value of commercial orders placed by his Department with British Steel plc in each year from 1988 to 1995. [25816]

Mr. Howard: Information about the value of commercial orders placed with British Steel plc is not available before April 1993. The value of commercial orders placed since then is approximately £750, in financial year 1995–96.

Training Prisons

Mr. Cox: To ask the Secretary of State for the Home Department how many empty places for inmates serving life sentences there were at training prisons in England and Wales on 15 April. [26305]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 25 April 1996:

The Home Secretary has asked me to reply to your recent Question asking how many empty places for inmates serving life sentences there were at training prisons in England and Wales on 15 April.

There are currently 48 prisons with regime arrangements for life sentence prisoners. However, only Kingston prison, at Portsmouth, is an all-lifer prison. Lifer places in training prisons are not reserved and therefore the question of empty places for such prisoners does not arise.

Police Finance Services

Mr. Devlin: To ask the Secretary of State for the Home Department what are his proposals for bringing competition to bear on police finance services. [27163]

Mr. Maclean: It is the Government's intention that compulsory competitive tendering should be introduced to police white collar support services as part of a rolling programme. Detailed consultation proposals for police finance services were issued on 27 July 1995. The Government have now considered the responses received from the police service, local authority associations and other interested bodies.

The Government have decided that police authorities will be subject to the same CCT regime for finance services as other authorities defined under the Local Government Act 1988, except for a number of specific exemptions, and a reduction in the overall competition requirement. The exemptions take account of the specialist nature of police work, and focus on the financial advice given in support of operational aspects of crime investigation.

Racial Incidents (South Wales)

Mr. Hain: To ask the Secretary of State for the Home Department if he will list the statistics for the number of reported racial incidents in south Wales since 1988, indicating the annual percentage changes; and if he will make a statement about Government policy on this matter. [26368]

Mr. Maclean: Figures for the total number of racially motivated incidents recorded by South Wales police since 1988 are shown in the table.

A further report from the inter-department racial attack group is expected to be available by the summer.

Racially motivated incidents[1] recorded by South Wales police since 1988

Year	*Number of incidents recorded*	*Percentage change*
1988	103	—
1989	93	–9.3
1990[2]	308	+231
1991	385	+25
1992	311	–19.3
1993	401	+28.9
1994	501	+24.9
1995	472	–5.8

[1] A racial incident is defined by the Association of Chief Police Officers as any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation, or any incident in which an allegation of racial motivation is made by any person.

[2] Changes in monitoring and recording practices of racially motivated incidents were introduced in 1990 together with a campaign of awareness raising within ethnic minority communities in South Wales.

NORTHERN IRELAND

Race Relations Legislation

Ms Mowlam: To ask the Secretary of State for Northern Ireland when he plans to implement race relations legislation in Northern Ireland. [25462]

Mr. Ancram: My right hon. and learned Friend expects to issue a draft legislative proposal for an Order in Council later this year.

Common Agricultural Policy

Mr. Illsley: To ask the Secretary of State for Northern Ireland how many cases of CAP fraud were reported in Northern Ireland in each year since 1993. [26220]

Mr. Ancram *[holding answer 22 April 1996]:* I refer the hon. Member to the answer given to him by my right hon. Friend the Minister of State, Ministry of Agriculture, Fisheries and Food on 22 April, *Official Report*, columns *50–51*. It is not possible to give a full breakdown of these figures in respect of Northern Ireland because market-based irregularities are compiled by the Intervention Board on a UK-wide basis. The figures for

Northern Ireland for farm-based irregularities reported are:

1993: 2

1994: 5

1995: 1

Fair Employment

Mr. Illsley: To ask the Secretary of State for Northern Ireland what percentage of complaints taken up by the Fair Employment Tribunal in Northern Ireland since the implementation of the Fair Employment Act 1989 have concluded in a pre-trial settlement. [26234]

Mr. Ancram *[holding answer 22 April 1996]:* This information is not available as applicants to the Fair Employment Tribunal are not legally obliged to state the reasons for the withdrawal of a complaint.

Sites of Special Scientific Interest

Mr. Illsley: To ask the Secretary of State for Northern Ireland how many sites of special scientific interest there are in Northern Ireland. [26195]

Mr. Moss *[holding answer 22 April 1996]:* Responsibility or this matter has been delegated to the Environment and Heritage Service under the chief executive, Robert C. Martin. I have asked him to arrange for a reply to be given.

Letter from Robert C. Martin to Mr. Eric Illsley, dated 24 April 1996:

Mr Moss has asked me to reply to your parliamentary question about the number of areas of special scientific interest (ASSI) in Northern Ireland.

There are now 92 such areas covering approximately 75,800 hectares involving 2,787 landowners/occupiers.

Copyright

Mr. Maclennan: To ask the Secretary of State for Northern Ireland what progress his Department has made towards obtaining a photocopying licence from the Copyright Licensing Agency to ensure compliance with copyright law. [26718]

Sir John Wheeler: Negotiations have not yet taken place with the Copyright Licensing Agency to determine the photocopying licence requirements of the Northern Ireland Office and Northern Ireland Departments.

WALES

Methane Gas

Mr. Hain: To ask the Secretary of State for Wales what is his policy guideline in respect of methane gas drilling and extraction near residential communities. [26518]

Mr. Gwilym Jones: Government policy on planning control over oil and gas operations is set out in Welsh Office circular 3/85—copies of which will be placed in the Library of the House—the annex to which makes clear that commercial and economic considerations are subject to the environmental acceptability of specific projects, as determined by the land use planning system and by other environmental controls.

Mr. Hain: To ask the Secretary of State for Wales if he will take action to halt methane gas extraction at Cimla in Neath; and if he will make a statement. [26520]

Mr. Jones: No.

Mr. Hain: To ask the Secretary of State for Wales what representations he has received on drilling for methane gas near Resolven, Neath; and if he will make a statement. [26519]

Mr. Jones: None.

Mr. Hain: To ask the Secretary of State for Wales what environmental constraints he has placed upon Enron Oil in relation to its proposals to extract methane gas in neath. [26521]

Mr. Jones: The two appeals by Enron Oil determined in January 1996 were allowed with conditions. These conditions are intended to protect the environment and the amenity of residents. Copies of the decision letter, which sets out the conditions on which permission was given will be placed in the Library of the House. Enron Oil must also obtain a licence from the National Rivers Authority in respect of the disposal of water from its drilling operations.

Community Health Councils

Mr. Donald Anderson: To ask the Secretary of State for Wales what response he has made to the Society of Chief Officers of Welsh Community Health Councils following its criticisms of the relevant consultations carried out by his Department about the transitional arrangements for community health councils consequent upon the changes in health authorities and local government. [26769]

Mr. Richards: Officials wrote to the secretary of the society of chief officers on 22 April. A copy of the reply has been placed in the Library of the House.

Mr. Ainger: To ask the Secretary of State for Wales how many members he will appoint to each of the Welsh community health councils; how many he appointed before 1 April; and how many he has appointed to date. [26800]

Mr. Richards: Community health councils in Wales have between 16 and 20 members. My right hon. Friend is responsible for appointing two members to each council; none of these has yet been appointed. The balance of the appointments are filled by representatives of the voluntary sector and nominees of unitary authorities. Most of these members are in place.

Radar Transmitter (Milford Haven)

Mr. Dafis: To ask the Secretary of State for Wales if he will list the occasions in the last two years on which the radar transmitter on St. Ann's Head in Milford Haven was not operating effectively. [25766]

Mr. Gwilym Jones: I refer the hon. Member to the reply given by my hon. Friend to the hon. Member for Nottingham, North (Mr. Allen) on 13 March 1996, columns *607–08*.

Sea Empress Incident

Mr. Dafis: To ask the Secretary of State for Wales if he will list the wild bird species affected by the Sea Empress disaster in south-west Wales indicating *(a)* total populations estimated in the area in 1995, *(b)* his latest estimate of casualties caused by the spillage and *(c)* the number of estimated casualties as a percentage of the 1995 populations; and if he will make a statement. [25767]

Mr. Gwilym Jones: The latest estimated figures of wild bird species affected are shown in the following table. Only the largest colonies have been counted annually, and most of the breeding total figures were collated during the period 1987–95. The Countryside Council for Wales will be conducting surveys of breeding colonies this summer in order to assess the level of mortalities caused by the spill.

Species	*Breeding total*	*Number affected (individuals)*	*Per cent.*
Black-h-gull	n/k	16	—
Black-t-diver	n/k	2	—
Cormorant	254 pairs	21	4
Common scoter	n/k (10,000)	4,704	47
Common gull	n/k	2	—
Curlew	n/k	2	—
Eider	n/k	9	—
Fulmar	957 pairs	2	<1
Gannet	26,277 pairs	3	<1
Great B-B gull	229 pairs	0	0
Great-c grebe	n/k	3	—
Great n diver	n/k	7	—
Grey heron	n/k	3	—
Guillemot	22,270 pairs	1,484	3
Herring gull	3,473 pairs	42	<1
L B-B gull	19,378 pairs	0	0
Kittiwake	3,647 pairs	8	<1
Mallard	n/k	1	—
Manx shearwater	155,000 pairs	0	0
Mute swan	n/k	25	—
Oystercatcher	n/k	32	—
Puffin	13,393 pairs	0	0
Razorbill	6,841 pairs	340	3
Red-b merganser	n/k	1	—
Red-n grebe	n/k	3	—
Red-t diver	n/k	62	—
Scaup	n/k	2	—
Shag	84 pairs	21	13
Shelduck	n/k	2	—
Storm petrel	3,500 pairs	0	0
Turnstone	n/k	1	—
Velvet scoter	n/k	3	—
Unidentified	—	130	—

n/k = not known (migratory).

Compulsory Competitive Tendering

Mr. Win Griffiths: To ask the Secretary of State for Wales (1) how many complaints his Department received

alleging anti-competitive behaviour by local authorities in Wales under the terms of the Local Government (Planning and Land) Act 1980 in each financial year from 1990–91 to 1994–95; and how many local authorities were subsequently issued with a section 19a notice or 19b direction; [25895]

(2) how many complaints his Department received alleging anti-competitive behaviour by local authorities in Wales under the terms of the Local Government Act 1988 for each financial year from 1990–91 to 1994–95; and how many local authorities were subsequently issued with a section 19a notice or 19b direction as a result. [25901]

Mr. Gwilym Jones: The Welsh Office received the following number of complaints alleging anti-competitive behaviour under the terms of the Local Government (Planning and Land) Act 1980 and the Local Government Act 1988:

1990–91: 6

1991–92: 8

1992–93: 19

1993–94: 11

1994–95: 4.

Our records for 1990–91 and 1991–92 are incomplete. Consequently the figures for these years could be understated. The following numbers of notices and directions were issued in respect of apparent anti-competitive behaviour.

1990–91	*1991–92*	*1992–93*	*1993–94*	*1994–95*
—	—	1 section 19A notice	6 section 13 notices	1 section 13 notices
—	—	—	2 section 14 directions	2 section 14 directions
—	—	—	1 section 19B direction	—

Section 19a notices and section 19b directions relate to the Local Government (Planning and Land) Act 1980. Section 13 notices and section 14 directions relate to the Local Government Act 1988.

Mr. Griffiths: To ask the Secretary of State for Wales what were the running costs borne by his Department for the financial years 1991–92 and 1993–94 of the local government compulsory competitive tendering enforcement team. [25896]

Mr. Jones: The approximate running costs borne by the Department for the years in question are as follows:

1991–92: £41,689

1993–94: £53,070

Costs are not available on a consistent basis over the period in question. The main distortion was caused by the introduction of superannuation charges in 1993–94.

Local Authority DLOs

Mr. Win Griffiths: To ask the Secretary of State for Wales how may local authority direct labour and service organisations in Wales, operating contracts under the terms of *(a)* the Local Government (Planning and Land) Act 1980 and *(b)* the Local Government Act 1980 have achieved the required rate of return for the financial years (i) 1992–93, (ii) 1993–94 and (iii) 1994–95. [25897]

Mr. Gwilym Jones: The required rate of return was achieved by 241 local authority direct labour and service organisations in 1992–93 and by 260 in 1993–94. The information requested for 1994–95 is not yet available as the Welsh Office has not yet completed its analysis of the reports submitted by local authorities for that year.

Mr. Griffiths: To ask the Secretary of State for Wales if he will list by service the local authorities in Wales that have been challenged by his Department under regulations under section 9 of the Local Government Act 1992 in relation to their internal arrangements for establishing client/contractor splits. [25898]

Mr. Jones: None.

Mr. Griffiths: To ask the Secretary of State for Wales (1) if he will list by authority the surplus achieved on trading accounts for the financial years *(a)* 1992–93, *(b)* 1993–94 and *(c)* 1994–95 for (i) general highways work, (ii) construction and maintenance of sewers, (iii) works of new construction and (iv) maintenance work, delivered by local authorities direct labour or services organisations in Wales under the terms of (1) Local Government (Planning and Land) Act 1980, and (2) the Local Government Act 1988; [25899]

(2) if he will list by authority and service area, the recorded deficits made by local authority direct labour or services organisations in Wales that have failed to meet the rate of return requirements operating contracts under the terms of the Local Government (Planning and Land) Act 1980 and the Local Government Act 1988 for each financial year from 1990–91 to 1994–95 in (i) cash and (ii) constant prices. [25900]

Mr. Jones: I will write to the hon. Member as soon as possible and place a copy of my reply in the Library of the House.

Read Codes (NHS)

Mr. Morgan: To ask the Secretary of State for Wales (1) what pilot work has been carried out in Wales on the application of Read codes in the NHS; what independent evaluation has been carried out in the Read code's applicability; and by whom; [26840]

(2) what pilot schemes have been carried out work on applying Read codes in the NHS; and what independent evaluation he proposes to carry out on the investment so far and by which body is it to be carried out. [26839]

Mr. Hague: Pilot work to test the utility and usability of Read codes is being undertaken at Withybush hospital, Haverfordwest. Further, independent evaluation of this particular work is still under consideration. Separately, the school of postgraduate studies in medical and health care at Morriston is undertaking a technical evaluation of the feasibility of incorporating Read codes into an operational clinical information system. Issues concerning pilot schemes and evaluations in England are the responsibility of my right hon. Friend the Secretary of State for Health.

Mr. Morgan: To ask the Secretary of State for Wales what public expenditure has been spent on the development of Read codes for application in the NHS in

Wales; when the expenditure was commenced; if expenditure was committed outside the main Loughborough development centre; if he has proposals to continue part-funding the centre; and if he will make a statement. [26841]

Mr. Hague: The costs of pilot work at Withybush hospital, Haverfordwest, and the technical evaluation at the school of postgraduate studies in medical and health care at Morriston, have been shared equally between the Welsh Office and the centre for coding and classification at the Department of Health. Costs to date to the Welsh Office, all incurred in 1994–1995 and 1995–96, amount to £69,000. The Welsh Office makes no contribution to the funding of the centre.

Welsh Health Common Services Authority

Mr. Morgan: To ask the Secretary of State for Wales what consultations he has had with the chairman of the Welsh Health Common Services Authority to secure an independent evaluation of the bidding procedure for the materials management contract of the authority under market testing. [26837]

Mr. Hague: I have had no consultations with the chairman about the market testing exercise which is being carried out in line with established procedures.

Copyright

Mr. Maclennan: To ask the Secretary of State for Wales what progress his Department has made towards obtaining a photocopying licence from the Copyright Licensing Agency to ensure compliance with copyright law. [26712]

Mr. Hague: None.

General Practice Beds

Mr. Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 22 April, *Official Report*, columns *39–40* to the hon. Member for Cardiff, West on general practice beds, what consultations he has had with the chairman of the Llandough Hospitals trust, and the Bro Taf health authority and GP fundholding practices in the Vale of Glamorgan concerning the supervision of the GP beds at the Barry community hospital. [26838]

Mr. Hague: None. This is a matter for the Bro Taf health authority and the local NHS trusts.

AGRICULTURE, FISHERIES AND FOOD

Public Bodies

Dr. Wright: To ask the Minister of Agriculture, Fisheries and Food which of the advisory non-departmental public bodies sponsored by his Department *(a)* hold public meetings, *(b)* conduct public consultation exercises, *(c)* conduct consultation exercises with outside commercial interests, *(d)* publish a register of members' interests, *(e)* publish agendas for meetings and *(f)* publish the minutes of meetings (i) under a statutory requirement and (ii) voluntarily. [20117]

Mr. Boswell *[holding answer 12 March 1996]:* The information is as follows:

(a) None

(b) The Advisory Committee on Novel Foods and Processes

The Farm Animal Welfare Council

The Food Advisory Committee

(c) The Advisory Committee on Novel Foods and Processes

The Farm Animal Welfare Council

The Food Advisory Committee

(d) The Consumer Panel and the Veterinary Products Committee publish a register of members' interests.

The Advisory Committee on Novel Foods and Processes, the Advisory Committee on Pesticides and the Food Advisory Committee state members' interests in their annual reports.

The interests of the members of the Spongiform Encephalopathy Committee are made available each year via an arranged PQ.

(e) The Consumer Panel, the Advisory Committee on Novel Foods and Processes and the Food Advisory Committee publish agendas for its meetings.

(f) The Consumer Panel publishes the minutes of its meetings.

There is no statutory requirement for any of the above.

Dr. Wright: To ask the Minister of Agriculture, Fisheries and Food which of the advisory non-departmental public bodies sponsored by his Department have a statutory base, and which *(a)* publish their advice to Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament (i) under a statutory requirement and (ii) voluntarily. [20104]

Mr. Boswell *[holding answer 12 March 1996]:* The following advisory non-departmental public bodies have a statutory basis:

The Advisory Committee on Pesticides

The Agricultural Dwelling House Advisory Committees

The Consumers' Committee for Great Britain

The Committee of Investigation for Great Britain

The Committee on Agriculture Valuation

The Hill Farming Advisory Committee

The Veterinary Products Committee

(a) Advice to Government is published by:

The Advisory Committee on Novel Foods and Processes

The Consumer Panel

The Farm Animal Welfare Council (majority of reports)

The Food Advisory Committee

Publication is carried out on a voluntary basis by these bodies:

(b) Annual reports are published by:

The Veterinary Products Committee under a statutory requirement;

and on a voluntary basis by:

The Advisory Committee on Novel Foods and Processes

The Advisory Committee on Pesticides

The Consumer Panel

The Food Advisory Committee

(c) An annual report is laid before Parliament by the Veterinary Products Committee under a statutory requirement.

Bovine Spongiform Encephalopathy

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food what are the penalties for

contravening the regulations preventing specified bovine offal entering the food chain; and how many prosecutions there have been to date. [22942]

Mrs. Browning: The penalties which would apply on summary conviction for a contravention of the controls in the Specified Bovine Offal Order 1995, as amended, which prevent SBO entering the food chain, are a fine of up to £5,000 and where appropriate a further fine of up to £1,000 for each 508 kg of SBO, beyond the initial 508 kg of SBO, in respect of which the offence is committed. Furthermore, a person who has been convicted for contravening the provisions of the SBO Order is liable in the court's discretion on a further conviction for a second or subsequent offence against the order to imprisonment for a term of up to one month in lieu of the applicable fine.

To date, there is one case before the court. A number of other cases are under investigation.

Sir Wyn Roberts: To ask the Minister of Agriculture, Fisheries and Food if he will introduce an eradication scheme for BSE. [23382]

Mrs. Browning *[holding answer 28 March 1996]:* This Department has been taking steps to eradicate BSE since July 1988, when the ruminant feed ban was introduced. This has resulted in a substantial decline in the number of cases, which is now less than one third of the rate at the height of the epidemic.

Sir Wyn Roberts: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the measures necessary to eradicate BSE. [23383]

Mrs. Browning *[holding answer 28 March 1996]:* BSE is believed to have been caused by cattle consuming contaminated feed containing infected bovine or ovine material. Preventing the recycling of such material in feed should prevent cattle being exposed to the BSE agent and so becoming infected. A ban on the feeding of ruminant protein to ruminants was introduced in 1988. Unfortunately, some leakage in this ban has occurred and a number of measures have been taken over the past few years to strengthen the controls. The total prohibition on the inclusion of mammalian meat and bonemeal in all feed for farm animals and fertiliser for use on farms, which has just been introduced, should prevent any further infection of cattle by BSE material in feed, and eradicate BSE from the national herd.

Mr. Luff: To ask the Minister of Agriculture, Fisheries and Food what representations he intends to make to the European Commission and the Council of Ministers on measures to improve the methods used by other member states to detect BSE in their cattle herds. [23149]

Mrs. Browning *[holding answer 28 March 1996]:* BSE is notifiable in all member states. Suspect cases are examined by a state veterinarian for clinical signs of the disease, and slaughtered and destroyed if BSE is believed to exist. The diagnosis is confirmed by examination of brain tissue after death, using protocols which are internationally agreed and validated.

Dr. Strang: To ask the Minister of Agriculture, Fisheries and Food when he expects the research commissioned by his Department into *(a)* maternal and *(b)* lateral transmission of BSE to be reported. [23201]

Mrs. Browning *[holding answer 28 March 1996]:* The detailed cohort study into the possibility of maternal transmission of BSE will not be complete until early 1997. Some information about this experiment has been published in the progress report on BSE laid in the Library of the House in November 1995, but the result cannot be interpreted until it is complete. A report of earlier experiments on maternal and lateral transmission of BSE was published in the "Veterinary Record", volume 136, pages 312–318 of 1 April 1995, details of which were given in the progress report laid in the Library of the House in May 1995.

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the incidence if BSE in England and Wales by *(a)* type of herd, *(b)* age of herd and *(c)* region. [23363]

Mrs. Browning *[holding answer 28 March 1996]:* As at 22 April 1996, 64.61 per cent. of all dairy herds had had at least one case of BSE and 15.95 per cent. of all beef herds.

As at 22 April 1996, the proportion of herds in each region in England and Wales which had had at least one case of BSE was:

	Per cent.
East Anglia	40.3
East midlands	35.3
North	31.48
North-west	48.16
South-east	44.59
South-west	48.8
West midlands	40.74
Yorks/Humberside	35.99
Wales	30.06

The information is not recorded by age of herd.

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food what research his Department has *(a)* commissioned and *(b)* evaluated into the relationship of feed from scrapie sheep and BSE. [23367]

Mrs. Browning *[holding answer 28 March 1996]:* The relevant research projects are:

Project code	*Project title*	*Status*
OC8964	BSE Deactivation Studies	Commissioned/evaluated
SE0201	BSE: Epidemiological Studies	Commissioned/evaluated
SE0209	BSE: Epidemiological Studies	Commissioned
SE1404	Susceptibility of BSE and Scrapie isolates	Commissioned/evaluated
SE1405	Susceptibility of BSE agent to chemical and physical inactivation in the field/laboratory	Commissioned/evaluated
SE1413	Strain typing of Scrapie agent in meat and bone meal	Proposed—not yet approved
SE1417	The effect of PrPgenotype on the thermostability of scrapie agent	Commissioned
SE1421	BSE and scrapie agent susceptibility to laboratory facsimilies of rendering practices (was SE1404)	Commissioned

Project code	Project title	Status
SE1422	Practical aspects of inactivation of BSE and scrapie agents (was SE1405)	Commissioned

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the incidence of BSE in Scotland by *(a)* type of herd, *(b)* age of herd and *(c)* region. [23362]

Mrs. Browning *[holding answer 28 March 1996]:* As at 22 April 1996, 37.5 per cent. of all dairy herds had had at least one case of BSE and 14.01 per cent. of all beef herds.

As at 22 April, the proportion of herds in each region in Scotland which had had at least one case of BSE was:

Region	Incidence per cent.
Borders	26.97
Central	16.08
Dumfries	33.85
Fife	29.67
Grampian	22.24
Highland	8.24
Lothian	24.85
Strathclyde	20.95
Tayside	25.83
Islands	4.67

The information is not recorded by age of herd.

Mr. Llew Smith: To ask the Minister of Agriculture, Fisheries and Food if he will now publish the papers discussed by the Spongiform Encephalopathy Advisory Committee. [23839]

Mrs. Browning: Many of the papers discussed by the Spongiform Encephalopathy Advisory Committee contain interim reports on research, medical case reports and commercial information provided in confidence. It would not be appropriate to make such information publicly available. Indeed, to do so would harm the working of SEAC, as people would be unwilling to provide it with much important information.

Dr. Wright: To ask the Minister of Agriculture, Fisheries and Food if he will publish the minutes and proceedings of the Spongiform Encephalopathy Advisory Committee since its inception in 1990. [23767]

Mrs. Browning: Much of the Spongiform Encephalopathy Advisory Committee's discussions, as recorded in the minutes, cover interim reports on research, medical case reports and commercial information. It would be inappropriate to make this information publicly available. To require this information to be published could make people reluctant to provide this committee with material, which could seriously harm its ability to make well judged and timely recommendations to the Government.

The Government will continue to publish the statements made by SEAC outlining its advice to Government and the reasons for that advice.

Beef Cattle Producers

Miss Emma Micholson: To ask the Minister of Agriculture, Fisheries and Food what plans he has for differentiated compensation payments to provide market values to producers of beef cattle. [26133]

Mrs. Browning: In respect of animals coming to slaughter at 30 months or over, my right hon. Friend the Minister of Agriculture, Fisheries and Food announced on 16 April that a market support measure would come into effect in the week beginning 29 April. The basic premium will be equivalent to the cull cow price, but a supplement in respect of steers and heifers will be available for six months. This will be set at no less that 25p/kg for the first four weeks of the scheme.

Fur Farms

Mr. Heppell: To ask the Minister of Agriculture, Fisheries and Food how many times officials of the State Veterinary Service have observed the killing of mink and arctic fox on fur farms during the last 12 months; and what method of killing was used in each case. [26429]

Mrs. Browning: Officers of the State Veterinary Service have monitored the slaughter of farmed mink on one occasion in the last 12 months. The method of slaughter used was exposure to carbon monoxide.

There is no requirement to register fox farms. However, I am not aware of any in England and Wales.

Common Fisheries Policy

Miss Emma Nicholson: To ask the Minister of Agriculture, Fisheries and Food what plans the Council of Ministers has to consider the option of limiting the number of days spent at sea by fishing vessels in the renegotiation of the EU common fisheries policy. [26500]

Mr. Baldry: The option of limiting days at sea already exists in the context of implementing member states' multi-annual guidance programmes for fleet capacity reduction. Negotiations on a further series of programmes will be taking place in the Council later this year, but the Commission has still to make proposals for this.

Fishing (Scientific Teams)

Miss Emma Nicholson: To ask the Minister of Agriculture, Fisheries and Food what funds his Department allocated to the scientific teams attached to the monitoring of fish stocks and the regulation of fishing quotas in *(a)* 1992, *(b)* 1993, *(c)* 1994 and *(d)* 1995. [26501]

Mr. Baldry: Expenditure by the Ministry's Directorate of Fisheries Research for these purposes was as follows:

1992–93: £4.3 million

1993–94: £4.4 million

1994–95: £4.3 million

1995–96: £4.5 million (forecast outturn).

Live Animal Exports

Mr. Heppell: To ask the Minister of Agriculture, Fisheries and Food how many farm animals have been exported, by species, from Britain for *(a)* further fattening and *(b)* slaughter in each year since 1989. [26431]

Mrs. Browning: The table shows total recorded exports of live farm animals by species, as recorded in the Overseas Trade Statistics of the United Kingdom. It is not possible to identify precisely whether the animals were exported for fattening or slaughter. However, the hon. Member may wish to refer to "The Business Monitor" MA20 and MA21 series, available in the Library of the House, which provides more detail on recorded overseas trade statistics, within which live animal trade can be found.

1,000 head	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*[1]	*1995*[1]
Bovines	330	352	400	429	445	480	429
Sheep	589	584	882	1,422	830	915	596
Goats	0	0	1	0	0	0	0
Swine	115	108	293	379	150	176	190
Poultry	13,555	14,646	21,058	23,192	21,132	27,615	25,341

[1] Data are provisional.

Ostriches and Emus

Mr. Heppell: To ask the Minister of Agriculture, Fisheries and Food what methods are used to kill ostriches and emus in the United Kingdom; and which methods are approved by his Department. [26430]

Mrs. Browning: I refer the hon. Member to the reply that I gave to the hon. Member for Glanford and Scunthorpe (Mr. Morley) on 21 March 1996, *Official Report*, column *314*.

Aggressive and Disruptive Children

Ms Corston: To ask the Minister of Agriculture, Fisheries and Food what research has been *(a)* commissioned and *(b)* evaluated by his Department on the nutritional and dietary aspects of aggressive and disruptive behaviour in children. [26440]

Mrs. Browning: No work has been commissioned by my Department on the nutritional and dietary aspects of aggressive and disruptive behaviour. However, MAFF's food research requirements document 1997–98 invites research proposals in the following area:

"To what extent can hyperactivity and other behavioural problems be traced to food and food ingredients."

The Food Advisory Committee has also recently requested that a review of the scientific literature on links between hyperactivity and food or food additive intolerance be conducted. This work is being carried out by the Department of Health's Committee on Toxicity of Chemicals in Food, the Environment and Consumer Products.

HEALTH

Creutzfield-Jakob Disease

Mr. Redmond: To ask the Secretary of State for Health what assessment he has made of the possibility that CJD in humans is linked to scrapie in sheep; and if he will make a statement. [25463]

Mr. Horam: The possibility that scrapie in sheep might be a cause of Creutzfeldt-Jakob disease in humans was examined by the Southwood working party in 1989. The working party concluded that there was no evidence for this and, in particular, that

"scrapie has been endemic in Great Britain for centuries without there being any evidence to show an incidence of CJD higher than the international average in the human population."

Paragraph 3.7.

Mr. Redmond: To ask the Secretary of State for Health how many of the human CJD victims regularly ate lamb and mutton; and if he will make a statement. [25457]

Mr. Horam: The latest data on the meat-eating of Creutzfeldt-Jakob disease cases was published in the fourth annual report of the National CJD surveillance unit, August 1995—page 16—copies of which are available in the Library.

Broadmoor Hospitals

Mr. Cox: To ask the Secretary of State for Health what was the number of *(a)* men and *(b)* women who were detained in Broadmoor hospital as at 30 March. [25574]

Mr. Bowis: A total of 374 men and 91 women were detained in Broadmoor hospital under powers in the Mental Health Act 1983 on 1 April 1996.

British Steel

Mr. MacShane: To ask the Secretary of State for Health what was the total value of commercial orders placed by his Department with British Steel plc in each year from 1988 to 1995. [25814]

Mr. Horam: Commercial orders placed with British Steel plc by the Department of Health during the period 1988 to 1995 were as follows:

1994–95: £56,400

1995–96: £343,215

Drugs

Mr. Flynn: To ask the Secretary of State for Health what is his calculation of total costs in real terms and the total number of prescriptions for drugs issued in each of the past five years. [26281]

Mr. Malone *[holding answer 22 April 1996]:* The table shows the annual number of prescriptions dispensed in the community in England between 1990–91 and 1994–95 and their total cost, including dispensing fees, in real terms.

Year	*Total number of prescriptions dispensed (thousands)*	*Total cost of drugs and appliances including dispensing fees (£ millions)*
1990–91	396,580	3,074
1991–92	415,370	3,206
1992–93	432,370	3,469
1993–94	455,320	3,725

Year	Total number of prescriptions dispensed (thousands)	Total cost of drugs and appliances including dispensing fees (£ millions)
1994–95	467,790	3,931

1. *The number of prescriptions* are rounded to the nearest thousand and include items personally administered and prescriptions dispensed by chemists, appliance contractors and dispensing doctors. It also includes prescriptions written by hospital doctors but dispensed in the community.
2. The *costs* relate to gross pharmaceutical services expenditure (drugs, medicines, appliances and dispensing fees) and is rounded to the nearest £million.

Tampons

Ms Walley: To ask the Secretary of State for Health (1) what proposals he has to designate tampons as a sterile product similar to medical dressings; [26532]

(2) what proposals he has to reintroduce the Tampon (Safety) Bill; [26522]

(3) if he will bring forward proposals to improve the safety of tampons. [26531]

Mr. Horam: Since 1984, the Association of Sanitary Protection Manufacturers has operated a voluntary prior notification scheme for tampons. Under the scheme, all new products are submitted to the Department of Health for assessment of their safety. I have no proposals to introduce a tampon safety Bill.

Complaints Procedures

Dr. Wright: To ask the Secretary of State for Health what steps he has taken to publicise the new national health service complaints procedures among users of the service. [26362]

Mr. Horam: A supply of public information leaflets and posters was sent to all national health service trusts, family health service authorities, district health authorities, community health councils and family health services practitioners for use from 1 April when the new system was implemented. In addition, leaflets and posters have been supplied to all citizens advice bureaux, main public libraries and health information service outlets. The leaflet will also be available shortly in the 11 most commonly used ethnic minority languages.

Children's Hospices

Mr. Cox: To ask the Secretary of State for Health how many children's hospices there are in the Greater London area; and what responsibility he has for the funding of such hospices. [26312]

Mr. Bowis: I understand that the first children's hospice to be based in the Greater London area is at an advanced stage of planning. Recurrent funding has been included in annual financial allocations to health authorities, to enable them to commission services from children's hospices to serve the needs of their resident populations.

Management Cost Reductions

Mr. Redmond: To ask the Secretary of State for Health if he will publish, by health authority, the severance costs incurred in order to achieve the 1996–97 management cost reduction targets. [26318]

Mr. Malone: This information is not available centrally.

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for Health what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26681]

Mr. Horam: There is no record of the Department of Health or its agencies having any current contracts with Serco Ltd.

Carers (Recognition of Services) Act 1995

Mr. Purchase: To ask the Secretary of State for Health what additional resources he estimates are required to meet the needs identified by the Carers (Recognition and Services) Act 1995; and what plans he has to make such resources available. [26355]

Mr. Bowis: I refer the hon. Member to the reply I gave the hon. Member for Croydon, North-West (Mr. Wicks) on 1 March, columns *758–59*.

Oral Contraceptives

Mr. Simon Hughes: To ask the Secretary of State for Health if the Committee on Safety of Medicines had considered the safety of oral contraceptives containing desogestrel or gestodene at its meetings subsequent to 13 October 1995. [26603]

Mr. Malone: Yes, important safety issues are kept under regular review by the committee.

Mr. Hughes: To ask the Secretary of State for Health whose staff drafted the letter of 18 October 1995 relating to oral contraceptives containing desogestrel or gestodene. [26600]

Mr. Malone: I refer the hon. Member to the reply I gave him on 25 March, column *428*.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 2 April, *Official Report,* column *184,* if the hon. Member for Bolton, West (Mr. Sackville) consulted him before authorising the letter of 18 October 1995. [26604]

Mr. Malone: Disclosure of information such as that requested would be in breach of the long-established convention, observed by successive Governments, protecting the confidentiality of the internal decision-making process.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 2 April, *Official Report* column *184,* on what date the hon. Member for Bolton, West (Mr. Sackville) authorised the issuing of the letter of 18 October 1995 relating to desogestrel and gestodene. [26605]

Mr. Malone: On 16 October 1995.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 2 April, *Official Report*, column

185, what external legal advice was sought prior to the referral to the Committee for Proprietary Medicinal Products on 11 October 1995. [26608]

Mr. Malone: No external legal advice was sought prior to the United Kingdom's request of 11 October 1995 for this issue to be discussed at the Committee of Proprietary Medicinal Products meeting of 17 to 18 October 1995.

Mr. Hughes: To ask the Secretary of State for Health if a referral of matters relating to combined oral contraceptives containing desopestrel or gestodene was made to the Law Officers in terms of paragraphs 22(i) or 22(ii)(c) of "Questions of Procedure for Ministers" of May 1992, prior to the issuing of the letter of 18 October 1995. [26607]

Mr. Malone: I refer the hon. Member to the reply I gave him on 2 April, column *185*.

Committee on Safety of Medicines

Mr. Simon Hughes: To ask the Secretary of State for Health on how many occasions in 1995 travelling expenses for members of the Committee on Safety of Medicines were paid for travel to the United Kingdom from overseas. [26606]

Mr. Malone: Once.

Paediatric Intensive Care Beds

Ms Harman: To ask the Secretary of State for Health (1) if he will make a statement on the number of refused admissions to paediatric intensive care beds in England between 1 January and 22 April. [26806]

(2) if he will make a statement on the number of paediatric intensive care beds, excluding high dependency beds or coronary care beds, in England; [26807]

(3) if he will make a statement on the number of admissions to paediatric intensive care beds in England between 1 Janaury and 22 April. [26808]

Mr. Horam: My right hon. Friend the Secretary of State has asked the chief executive of the national health service to report to him on paediatric intensive care by the end of April. Information for this report is still being collated.

Read Codes

Mr. Morgan: To ask the Secretary of State for Health if he will make a statement on the state of progress of the Read codes system development; how much has been spent on the Loughborough centre for the development of Read codes; and if he will list the different applications of the Read codes according to progress achieved. [26836]

Mr. Horam: A project to develop version 3 of Read codes, extending version 2 currently used in general practitioner practices to cover all national health service environments, particularly the acute sector, commenced in 1992. The two-year project to identify all new medical terms was completed in April 1994, that for professions allied to medicine in October 1994, and that for nursing terms in April 1995. This involved 55 working groups and over 2,000 clinicians at a total cost of £3.7 million.

A programme of projects has now commenced to pilot the new version 3 in a variety of environments including the acute sector. Previous versions, for example 4 Byte, version 2, continue to be fully supported by the Loughborough-based NHS centre for coding and classification and are in use in about 7,000 GP practices and about 170 NHS trusts.

GP Fundholders

Mr. Morgan: To ask the Secretary of State for Health (1) if he will place a copy in the Library of the independent inquiry into the departmental delay in instituting parliamentary authority for the payment of general practitioner fundholders' management allowances between 1 April 1991 and 1 April 1995; and if he will make a statement; [26843]

(2) if he will specify the nature of the independent inquiry into the departmental delay in providing suitable parliamentary authority for the payment of management allowances for general practitioner fundholders between 1991 and 1995; who carried the inquiry; how the appointment was made; how much it cost; on what dates it commenced and was completed; and what disciplinary consequences flowed from it. [26842]

Mr. Malone: The internal inquiry into the events which led to the extra-statutory payment of management allowances to general practitioner fundholders between 1991–95 was established in June 1995. It was undertaken by Mr. Strachan Heppell, a former deputy secretary in the Department of Health. The terms of reference were:

> "To establish by studying all the relevant papers and by interviewing the relevant members of staff how management allowances came to be paid to GP Fundholders from 1991–95 without legal authority; to draw out any lessons that can be learned and need to be applied across the Department of Health; and to report."

The report of the inquiry, which was conducted at no additional cost to the Department, was received in January 1996. Its conclusions and recommendations have been fully accepted and are being implemented.

The report contains internal advice which it would not be appropriate to publish. I am arranging for a memorandum to be prepared setting out the findings, conclusions and recommendations of the report. I will send a copy to the hon. Member, and place a copy in the Library.

Yorkshire Regional Health Authority

Mr. Fatchett: To ask the Secretary of State for Health when the hon. Member for Leeds, Central can expect an answer to his question of 19 March on the companies involved in the purchase of the former headquarters of the Yorkshire regional health authority at Harrogate. [26760]

Mr. Malone: The reply was given on 23 April.

Ambulance Call-outs (Kirklees and Wakefield)

Mrs. Ann Taylor: To ask the Secretary of State for Health what was the average number of call-outs per week since the beginning of 1996 for ambulances operating out of each of the ambulance stations in Kirklees and Wakefield; and what was the average response time of these call-outs. [26761]

Mr. Horam: West Yorkshire Metropolitan ambulance service national health service trust has consistently met and exceeded that national patients charter standard for ambulance response times. Figures for 1994–95 are set out in the NHS performance guide, copies of which are in the Library. The hon. Member may wish to contact Mr. Alan Titterington, chairman of the trust, for further details.

Written Answers to Questions

Friday 26 April 1996

ENVIRONMENT

Smoking (Public Places)

Mr. Simpson: To ask the Secretary of State for the Environment (1) to what extent the targets for effective smoking policy in public places have been met in the last 12 months; [26593]

(2) what steps he will take to improve the voluntary imposition to smoking controls in public places; [26578]

(3) what plans he has to introduce statutory protection of the public from passive smoking. [26579]

Mr. Clappison: In 1992, the Government's target was that 80 per cent. of public places should have effective smoking policies by the end of 1994. The report "Smoking in Public Places, 2nd Survey Report," a copy of which has been put in the Library of the House of Commons, shows for eight categories of establishment the percentage with an effective smoking policy are:

Category	*Percentage*
Shops	63
Advice/money transactions	48
Travel	38
Health	71
Formal education	77
Informal education	62
Food/entertainment	37
Sports/recreation	48

The report relates to a survey carried out in 1995. The Government's position is that non-smoking should be the norm in all enclosed public spaces visited by the public, with facilities as appropriate for those who wish to smoke. In 1991, the Department of the Environment, jointly with other Departments, published a code of practice on smoking in public places which provides practical guidance to owners and managers on implementing suitable policies on smoking. The Government will continue to make copies of that code freely available. The essence of a voluntary approach to smoking in public places is that the public should make their views known without Government interference.

The report shows that the voluntary approach is working, albeit more slowly than had been hoped. The Government had no plans to introduce statutory protection of the public from passive smoking beyond that which already exists.

DEFENCE

Government Contracts

Mr. George: To ask the Secretary of State for Defence (1) what is the annual cost to his Department of allowing defence companies to claim the costs of marketing their products abroad as overheads on non-competitive Government contracts; [26184]

(2) what is the annual cost to his Department of allowing the costs of entertainment to be included in the overheads on non-competitive Government contracts by companies claiming the costs of marketing their products abroad. [26185]

Mr. Arbuthnot: The financial information requested is not held centrally and could be provided only at disproportionate cost. However, these costs are the subject of detailed negotiations with individual companies, to ensure that they comply with the criteria laid down in Government accounting conventions for the pricing of non-competitive contacts. Briefly, such costs must be necessarily incurred and be fair and reasonable; they must conform to an appropriate classification into "product groups", which must be agreed by my Department and they must not relate directly to a contract, in which case they would be directly charged to that contract and not be attributed to overheads.

Cyprus (Service Personnel)

Mr. Cox: To ask the Secretary of State for Defence, pursuant to his answer of 17 April, *Official Report*, columns *501–3*, in respect of the soldiers convicted of killing a Danish tour guide in Cyprus, if he has conveyed to the Danish Government the content of the reply; and if he will make a statement. [26551]

Mr. Soames: My right hon. Friend the Secretary of State for Defence wrote to the Danish Minister of Defence, Mr. Hans Haekkerup, on 3 April to make clear the Army's abhorrence of the disgraceful conduct of the three convicted riflemen.

Marine Services Organisation

Mr. Redmond: To ask the Secretary of State for Defence, pursuant to his answer to the hon. Member for Worcester (Mr. Luff) of 28 February, *Official Report*, columns *553–54*, on the market testing of the Marine Services Organisation, what were the reasons for non-compliance with the management requirements of the task which led to the elimination of the in-house team. [26693]

Mr. Soames: The in-house team's bid for the ports element of the marine services market test was ruled to be non-compliant since the proposed management arrangements were judged to be inadequate for the effective control of the task and to carry an unacceptably high risk of failure, with consequent financial and operational penalties to my Department. Specific areas of concern included the absence, under the in-house bid team's proposals, of a single focal point at each naval base responsible and accountable for all aspects of the provision of ports services. In addition, levels of delegation to junior staff were judged to exceed what was considered desirable.

There would also have been no acceptable system of tasking and prioritising the resources available at each base from the outset of the new operation. The risk assessment associated with these management weaknesses took into account the increase in the marine service tasks to be performed and the reduction of resources with which to undertake them; circumstances which underline the need for effective management arrangements to be put in place. The in-house bid team was ruled non-compliant accordingly and eliminated from this element of the market-test competition.

Land Mines

Dr. David Clark: To ask the Secretary of State for Defence what recent discussions he has had with the chiefs of staff concerning the military utility of anti-personnel land mines. [27025]

Mr. Soames: It is not normal practice to give details of discussions between Ministers and their advisers. Our policy on anti-personnel mines reflects our judgment of the balance to be struck between humanitarian goals and the continuing needs of our armed forces until there is international agreement on a total ban on such mines, or viable alternatives are developed.

Kaymar Telephone Numbers

Mr. Redmond: To ask the Secretary of State for Defence which of his Department's offices used telephone numbers *(a)* 01–374–0075 and *(b)* 01–434–1162 in each year since 1970. [26694]

Mr. Soames: I refer the hon. Member to the answer which I gave on 18 April to my hon. Friend the Member for Eltham (Mr. Bottomley), *Official Report*, column *583*.

TRADE AND INDUSTRY

Machine Guns

Mr. George Robertson: To ask the President of the Board of Trade what is the total number of machine guns and semi-automatic rifles for which import licences were granted for each of the last five years; and if he will break down the figures by *(a)* domestic police and armed forces end use and *(b)* others. [26427]

Mr. Oppenheim: DTI licences for the import of machine guns and semi-automatic rifles are issued only to those individuals or companies who have a valid authority, granted at the discretion of either the Home Secretary, the Scottish Secretary or the Northern Ireland Secretary, to hold or to trade in such weapons.

The numbers of these types of firearms for which import licences were specifically applied for each of the past five years are as follows:

Year
1991: £26,709
1992: £ 7,908
1993: £14,571
1994: £23,166
1995: £31,233.

It should, however, be borne in mind that some licences are not used or are only partly used.

It is not possible from import licensing data to provide details of the number of weapons destined for police possession. The armed forces are exempt from the Firearms Act and from DTI import licensing.

HOME DEPARTMENT

KPMG

Mr. Byers: To ask the Secretary of State for the Home Department if he will list the consultancies let to KPMG in each of the last three years and the contract fee in each case. [25559]

Mr. Howard: I refer the hon. Member to the answer given to him on 25 April, *Official Report*, columns *261-62*.

Prisoners (HIV)

Mr. Cox: To ask the Secretary of State for the Home Department how many HIV positive cases were recorded for prison inmates in England and Wales during 1995. [26545]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 26 April 1996:

The Home Secretary has asked me to reply to your Question asking about the number of HIV positive inmates during 1995.

Thirty three new cases of HIV positive inmates were notified by establishments to Prison Service headquarters in 1995. An average of 69 inmates were known to be HIV positive at any one time during that year.

Prisoners (Drugs)

Mr. Cox: To ask the Secretary of State for the Home Department how many inmates have been put on report in each prison in England and Wales for having in their possession unauthorised drugs, since 1 January. [26304]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 26 April 1996:

The Home Secretary has asked met to reply to your recent Question concerning the number of inmates who have been put on report in each prison in England and Wales for having in their possession unauthorised drugs, since 1 January.

Provisional figures for the numbers found guilty at adjudication of unauthorised possession of controlled drugs are shown in the attached table.

Proved adjudications for drugs possession—January–March 1996 (provisional)

	Number
MALE ESTABLISHMENTS	
Prisons and remand centres	886
Remand centres	171
Brinsford	42
Dorchester	3
Exeter	1
Feltham	26
Glen Parva	23
Gloucester	27
Hindley	33
Lancaster Farms	19
Northallerton	11
Norwich	1
Reading	4
Rochester	1
Local prisons	535
Bedford	4
Birmingham	35
Blakenhurst	1
Bristol	5
Brixton	20
Bullingdon	2
Camp Hill	1
Canterbury	9
Cardiff	10
Chelmsford	6
Doncaster	43
Dorchester	8
Durham	60
Elmley	10
Exeter	9
Gloucester	4
Highdown	67
Holme House	11
Leeds	4
Leicester	36
Lincoln	3
Liverpool	62
Manchester	64
Norwich	5
Pentonville	19
Preston	1
Shrewsbury	7
Wandsworth	24
Wood Hill	1
Wormwood Scrubs	4
Open prisons	14
Ford	2
Hewell Grange	2
Kirkham	2
Morton Hall	3
North Sea Camp	4
Usk	1
Closed training prisons	166
Dispersal prisons	9
Parkhurst	5
Wakefield	3
Whitemoor	1
Category B trainers	19
Albany	6
Blundeston	2
Dartmoor	9
Maidstone	1
Swaleside	1
Category C trainers	138
Acklington	36
Aldington	6
Brockhill	6

Proved adjudications for drugs possession—January–March 1996 (provisional)

	Number
Buckley Hall	8
Camp Hill	17
Downview	2
Elmley	1
Erlestoke	8
Guys Marsh	1
Highpoint	1
Holme House	1
Littlehey	1
Moorland	4
Ranby	7
Risley	21
Stafford	8
Stocken	1
Verne	3
Wayland	4
Wealstun	2
Young offender institutions	174
Closed young offender institutions	92
Aylesbury	5
Brinsford	21
Feltham	13
Glen Parva	19
Guys Marsh	1
Lancaster Farms	1
Moorland	11
Onley	6
Portland	7
Stoke Heath	8
Open young offender institutions	27
Thorn Cross	25
Usk	2
Juvenile young offender institutions	55
Brinsford	20
Feltham	8
Lancaster Farms	2
Onley	5
Portland	5
Stoke Heath	3
Thorn Cross	3
Wetherby	9
FEMALE ESTABLISHMENTS	
Adult Female establishments	16
Local prisons	16
New Hall	2
Risley	14

Walton Prison

Mr. George Howarth: To ask the Secretary of State for the Home Department which wings in HMP Walton are currently closed; which wings at this establishment are planned to be closed in the near future; what are the reasons for each of the closures; and if, once the areas closed and planned to be closed have re-opened, there will be no slopping out. [26436]

Miss Widdecombe *[holding answer 23 April 1996]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. George Howarth, dated 26 April 1996:

The Home Secretary has asked me to reply to your recent Question about the closure of wings at Liverpool prison.

Liverpool's H Wing closed on Saturday 23 March 1996 and is awaiting major refurbishment, including the provision of integral sanitation. All other wings at Liverpool have been refurbished and include such sanitation. There is no slopping out at Liverpool or at any other establishment in England and Wales.

Risley Prison

Mr. Hoyle: To ask the Secretary of State for the Home Department when the Minister with responsibility for prisons last visited Risley prison. [26334]

Miss Widdecombe *[holding answer 24 April 1996]:* I visited Risley prison on Wednesday 10 April.

HEALTH

Chief Executives (East Sussex)

Mr. Redmond: To ask the Secretary of State for Health what factors underlay the provision of £700,000 for the pensions following the early retirement of the chief executives of East Sussex health authority and the East Sussex family health services authority. [26423]

Mr. Malone: I understand that these pension provisions were made in accordance with the national health service superannuation scheme and are a matter for East Sussex, Brighton and Hove health authority. The hon. Member may wish to contact the chairman of the authority, Mr. Julian Wellesley, for details.

St. George's Hospital, Tooting

Mr. Cox: To ask the Secretary of State for Health (1) on how many occasions in 1995 patients were turned away from St. George's hospital, Tooting, because the bed capacity of the hospital was complete; and if he will make a statement; [26582]

(2) What has been the number of staff redundancies amongst nursing staff at St. George's hospital within the last 12 months. [26586]

(3) how many patients were operated on privately at St. George's hospital Tooting, after referral by a general practitioner to that hospital, during 1995; [26588]

(4) how many operations were cancelled at St. George's hospital during 1995; [26581]

(5) how many patients have had to wait for four hours or more in the accident and emergency services at St. George's hospital, Tooting, as a result of a shortage of hospital beds since 1 January 1996; [26583]

(6) how many patients had to wait overnight in the accident and emergency services at St. George's hospital, Tooting, during 1995; [26585]

(7) what was the average length of time that *(a)* a general practitioner fundholder patient and *(b)* a patient of a non-fundholding general practitioner waited for an orthopaedic operation at St. George's hospital, Tooting, once a general practitioner has made referral, in 1995; [26587]

(8) on how many occasions in 1995 St. George's hospital, Tooting, was accepting only emergency bed service referrals. [26580]

Mr. Malone: This information is not available centrally. The hon. Member may wish to contact Dr. Elizabeth Vallance, chairman of St. George's Healthcare national health service trust, for details.

Mr. Cox: To ask the Secretary of State for Health what discussion has taken place between his Department and the NHS trust management of St. George's hospital, Tooting, regarding any future possible bed closures. [26556]

Mr. Malone: The National Health Service Executive holds regular business planning meetings with national health service trusts, including St. George's Healthcare NHS trust. No proposals for future bed closures have emerged from those meetings. The trust opened 16 additional beds on 1 April, and plans to open two additional paediatric intensive care beds later this year.

Funding (Doncaster)

Mr. Redmond: To ask the Secretary of State for Health what estimate he has made of the amount by which current national health service funding in the Doncaster area is under target; what action he plans to take to meet the target; and if he will make a statement. [26646]

Mr. Horam: Doncaster health authority is £2.8 million or 2.2 per cent. under target in 1996–97.

We plan to move all health authorities to their weighted capitation target as soon as it is practicable.

GP Fundholding

Mr. MacShane: To ask the Secretary of State for Health (1) what is the estimated total cost in 1996, 1997 and 1998 of additional payments to health authority managers who recruit general practitioners to become fundholders; [26795]

(2) what new financial incentives are to be offered to health authority managers to persuade general practitioners to become fundholders. [26794]

Mr. Malone: Performance-related pay is awarded at the discretion of employing authorities, who decide locally what objectives are set for particular posts.

Sheffield Centre for Health and Related Research

Mr. Blunkett: To ask the Secretary of State for Health what funding was provided by the Trent regional health authority, prior to its dissolution, to the Sheffield centre for health and related research. [26812]

Mr. Malone: Trent regional health authority provided the following funding to the Sheffield centre for health and related research.

£

Purpose	*1994–95*	*1995–96*	*1996–97*
Operational research	56,000	130,000	70,000
Purchasing effective care	—	30,000	16,000

Mr. Blunkett: To ask the Secretary of State for Health what employees at the Sheffield centre for health and related research are paid directly or indirectly by funds

made available through the national health service executive or by other NHS funds; and if, in each case, he will list their name, current salary and remuneration package. [26813]

Mr. Malone: The Department of Health and National Health Service Executive fund some research and development work carried out at the Sheffield centre for health and related research, through the university of Sheffield. The centre is part of the University of Sheffield. Current information about its employees and their remuneration is a matter for the university.

Mr. Blunkett: To ask the Secretary of State for Health which staff from the Trent regional health authority transferred to take up posts at the Sheffield centre for health and related research, or took up posts at that centre consequent on the dissolution of the regional health authority. [26847]

Mr. Malone: Three staff formerly employed by Trent regional health authority's operational research division took up employment with the Sheffield centre for health and related research in 1994.

Trent Regional Health Authority

Mr. Blunkett: To ask the Secretary of State for Health, pursuant to his answer of 16 April, *Official Report*, column *477*, what exceptions were made in providing redundancy terms more favourable than those listed in section 45 of the General Whitley Council handbook or circular HSG (94) 18, following the dissolution of the Trent regional health authority; in each case, what were the circumstances in which this was done; and by how much the terms agreed exceeded those set out in the above guidance. [26848]

Mr. Malone: No exceptions were made.

Departmental File Records

Mr. Morgan: To ask the Secretary of State for Health when the five-year rule for keeping and destroying departmental file records was introduced; if he will now review its usefulness; if the five-year rule applies to the departmental solicitors' records; what representations he has had from the National Audit Office concerning the destruction of five-year-old records; when the records pertaining to the extra-statutory payments for general practitioner fundholders' management allowances were destroyed; and if he will make a statement. [27070]

Mr. Malone: Since the 1960s the guiding principle for Government record keeping is for Departments routinely to review the need to retain records once their business use has ceased. This is set out in detail in the Public Record Office's "Manual of Records Administration", a copy of which is in the Library.

Following a thorough review of departmental records management in 1995–96, all important Department of Health information is kept for at least two years and the need to keep it is reviewed when it is between two and five years old. These procedures apply to all departmental records including those for departmental solicitors.

No representation have been received from the National Audit Office on this issue.

Health Authority Funding

Mr. Eastham: To ask the Secretary of State for Health if he will set out in descending order the funding allocation per head of population to each health authority in England. [26890]

Mr. Horam: The information will be placed in the Library.

Dental Treatment

Mr. Llwyd: To ask the Secretary of State for Health what representations he has received concerning local reduced availability of NHS dental treatment; and if he will make a statement. [26979]

Mr. Malone: We receive letters from hon. Members and from the public about access to general dental services. Health authorities can advise patients on where best to seek national health service dental treatment locally.

Mr. Eastham: To ask the Secretary of State for Health if he will set out in descending order, by health authority in England, the incidence of *(a)* dental caries in five-year-olds, *(b)* adults with no natural teeth and *(c)* oral cancer. [26891]

Mr. Malone: The table shows the latest information on the incidence of oral cancer in each of the former regional health authorities in descending order. Information on dental caries in five-year-olds and adults with no natural teeth is not available in the form requested. I refer the hon. Member to the reply I gave the hon. Member for Peckham (Ms Harman) on 16 February at column *737*, for information on the mean number of decayed, missing and filled teeth of five-year-old children in each health authority in 1993–94.

Provisional crude rates and numbers or oral cancers[1] diagnosed in 1990 in England and Wales

Regional Health Authority (as at 1990)	*Rate per 100,000*	*Number*
Mersey	7.76	187
North Western	7.08	283
Northern	6.25	193
Yorkshire	6.20	227
Wales	5.84	168
East Anglian	5.63	116
Wessex	5.61	166
South East Thames	5.29	195
West Midlands	4.97	261
Trent	4.79	225
North West Thames	4.72	168
Oxford	4.55	116
South West Thames	4.54	137
South Western	4.26	140
North East Thames	3.98	150
Total	5.37	2,732

[1] Oral cancer is defined as: cancer of the lip (International Classification of Diseases, 9th revision, 140), tongue (ICD9 141), gum (ICD9 143), floor of the mouth (ICD9 145), unspecified parts of the mouth (ICD9 145), oropharynx (ICD9 146), nasopharynx (ICD9 147), and hypopharynx (ICD9 148). Cancers of the salivary glands (ICD9 142) have been excluded as they are not normally grouped with oral cancers.

Manchester Health Authority

Mr. Eastham: To ask the Secretary of State for Health what factors were taken into account in making the current year's allocation of funding to Manchester health authority; and if he will make a statement. [26892]

Mr. Horam: In 1996–97 we have maintained continuity and stability of funding by ensuring that no health authority lost resources. All health authorities received a cash uplift of 2.73 per cent. for Manchester health authority this meant a cash increase of £6.2 million.

We have also ensured greater equity in resource allocation by using growth principally to move under-target health authorities closer to target. As Manchester health authority was more than 10 per cent. over target it received no allocation for growth in 1996–97.

Read Codes

Mr. Morgan: To ask the Secretary of State for Health when the business case was completed for the development funding of Read codes; when Treasury approval was obtained for the scheme; what is the total discontinuation compensation payment agreed under the terms for the purchase of the rights from Mr. Read; what payment has been made to *(a)* Loughborough university and *(b)* Mr. Read under the rights purchase agreement; and if he will make a statement. [27065]

Mr. Horam: I refer the hon. Member to the reply my hon. Friend the then Parliamentary Under-Secretary of State (*Mr. Sackville*) gave him on 18 October 1995 at column *280–81*.

Details of negotiations conducted on behalf of my right hon. Friend the Secretary of State for Health are confidential.

Part of the agreement to make Read clinical codes crown copyright is that the purchase price is not divulged to third parties.

FOREIGN AND COMMONWEALTH AFFAIRS

Exports

Mr. Harvey: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the revisions to his Department's objectives for export promotion since those listed in table 1.3 of "Overseas Trade Service: Assistance to Exporters", a report by the Comptroller and Auditor General, HC 293; and if he will make a statement. [26703]

Mr. Hanley: Our objectives and achievements, including for trade and investment promotion, are contained in the departmental report for 1996, a copy of which has been placed in the Library of the House.

The National Audit Office report (HC 293) on services to exporters provided by the FCO and DTI through their joint export promotion arm Overseas Trade Services shows that the FCO's overseas posts provide valuable assistance to existing and potential British exporters and investors overseas. The NAO concluded that the OTS services it examined in four south-east Asian countries had helped introduce around 1,000 British companies to those markets over two years. These services, which cost around £4.5 million to provide, helped generate additional exports for British companies worth around £345 million: a gearing of almost 1:80.

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for Foreign and Commonwealth Affairs what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26680]

Mr. Hanley: This Department and agencies have no contract with Serco Ltd.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26632]

Mr. Hanley: We consider the use of private finance as the preferred option for all proposed capital projects. No projects under the private finance initiative scheme have yet been agreed. It is not yet possible to make an accurate estimate of the revenue implications of potential PFI projects.

EU Foreign Affairs Council

Mr. Garnier: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the outcome of the Foreign Affairs Council and the intergovernmental conference ministerial meeting on 22 April. [27169]

Mr. David Davis: The A items listed in document 6507/96, which will be placed in the Libraries of the House as soon as it is available, were approved except item 6 of the former Yugoslavia which became a B item for substantive discussion.

The Council took note of resolution in EP documents 5779/96 (PE–RE–24) and 6210/96 (PE–RE 27). Copies of these documents will be deposited in the Libraries of the House as soon as they are available.

The Council agreed conclusions on former Yugoslavia; the critical dialogue with Iran; and the US /'Helms/Burton' legislation on trade with Cuba.

A declaration on the latest developments in Lebanon and conclusions on the situation in Niger were agreed. The Council also expressed its sympathy for the families of victims of the terrorist attack in Cairo on 18 April.

The Council discussed the MEDA regulation on aid to countries in the Mediterranean. While no agreement was reached at this Council, the presidency expressed hope for agreement during the next Council scheduled for 13 May. Ministers also discussed former Yugoslavia; and Slovenia.

The Council discussed the continuing export ban on British beef products. The Secretary of State underlined the urgent need for progress towards lifting the ban.

In the margins of the Council, partnership and co-operation agreements were signed with Armenia, Azerbaijan and Georgia.

The sixth EU/Gulf Co-operation Council joint Council and ministerial meeting also took place, followed by a dinner. Ministers discussed the prospects for a free trade agreement and agreed to set up a joint EU/GCC working group on regional security in the Gulf.

The second ministerial session of the IGC also took place on 22 April. Ministers considered a range of issues, under the broad heading of "the Citizen and the Union" on the basis of eight questions in a presidency note (doc No. Conf 3843/95) which has been placed in the Library of the House. The issues included: the workings of the justice and home affairs pillar; EU citizenship; fundamental rights; the employment and environment provisions of the treaty; subsidiarity; and transparency.

We reiterated the positions that the UK representative had already set out in the two preceding working party sessions on 1 and 2 and 15 and 16 April, in particular that intergovernmental co-operation was the appropriate model for justice and home affairs and that, in general, this was working well; that businesses, not new treaty provisions on employment, created jobs; that neither strengthening the concept of EU citizenship, nor writing fundamental rights into the treaty which were already protected in national laws would be likely to bring Europe closer to the citizen; and that subsidiarity should be further entrenched in the treaty.

The ministerial session was preceded by an exchange of views with the European Parliament President and two representatives of the European Parliament.

European Bodies (Costs)

Mr. John Marshall: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on increases in the costs of *(a)* the European Union Commission, *(b)* the EU Country Auditors and *(c)* the European Court, since 1990; and what are their estimated costs in 1996. [26317]

Mr. Heathcoat-Amory: I have been asked to reply.

I presume my hon. Friend refers to the cost of the European Commission, the European Court of Auditors and the European Court of Justice. The information is provided in the table:

Costs of the European Commission, European Court of Auditors and the European Court of Justice

	1990 (ecu)	*1996 (ecu)*	*Average annual growth (Per cent.)*
European Commission	1,505.0	2,696.7	10.3
European Court of Auditors	53.4	56.2	3.1
European Court of Justice	66.9	169.7	17.7

Notes:

1. The figures for 1990 are outturn figures and have been taken from the 1990 European Court of Auditors report. The figures for 1996 are taken from the adopted European Community Budget.

2. The calculation of average annual growth has been based on the outturn for 1990–94 as shown in the relevant European Court of Auditors reports, and planned expenditure for 1995 and 1996 taken from the adopted European Community Budgets for those years.

Mr. Marshall: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the estimated cost of the Agriculture Directorate General for 1996; and what is the cost of the Agriculture Commissioner's cabinet. [26316]

Mr. Heathcote-Amory: I have been asked to reply.

I am afraid the 1996 EC budget does not show the information requested. I suggest that my hon. Friend contacts the European Commission direct.

SCOTLAND

Read Codes

Mr. Morgan: To ask the Secretary of State for Scotland what part-funding contribution his Department has made towards the development of Read codes for computerised health and hospital information systems. [27064]

Lord James Douglas Hamilton: The Scottish Office department of health has not made any contribution towards the funding of the development of Read codes.

Historic Scotland (Performance Targets)

Mr. Whittingdale: To ask the Secretary of State for Scotland if he will publish the key performance targets he has set Historic Scotland for 1996–97. [27541]

Mr. Michael Forsyth: I have set Historic Scotland the following key performance targets for 1996–97:

	Target
Protecting Scotland's Built Heritage	
Number of monuments scheduled	370
Weighted number of listed building resurvey units	176
Percentage of scheduled monument consent cases resolved within 12 weeks	81 per cent.
Percentage of listed building consent cases resolved within 28 days	97 per cent.
Number of historic building repair projects newly assisted by grant	145
Total value of grand-assisted repairs in progress	£33.5 million
Backlog of conservation of monuments in care	reduce
Promoting and Presenting the Built Heritage	
Number of visitors to monuments in care	2.4 million
HS market share compared to major paid heritage attractions in Scotland	47 per cent.
Percentage of satisfied visitors (based on surveys)	95 per cent.
Average spend per visitor	£1.02
Agency management	
Percentage efficiency gains/savings on all non-grant expenditure	1.5 per cent.
Total agency income	£9.9 million

Further Education

Mr Whittingdale: To ask the Secretary of State for Scotland when he will publish his report on the discharge of his duties for further education in Scotland as required under section 1 of the Further and Higher Education Scotland (Act) 1972; and if he will make a statement. [27542]

Mr. Raymond S. Robertson: My right hon Friend's report on further education in Scotland in 1995 has been published today and has been laid before both Houses of Parliament. Copies are available in the Library of the House.

The report, entitled "Further Education in Scotland 1995: Report by the Secretary of State for Scotland" shows that further education colleges have continued to raise standards and that progress has been made in the use of performance indicators as part of their quality assurance arrangements. They continue to make an impressive contribution to the training needs of individuals and of employers and are to be congratulated on the 6 per cent. increase in student activity and 4 per cent. efficiency gains which they achieved in the 1994–95 academic year.

Copyright

Mr. Maclennan: To ask the Secretary of State for Scotland what progress his Department has made towards obtaining a photocopying licence from the copyright licensing agency to ensure compliance with copyright law. [26711]

Lord James Douglas-Hamilton *[holding answer 25 April 1996]:* The Department is discussing detailed arrangements with the copyright licensing agency to determine what, if any, need it has for a licence to ensure compliance with copyright law.

EDUCATION AND EMPLOYMENT

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Education and Employment if she will list the revenue spending estimated by her Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26626]

Mr. Robin Squire: The estimated recurrent spending by this Department, including the Employment Service—but not including independent education institutions or local authorities—in connection with projects undertaken through the private finance initiative cannot, yet, be accurately calculated for 1996–97 and 1997–98. None was paid in 1995–96. As the hon. Member will surmise from the answer to her question of 19 April, this Department estimates that a number of projects will come forward over the next few years. I also refer the hon. Member to the reply given to the hon. Member for Sheffield, Attercliffe (Mr. Betts) on 6 December, *Official Report,* column *311.*

Local Education Authorities

Mr. Pawsey: To ask the Secretary of State for Education and Employment what evidence she has indicating whether some local authorities are now delegating a smaller proportion of their budgets to schools in the primary, secondary or special school sectors when compared with 1993. [26790]

Mr. Robin Squire: I will write to my hon. Friend when the local management of schools budget statements produced by local education authorities for 1996–97 have been analysed by the Department.

Mr. Congdon: To ask the Secretary of State for Education and Employment if she will show for each English local education authority (i) the total number of pupils in each authority's *(a)* primary and *(b)* secondary schools, (ii) the total number of pupils and percentage at (1) primary and (2) secondary level who are educated outside their home local education authority, (iii) the total number and percentage of pupils in each authority at (x) primary and (y) secondary level who come from another local education authority and (iv) the political control of each local education authority. [26789]

Mr. Robin Squire: The latest available information is shown in the following table:

Pupils of Primary and Secondary school age whose education is provided by Local Education Authorities by LEA of provision LEA of residence and age, for each (LEA in England[1]

March 1996		*January 1994*								
	Political control of authority[2]	*Provision*								
		All Pupils			*Pupils resident in other LEAs*					
		Number			*Number*			*Percentage*		
		5–10	*11–15*	*16+*	*5–10*	*11–15*	*16+*	*5–10*	*11–15*	*16+*
Corporation of London	Independent	169	8	0	161	4	0	95.3	50.0	0.0
Camden	Labour	8,628	8,954	1,931	943	4,453	1,205	10.9	49.7	62.4
Greenwich	Labour	16,734	12,891	1,598	994	2,292	279	5.9	17.8	17.5
Hackney	Labour	13,277	7,468	444	929	1,075	127	7.0	14.4	28.6
Hammersmith	Labour	7,254	5,766	530	627	2,702	331	8.6	46.9	62.5
Islington	Labour	12,131	7,053	424	1,710	2,371	177	14.1	33.6	41.7
Kensington and Chelsea	Conservative	5,142	2,802	478	1,323	1,562	298	25.7	55.7	62.3
Lambeth	No overall control	15,309	7,212	167	1,137	1,226	62	7.4	17.0	37.1
Lewisham	Labour	16,492	10,117	1,084	1,078	2,016	207	6.5	19.9	19.1
Southwark	Labour	17,014	9,241	159	1,722	2,544	86	10.1	27.5	54..1
Tower Hamlets	Labour	16,808	11,393	943	321	785	99	1.9	6.9	10.5
Wandsworth	Conservative	13,089	8,438	1,206	1,391	2,550	325	10.6	30.2	26.9
Westminster	Conservative	7,362	6,393	1,158	1,719	3,670	695	23.3	57.4	60.0
Barking	Labour	12,107	8,901	977	848	969	126	7.0	10.9	12.9
Barnet	No overall control	18,859	16,148	2,981	1,535	3,887	739	8.1	24.1	24.8

Pupils of Primary and Secondary school age whose education is provided by Local Education Authorities by LEA of provision LEA of residence and age, for each (LEA in England[1]

March 1996		*January 1994*								
		Provision								
	Political control of authority[2]	*All Pupils*			*Pupils resident in other LEAs*					
		Number			*Number*			*Percentage*		
		5–10	*11–15*	*16+*	*5–10*	*11–15*	*16+*	*5–10*	*11–15*	*16+*
Bexley	Labour (minority)	16,254	12,887	1,884	610	1,474	181	3.8	11.4	9.6
Brent	No overall control	17,147	10,878	2,092	1,167	1,162	246	6.8	10.7	11.8
Bromley	Conservative	18,928	14,928	2,660	1,172	2,006	243	6.2	13.4	9.1
Croydon	Labour	21,992	14,836	549	1,127	1,470	144	5.1	9.9	26.2
Ealing	Labour	19,304	12,507	1,400	1,022	824	123	5.3	6.6	8.8
Enfield	Labour	18,943	15,619	2,635	746	2,133	367	3.9	13.7	13.9
Haringey	Labour	14,836	8,324	1,160	992	1,305	122	6.7	15.7	10.5
Harrow	No overall control	14,045	10,478	69	1,131	1,384	6	8.1	13.2	8.7
Havering	Labour (minority)	16,757	14,122	1,010	401	1,127	245	2.4	8.0	24.3
Hillingdon	Labour	16,501	12,471	1,950	412	840	192	2.5	6.7	9.8
Hounslow	Labour	14,711	12,720	2,088	750	3,016	420	5.1	23.7	20.1
Kingston upon Thames	Liberal Democrat	8,423	6,714	1,290	509	1,498	294	6.0	22.3	22.8
Merton	Labour	10,718	7,530	681	966	1,338	189	9.0	17.8	27.8
Newham	Labour	20,826	13,839	415	283	511	58	1.4	3.7	14.0
Redbridge	No overall control	16,569	12,882	2,805	1,059	1,340	330	6.4	10.4	11.8
Richmond upon Thames	Liberal Democrat	8,901	7,711	23	1,023	3,120	6	11.5	40.5	26.1
Sutton	Liberal Democrat	11,259	9,833	1,776	305	1,921	467	2.7	19.5	26.3
Waltham Forest	Labour (minority)	16,216	11,564	309	416	485	29	2.6	4.2	9.4
Birmingham	Labour	86,199	60,665	5,954	1,102	1,296	249	1.3	2.1	4.2
Coventry	Labour	23,960	17,262	2,293	217	400	62	0.9	2.3	2.7
Dudley	Labour	23,033	18,234	321	667	1,173	115	2.9	6.4	35.8
Sandwell	Labour	23,978	17,969	964	853	1,425	125	3.6	7.9	13.0
Solihull	Conservative/ Independent	15,667	13,139	554	1,195	2,258	76	7.6	17.2	13.7
Walsall	No overall control	21,515	17,399	2,468	391	1,513	247	1.8	8.7	10.0
Wolverhampton	Labour	19,474	14,410	1,937	477	547	97	2.4	3.8	5.0
Knowsley	Labour	14,095	8,996	484	852	569	45	6.0	6.3	9.3
Liverpool	Labour	39,712	27,780	3,949	1,151	1,265	216	2.9	4.6	5.5
St. Helens	Labour	13,916	11,058	1,032	435	894	101	3.1	8.1	9.8
Bolton	Labour	21,534	16,220	1,133	307	813	106	1.4	5.0	9.4
Bury	Labour	13,562	10,601	38	493	862	0	3.6	8.1	0.0
Manchester	Labour	36,234	22,099	441	1,530	1,100	35	4.2	5.0	7.9
Oldham	Labour	19,211	15,921	780	545	2,082	142	2.8	13.1	18.2
Rochdale	Conservative/Liberal Democrat	17,679	12,524	783	201	298	37	1.1	2.4	4.7
Salford	Labour	17,773	11,876	32	1,030	430	0	5.8	3.6	0.0
Stockport	Liberal Democrat (minority)	21,157	15,672	397	527	502	53	2.5	3.2	13.4
Tameside	Labour	18,099	13,600	83	468	842	2	2.6	6.2	2.4
Trafford	No overall control	15,845	12,572	1,248	312	1,207	88	2.0	9.6	7.1
Wigan	Labour	24,218	19,595	482	457	1,487	38	1.9	7.6	7.9
Barnsley	Labour	16,843	12,683	182	101	221	12	0.6	1.7	6.6
Doncastor	Labour	24,052	18,113	2,471	110	218	51	0.5	1.2	2.1
Rotherham	Labour	20,167	17,149	1,555	224	1,278	132	1.1	7.5	8.5
Sheffield	Labour	35,472	26,096	1,507	140	152	40	0.4	0.6	2.7
Bradford	Labour	41,715	30,124	4,465	203	238	73	0.5	0.8	1.6
Calderdale	Labour	15,457	11,866	1,674	327	437	61	2.1	3.7	3.6
Kirklees	Labour	30,179	22,651	1,648	252	315	49	0.8	1.4	3.0
Leeds	Labour	52,294	39,372	4,901	411	1,017	201	0.8	2.6	4.1
Wakefield	Labour	24,608	18,454	1,102	168	528	86	0.7	2.9	7.8
Gateshead	Labour	14,346	10,787	1,247	193	407	41	1.3	3.8	3.3
Newcastle upon Tyne	Labour	18,931	14,091	1,721	275	848	169	1.5	6.0	9.8
North Tyneside	Labour	14,480	11,076	1,101	482	291	29	3.3	2.6	2.6
South Tyneside	Labour	12,363	9,598	226	63	330	43	0.5	3.4	19.0
Sunderland	Labour	24,088	19,097	823	174	436	116	0.7	2.3	14.1
Isles of Scilly	Independent	149	135	0	1	0	0	0.7	0.0	0.0
Avon[3]	No overall control	66,251	49,416	6,458	272	716	94	0.4	1.4	1.5
Bedfordshire	No overall control	43,353	32,984	4,003	666	679	135	1.5	2.1	3.4
Berkshire	Labour/Lib.Dem. /Independent	54,526	42,123	6,652	659	1,463	433	1.2	3.5	6.5
Buckinghamshire	Conservative	47,936	38,070	7,416	809	991	284	1.7	2.6	3.8
Cambridgeshire	Labour/Liberal Democrat	49,412	37,823	3,835	439	372	47	0.9	1.0	1.2
Cheshire	Conservative/Liberal Democrat	73,291	58,810	6,886	569	2,259	341	0.8	3.8	5.0
Cleveland[4]	Labour	48,708	36,847	686	121	259	22	0.2	0.7	3.2
Cornwall	Liberal Democrat	33,784	27,117	2,267	49	242	32	0.1	0.9	1.4
Cumbria	Labour (minority)	34,880	28,059	3,466	78	326	111	0.2	1.2	3.2
Derbyshire	Labour	68,438	53,656	4,992	580	600	94	0.8	1.1	1.9
Devon	Liberal Democrat (minority)	70,030	54,831	6,477	174	504	93	0.2	0.9	1.4
Dorset	Liberal Democrat	41,553	34,683	4,723	343	1,298	331	0.8	3.7	7.0
Durham	Labour	44,904	35,708	2,709	134	133	49	0.3	0.4	1.8
East Sussex	Labour/Liberal Democrat	43,568	32,676	2,732	288	707	120	0.7	2.2	4.4
Essex	Labour/Liberal Democrat	110,044	89,399	8,633	395	1,021	181	0.4	1.1	2.1
Gloucestershire	No overall control	37,530	30,262	4,087	262	837	111	0.7	2.8	2.7
Hampshire	Lib.Dem/Labour/ Independent	112,859	84,996	1,425	731	1,128	112	0.6	1.3	7.9

Pupils of Primary and Secondary school age whose education is provided by Local Education Authorities by LEA of provision LEA of residence and age, for each (LEA in England[1]

March 1996		*January 1994* Provision								
	Political control of authority[2]	*All Pupils*			*Pupils resident in other LEAs*					
		Number			*Number*			*Percentage*		
		5–10	*11–15*	*16+*	*5–10*	*11–15*	*16+*	*5–10*	*11–15*	*16+*
Hereford and Worcester	Labour/Liberal Democrat	48,319	39,159	4,097	557	1,196	145	1.2	3.1	3.5
Hertfordshire	No overall control	70,804	58,063	10,259	1,462	3,260	758	2.1	5.6	7.4
Humberside[3]	Labour	68,697	63,305	3,604	195	1,183	64	0.3	2.2	1.8
Isle of Wight	Liberal Democrat	8,515	6,779	1,123	0	1	0	0.0	0.0	0.0
Kent	No overall control	110,701	89,348	14,079	458	1,212	281	0.4	1.4	2.0
Lancashire	Labour	109,120	82,431	4,151	376	835	79	0.3	1.0	1.9
Leicestershire	No overall control	68,540	53,395	6,243	226	486	35	0.3	0.9	0.6
Lincolnshire	Labour/Liberal Democrat	42,080	34,861	4,200	257	929	143	0.6	2.7	3.4
Norfolk	Labour (minority)	49,887	41,295	4,765	127	542	109	0.3	1.3	2.3
North Yorkshire[6]	No overall control	48,620	40,067	4,582	293	1,888	338	0.6	4.7	7.4
Northamptonshire	Labour	45,803	35,908	5,256	267	749	143	0.6	2.1	2.7
Northumberland	Labour	22,661	19,259	3,202	369	553	107	1.6	2.9	3.3
Nottinghamshire	Labour	75,259	57,288	6,137	305	730	110	0.4	1.3	1.8
Oxfordshire	No overall control	38,310	29,716	4,208	299	1,680	230	0.8	5.7	5.5
Shropshire	Labour/Liberal Democrat	30,637	24,175	1,450	200	582	59	0.7	2.4	4.1
Somerset	Liberal/Democrat	32,639	24,811	1,613	276	242	48	0.8	1.0	3.0
Staffordshire	Labour	79,671	61,819	5,829	701	1,266	171	0.9	2.0	2.9
Suffolk	Labour/Liberal Democrat	44,737	35,565	5,471	561	728	140	1.3	2.0	2.6
Surrey	Conservative/Liberal Democrat	60,363	45,849	4,885	1,824	2,221	202	3.0	4.8	4.1
Warwickshire	Labour (minority)	35,078	26,972	3,146	997	915	174	2.8	3.4	5.5
West Sussex	Liberal Democrat (minority)	45,961	38,568	4,103	540	1,450	181	1.2	3.8	4.4
Wiltshire	No overall control	43,105	31,569	3,443	323	472	70	0.7	1.5	2.0
England		3,502,657	2,686,084	276,885	64,532	124,667	17,717	1.8	4.6	6.4

[1] For LEAs in existence immediately prior to Local Government Reorganisation on 1 April 1996
[2] Political control immediately prior to Local Government Reorganisation on 1 April 1996
[3] Avon has now become
Bath and North East Somerset (No overall control)
Bristol City Council (Labour)
North West Somerset (Liberal Democrat minority)
South Gloucestershire Council (No overall control)
[4] Cleveland has now become
Hartlepool Borough Council (Labour)
Middlesbrough (Labour)
Redcar and Cleveland (Labour)
Stockton-on-Tees Borough Council (Labour)
[5] Humberside has now become
Kingston-upon-Hull City Council (Labour)
East Riding Authority (No overall control)
North East Lincolnshire Authority (Labour)
North Lincolnshire Council (Labour)
[6] North Yorkshire has now become
York City Council (Labour)
North Yorkshire (No overall control).

March 1996		*January 1994* Residence								
	Political control of authority[1]	*All pupils*			*Pupils whose education is provided by other LEAs*					
		Number			*Number*			*Percentage*		
		5–10	*11–15*	*16+*	*5–10*	*11–15*	*16+*	*5–10*	*11–15*	*16+*
Corporation of London	Independent	28	25	5	20	21	5	71.4	84.0	100
Camden	Labour	8,978	6,353	1,000	1,293	1,852	274	14.4	29.2	27.4
Greenwich	Labour	16,816	12,157	1,497	1,076	1,558	178	6.4	12.8	11.9
Hackney	Labour	13,935	9,785	679	1,587	3,392	362	11.4	34.7	53.3
Hammersmith	Labour	7,445	5,010	449	818	1,946	250	11.0	38.8	55.7
Islington	Labour	11,338	7,569	721	917	2,887	474	8.1	38.1	65.7
Kensington and Chelsea	Conservative	4,282	2,882	347	463	1,642	167	10.8	57.0	48.1
Lambeth	No overall control	17,059	11,251	573	2,887	5,265	468	16.9	46.8	81.7
Lewisham	Labour	17,270	10,980	1,187	1,856	2,879	310	10.7	26.2	26.1
Southwark	Labour	16,339	9,286	350	1,047	2,589	277	6.4	27.9	79.1
Tower Hamlets	Labour	17,001	11,737	947	514	1,129	103	3.0	9.6	10.9
Wandsworth	Conservative	12,568	8,413	1,118	870	2,525	237	6.9	30.0	21.2
Westminster	Conservative	6,369	4,523	706	726	1,800	243	11.4	39.8	34.4
Barking	Labour	11,682	8,529	972	423	597	121	3.6	7.0	12.4
Barnet	No overall control	18,391	13,655	2,583	1,067	1,394	341	5.8	10.2	13.2
Bexley	Labour (minority)	16,328	12,665	1,866	684	1,252	163	4.2	9.9	8.7

	March 1996	January 1994 Residence								
	Political control of authority[1]	All pupils			Pupils whose education is provided by other LEAs					
		Number			Number			Percentage		
		5–10	11–15	16+	5–10	11–15	16+	5–10	11–15	16+
Brent	No overall control	18,187	13,872	2,472	2,207	4,156	626	12.1	30.0	25.3
Bromley	Conservative	18,321	13,764	2,541	565	842	124	3.1	6.1	4.9
Croydon	Labour	21,919	16,042	782	1,054	2,676	377	4.8	16.7	48.2
Ealing	Labour	19,337	14,401	1,633	1,055	2,718	356	5.5	18.9	21.8
Enfield	Labour	19,090	14,848	2,534	893	1,362	266	4.7	9.2	10.5
Haringey	Labour	14,830	9,798	1,580	986	2,779	542	6.6	28.4	34.3
Harrow	No overall control	13,775	10,558	574	861	1,464	511	6.3	13.9	89.0
Havering	Labour (minority)	16,683	13,810	868	327	815	103	2.0	5.9	11.9
Hillingdon	Labour	16,826	12,646	1,916	737	1,015	158	4.4	8.0	8.2
Hounslow	Labour	15,096	11,449	1,762	1,135	1,745	94	7.5	15.2	5.3
Kingston upon Thames	Liberal Democrat	8,299	6,081	1,074	385	865	78	4.6	14.2	7.3
Merton	Labour	10,601	7,392	706	849	1,200	214	8.0	16.2	30.3
Newham	Labour	21,130	14,385	531	587	1,057	174	2.8	7.3	32.8
Redbridge	No overall control	16,417	12,920	2,645	907	1,378	170	5.5	10.7	6.4
Richmond upon Thames	Liberal Democrat	8,135	5,481	163	257	890	146	3.2	16.2	89.6
Sutton	Liberal Democrat	11,851	8,990	1,425	897	1,078	116	7.6	12.0	8.1
Waltham Forest	Labour (minority)	16,442	12,113	513	642	1,034	233	3.9	8.5	45.4
Birmingham	Labour	87,001	63,326	5,916	1,904	3,957	211	2.2	6.2	3.6
Coventry	Labour	24,036	17,183	2,282	293	321	51	1.2	1.9	2.2
Dudley	Labour	22,788	17,963	343	422	902	137	1.9	5.0	39.9
Sandwell	Labour	23,761	17,727	982	636	1,183	143	2.7	6.7	14.6
Solihull	Conservative/Independent	14,870	11,319	534	398	438	56	2.7	3.9	10.5
Walsall	No overall control	21,580	16,555	2,318	456	669	97	2.1	4.0	4.2
Wolverhampton	Labour	19,517	14,933	1,988	520	1,070	148	2.7	7.2	7.4
Knowsley	Labour	14,527	10,534	710	1,284	2,107	271	8.8	20.0	38.2
Liverpool	Labour	39,395	27,770	3,848	834	1,255	115	2.1	4.5	3.0
St. Helens	Labour	13,698	11,225	—	—	—	—	—	—	—
Bolton	Labour	21,543	15,864	1,036	316	457	9	1.5	2.9	0.9
Bury	Labour	14,157	10,235	55	1,088	496	17	7.7	4.8	30.9
Manchester	Labour	36,177	24,363	493	1,473	3,364	87	4.1	13.8	17.6
Oldham	Labour	18,897	14,244	650	231	405	12	1.2	2.8	1.8
Rochdale	Conservative/Liberal Democrat	17,858	13,471	858	380	1,245	112	2.1	9.2	13.1
Salford	Labour	17,307	12,072	80	564	626	48	3.3	5.2	60.0
Stockport	Liberal Democrat (minority)	21,016	15,597	388	386	427	44	1.8	2.7	11.3
Tameside	Labour	18,059	13,263	117	428	505	36	2.4	3.8	30.8
Trafford	No overall control	15,954	12,313	1,300	421	948	140	2.6	7.7	10.8
Wigan	Labour	24,390	18,893	493	629	785	49	2.6	4.2	9.9
Barnsley	Labour	16,915	13,107	256	173	645	86	1.0	4.9	33.6
Doncaster	Labour	24,044	18,328	2,467	102	433	47	0.4	2.4	1.9
Rotherham	Labour	20,032	16,002	1,438	89	131	15	0.4	0.8	1.0
Sheffield	Labour	35,579	26,721	1,560	247	777	93	0.7	2.9	6.0
Bradford	Labour	42,034	31,652	4,758	522	1,766	366	1.2	5.6	7.7
Calderdale	Labour	15,208	11,694	1,669	78	265	56	0.5	2.3	3.4
Kirklees	Labour	30,254	22,996	1,678	327	660	79	1.1	2.9	4.7
Leeds	Labour	52,106	39,133	4,868	223	778	168	0.4	2.0	3.5
Wakefield	Labour	24,589	18,087	1,038	149	161	22	0.6	0.9	2.1
Gateshead	Labour	14,250	10,902	1,312	97	522	106	0.7	4.8	8.1
Newcastle upon Tyne	Labour	19,347	13,922	1,652	691	679	100	3.6	4.9	6.1
North Tyneside	Labour	14,183	11,398	1,169	185	613	97	1.3	5.4	8.3
South Tyneside	Labour	12,374	9,408	258	74	140	75	0.6	1.5	29.1
Sunderland	Labour	24,043	19,043	755	129	382	48	0.5	2.0	6.4
Isles of Scilly	Independent	148	135	0	0	0	0	0.0	0.0	0.0
Avon[2]	No overall control	66,175	49,188	6,449	196	488	85	0.3	1.0	1.3
Bedfordshire	No overall control	43,134	33,031	4,016	447	726	148	1.0	2.2	3.7
Berkshire	Labour/Liberal Democrat/Independent	54,874	42,347	6,396	1,007	1,687	177	1.8	4.0	2.8
Buckinghamshire	Conservative	48,298	39,973	7,783	1,171	2,894	651	2.4	7.2	8.4
Cambridgeshire	Labour/Liberal Democrat	49,356	38,110	3,915	383	659	127	0.8	1.7	3.2
Cheshire	Conservative/Liberal Democrat	73,224	57,324	6,677	502	773	132	0.7	1.3	2.0
Cleveland[3]	Labour	48,649	36,715	674	62	127	10	0.1	0.3	1.5
Cornwall	Liberal Democrat	33,820	27,315	2,317	85	440	82	0.3	1.6	3.5
Cumbria	Labour (minority)	34,817	27,824	3,400	15	91	45	0.0	0.3	1.3
Derbyshire	Labour	68,346	54,256	5,090	488	1,200	192	0.7	2.2	3.8
Devon	Liberal Democrat (minority)	69,960	54,926	6,479	104	598	95	0.1	1.1	1.5
Dorset	Liberal Democrat	41,378	33,618	4,412	168	233	20	0.4	0.7	0.5
Durham	Labour	45,151	36,194	2,830	381	619	90	0.8	1.7	3.2
East Sussex	Labour/Liberal Democrat	43,487	33,144	2,877	207	1,175	265	0.5	3.5	9.2
Essex	Labour/Liberal Democrat	110,825	90,685	9,034	1,176	2,307	582	1.1	2.5	6.4
Gloucestershire	No overall control	37,482	29,777	4,057	214	352	81	0.6	1.2	2.0
Hampshire	Liberal Democrat/Labour/Independent	113,044	85,551	1,665	916	1,683	352	0.8	2.0	21.1
Hereford and Worcester	Labour/Liberal Democrat	48,903	39,262	4,135	1,141	1,299	183	2.3	3.3	4.4
Hertfordshire	No overall control	69,952	55,604	9,716	610	801	215	0.9	1.4	2.2
Humberside[4]	Labour	68,599	52,867	3,608	97	745	68	0.1	1.4	1.9

March 1996		January 1994 Residence								
	Political control of authority[1]	All pupils			Pupils whose education is provided by other LEAs					
		Number			Number			Percentage		
		5–10	11–15	16+	5–10	11–15	16+	5–10	11–15	16+
Isle of Wight	Liberal Democrat	8,518	6,780	1,124	3	2	1	0.0	0.0	0.1
Kent	No overall control	110,551	89,127	13,965	308	991	167	0.3	1.1	1.2
Lancashire	Labour	109,348	83,010	4,332	604	1,414	260	0.6	1.7	6.0
Leicstershire	No overall control	68,689	53,379	6,286	375	470	78	0.5	0.9	1.2
Lincolnshire	Labour/Liberal Democrat	42,066	35,448	4,162	243	1,516	105	0.6	4.3	2.5
Norfolk	Labour (minority)	50,340	41,291	4,750	580	538	94	1.2	1.3	2.0
North Yorkshire[3]	No overall control	48,752	38,728	4,356	425	549	112	0.9	1.4	2.6
Northamptonshire	Labour	45,830	35,412	5,196	294	253	83	0.6	0.7	1.6
Northumberland	Labour	22,475	18,924	3,142	183	218	47	0.8	1.2	1.5
Nottignhamshire	Labour	75,319	57,245	6,131	365	687	104	0.5	1.2	1.7
Oxfordshire	No overall control	38,396	28,474	4,063	385	438	85	1.0	1.5	2.1
Shropshire	Labour/Liberal Democrat	30,677	23,972	1,471	240	379	80	0.8	1.6	5.4
Somerset	Liberal Democrat	32,755	25,364	1,682	392	795	117	1.2	3.1	7.0
Staffordshire	Labour	79,870	61,899	5,890	900	1,346	232	1.1	2.2	3.9
Suffolk	Labour/Liberal Democrat	44,437	35,253	5,435	261	416	104	0.6	1.2	1.9
Surrey	Conservative/Liberal Democrat	60,038	46,327	5,256	1,499	2,699	573	2.5	5.8	10.9
Warwickshire	Labour/(minority)	34,594	26,971	3,111	513	914	139	1.5	3.4	4.5
West Sussex	Liberal Democrat (minority)	45,867	37,670	4,003	446	552	81	1.0	1.5	2.0
Wiltshire	No overall control	43,145	32,111	3,526	363	1,014	153	0.8	3.2	4.3
England		3,502,712	2,686,098	276,903	64,587	124,681	17,735	1.8	4.6	6.4

[1] Political control immediately prior to Local Government Reorganisation on 1 April 1996.
[2] Avon has now become Bath and North East Somerset (No overall control).
Bristol City Council (Labour).
North West Somerset (Liberal Democrat minority).
South Gloucestershire Council (No overall control).
[3] Cleveland has now become Hartlepool Borough Council (Labour).
Middlesbrough (Labour).
Redcar and Cleveland (Labour).
Stockton on Tees Borough Council (Labour).
[4] Humberside has now become Kingston upon Hull City Council (Labour).
East Riding Authority (No overall control).
North East Lincolnshire Authority (Labour).
North Lincolnshire Council (Labour).
[5] North Yorkshire has now become York City Council (Labour).
North Yorkshire (No overall control).

Jobseeker's Allowance

Mr. Ian McCartney: To ask the Secretary of State for Education and Employment in what circumstances claimants of jobseeker's allowance may receive travelling expenses from the Employment Service for the journey that they make to attend the jobcentre for their fortnightly review; and if she will make a statement. [27029]

Mr. Forth: As now, under jobseeker's allowance the Employment Service will not pay travelling expenses to claimants for the journey that they make to the jobcentre for their normal fortnightly attendance.

Mr. McCartney: To ask the Secretary of State for Education and Employment in what circumstances an unemployed person may make a new claim for jobseeker's allowance by post; and if she will make a statement. [27032]

Mr. Forth: People wishing to make a new claim for jobseeker's allowance will normally be given an appointment to attend their local jobcentre in person for an interview with an employment officer. This ensures that they have access to the Employment Service's range of services and opportunities at the earliest opportunity. Making a new claim by post will however be allowed when exceptional adverse weather or other local circumstances prevents the jobseeker from the reaching the jobcentre, or when the jobcentre itself is closed to the public due to some exceptional circumstance. Arrangements will then be made for the jobseeker to attend the jobcentre in person for a full interview as soon as the situation allows. Jobseekers who live at a considerable distance from their nearest jobcentre will also be able to make a new claim for JSA by post, if attendance at the jobcentre would require them to be absent from home for more than eight hours. The Employment Service will arrange for them to have a full interview with a visiting officer at a location convenient to their home within four weeks of the date of claim.

Nursery Voucher Scheme

Mr. Blunkett: To ask the Secretary of State for Education and Employment what plans she has to extend the voucher scheme to include all three-year-olds. [26209]

Mr. Robin Squire: It is important to get provision for four-year-olds right before extending the voucher scheme to cover three-year-olds. We will consider such an extension in due course.

School Inspections

Mr. Harry Greenway: To ask the Secretary of State for Education and Employment if she will make a further statement on future school inspection arrangements. [27496]

Mr. Robin Squire: I refer to the answer I gave on 19 December 1995, *Official Report*, column *1017*. Having consulted Her Majesty's Chief Inspector of Schools on future school inspection arrangements, my right hon. Friend the Secretary of State has now asked him to consult on more targeted arrangements to come into effect from September 1997 for secondary schools and September 1998 for other schools. The chief inspector expects to initiate this consultation next week.

LORD CHANCELLOR'S DEPARTMENT

Private Finance Initiative

Ms Janet Anderson: To ask the Parliamentary Secretary, Lord Chancellor's Department what estimate he has made of funding to be made available to his Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26166]

Mr. Jonathan Evans: For the Lord Chancellor's Department, including the Court Service and the Public Trust Office, no funding became available through the private finance initiative in 1995–96. Current estimates suggest that capital spending on projects by the private sector will be £4.6 million in 1996–97 and £27.3 million in 1997–98.

Court Costs

Mr. Mullin: To ask the Parliamentary Secretary, Lord Chancellor's Department what were the costs of *(a)* out-of-court settlements and *(b)* awards made in court, for each of the last three years and so far this year; and what were the annual legal costs incurred. [26008]

Mr. Jonathan Evans: The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

Letter from Michael Huebner to Mr. Chris Mullins, dated 26 April 1996:

The Parliamentary Secretary, Lord Chancellor's Department, has asked me to reply to your Question about costs of cases settled outside court, awards made in court and legal costs.

Unfortunately, information about the size of out of court settlements and awards is not held centrally and could only be obtained at a disproportionate cost. The Court Service does not collect figures for legal costs for all cases.

Council of Europe

Mr. Cox: To ask the Parliamentary Secretary, Lord Chancellor's Department what assessment he has made of the proposal in recommendation 1286 (1996) of the parliamentary assembly of the Council of Europe for a permanent intergovernmental structure to deal with issues relating to children; and if he will make a statement. [26097]

Mr. Jonathan Evans: I have been asked to reply. This proposal is still under consideration.

ATTORNEY-GENERAL

Extradition Warrants

Mr. David Shaw: To ask the Attorney-General if he will make a statement on the procedure by which extradition warrants are prepared and completed in the United Kingdom and transmitted to the relevant authorities in the Irish Republic; and if it is standard procedure for the Irish authorities to confirm the completeness and correctness of documentation prior to its submission to court. [26363]

The Attorney-General: Applications for arrest warrants in the United Kingdom are made on behalf of the relevant police force to a justice of the peace or, in certain cases, to a judge.

The applications are prepared and conducted by the Crown Prosecution Service, or as the case may be, the Crown Solicitor's Office in Northern Ireland. When a warrant is obtained in a case in which extradition is sought from the Republic of Ireland it is personally delivered by the police to their counterparts in the Republic. Thereafter, the matter becomes one for the Irish authorities.

A warrant cannot be executed in the Republic of Ireland until it has been endorsed by a Commissioner of the Garda. In "accusation" cases, there is an additional requirement in that the Commissioner can not endorse the warrant without the authority of the Irish Attorney-General. Under Irish law the Irish Attorney must direct that the warrant not be endorsed unless he is satisfied that there is a clear intention to prosecute based on sufficient evidence. To enable the Irish Attorney to discharge this duty I supply him with a certificate confirming the prosecuting authority's intention to prosecute, a statement detailing the facts of the case and statement of the relevant English law. If the Irish Attorney is satisfied, the warrant is endorsed and the accused is arrested and brought before the court. This additional requirement does not apply where the person named on the warrant has, following an examination of the evidence, been committed for trial or has escaped from custody following conviction.

Extradition

Mr. John D. Taylor: To ask the Attorney-General how many applications for extradition have been submitted to the authorities in the Republic of Ireland in each of the past 10 years for terrorist-related offences; how many in each year have been successful; and how many in each year have been rejected on the basis that they were incorrectly prepared. [25932]

The Attorney-General: Applications for extradition for alleged "terrorist-related offences" have been brought before the Irish courts in 23 cases in the past 10 years. Fifteen of these cases were brought by the authorities in Northern Ireland and eight by the authorities in England.

In five cases the individual concerned has been extradited. In a further five cases the individual has fled following a successful application or appeal and in two of these has subsequently been arrested in the UK.

Extradition has been refused on the ground of defects in the papers in three cases. Two cases were refused in 1986 on the ground that the warrants were defective and one case was refused in 1996 on the ground that the original warrant was not produced.

In seven cases the individual has successfully appealed against an extradition order and in three further cases appeals are pending.

Details are not included of cases not yet before the courts.

SOCIAL SECURITY

Occupational Asthma

Mr. Ian McCartney: To ask the Secretary of State for Social Security how many claims under the industrial injury scheme were made by people suffering from occupational asthma; how many of these claims were *(a)* successful and *(b)* unsuccessful broken down by region and gender in each case in the past five years. [25781]

Mr. Roger Evans: The information is not available in the format requested. Such information as is available is set out in the tables. A breakdown by gender is available only in relation to medical boarding and is set out in tables 2 to 5. Industrial injuries disablement benefit is not normally payable for assessments below 14 per cent.

Table 1

Calendar year	*1991*	*1992*	*1993*	*1994*	*1995*
Number of claims to occupational asthma	1,518	1,584	1,751	1,703	1,690
Number not referred for medical assessment[1,2]	925	25	193	181	[3]N/A
Number not diagnosed by medical board[2]	300	1,006	1,048	1,016	[3]N/A

Notes:
[1]Only claims which satisfy employment rules are referred for medical examination.
[2] Claims may not necessarily be decided during the year of receipt.
[3] N/A–not available.
Source:
Benefits Agency Central Data Unit and based on 100 per cent. count.

Table 2: Number of medical cases referred to a medical board relating to occupational asthma in 1991

	All boardings	*Males not diagnosed*	*Males diagnosed 1–13 per cent.*	*Males diagnosed 14–100 per cent.*	*Females not diagnosed*	*Females diagnosed 1–13 per cent.*	*Females diagnosed 14–100 per cent.*
Cardiff	59	16	14	16	4	Nil	9
Swansea	15	5	1	6	1	Nil	2
Glasgow	85	37	6	27	9	2	4
Stoke on Trent	54	13	8	23	2	3	5
Sheffield	84	34	11	25	5	3	6
Manchester	113	64	7	15	18	1	8
Newcastle	92	49	8	28	4	Nil	3
London	91	36	2	39	3	Nil	11
Total all boards	593	254	57	179	46	9	48

Table 3: Number of medical cases referred to a medical board relating to occupational asthma in 1992

	All boardings	*Males not diagnosed*	*Males diagnosed 1–13 per cent.*	*Males diagnosed 14–100 per cent.*	*Females not diagnosed*	*Females diagnosed 1–13 per cent.*	*Females diagnosed 14–100 per cent.*
Cardiff	144	51	12	47	11	3	20
Swansea	23	12	1	7	1	Nil	2
Glasgow	100	44	4	26	14	4	8
Stoke on Trent	171	63	21	53	16	1	17
Sheffield	363	178	31	82	49	10	13
Manchester	305	205	17	21	49	8	5
Newcastle	303	211	1	63	21	Nil	7
London	150	58	6	46	23	2	15
Total all boards	1,559	822	93	345	184	28	87

Table 4: Number of medical cases referred to a medical board relating to occupational asthma in 1993

	All boardings	Males not diagnosed	Males diagnosed 1–13 per cent.	Males diagnosed 14–100 per cent.	Females not diagnosed	Females diagnosed 1–13 per cent.	Females diagnosed 14–100 per cent.
Cardiff	122	44	2	41	13	6	16
Swansea	19	8	1	7	2	Nil	1
Glasgow	122	75	3	21	13	1	9
Stoke on Trent	160	72	13	50	6	1	18
Sheffield	426	234	27	95	43	5	22
Manchester	270	184	8	29	40	4	5
Newcastle	269	179	3	56	20	1	10
London	170	83	11	23	32	7	14
Total all boards	1,558	879	68	322	169	25	95

Table 5: Number of medical cases referred to a medical board relating to occupational asthma in 1994

	All boardings	Males not diagnosed	Males diagnosed 1–13 per cent.	Males diagnosed 14–100 per cent.	Females not diagnosed	Females diagnosed 1–13 per cent.	Females diagnosed 14–100 per cent.
Cardiff	113	48	7	35	12	3	8
Swansea	35	15	1	15	1	Nil	3
Glasgow	88	57	2	21	4	Nil	4
Edinburgh	72	35	1	18	9	Nil	9
Stoke on Trent	179	77	15	53	16	3	15
Sheffield	300	154	13	74	33	6	20
Manchester	289	200	16	26	34	4	9
Newcastle	285	179	4	70	26	1	5
London	161	92	7	32	24	3	3
Total all boards	1,522	857	66	344	159	20	76

Source Tables 2–5: Benefits agency disability benefit centres and based on 100 per cent. count.

Child Support Agency

Mr. Frank Field: To ask the Secretary of State for Social Security (1) how many full assessments have been made where the absent parent is in receipt of income support *(a)* in total since April 1993 and *(b)* in each year since April 1993; [26566]

(2) in how many cases awaiting full assessment the absent parent is in receipt of income support. [26567]

Mr. Andrew Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Mr. Frank Field, dated 25 April 1996:

I am replying to your Parliamentary Questions to the Secretary of State for Social Security about Child Support Agency maintenance assessments.

The number of cases awaiting assessment in which the absent parent is in receipt of Income Support is not known. The Agency is unable to identify the benefit status of the absent parent before completion of the maintenance assessment process, since there may be considerations that affect the benefit status between the time of receipt of the relevant maintenance form and the completion of a full maintenance assessment.

However, the number of full maintenance assessments where the absent parent is in receipt of Income Support is available from a 5% scan of the live cases on the Child Support Computer System. As at 31 March 1995 there were 88,900 absent parents in receipt of Income Support and as at 30 November 1995 there were 103,900.

I hope this is helpful.

Mr. Field: To ask the Secretary of State for Social Security (1) how many full maintenance assessments were made by the Child Support Agency *(a)* in total since April 1993 and *(b)* in each year since April 1993; [26558]

(2) how many cases have been cleared without a full maintenance assessment having been made by the CSA *(a)* in total since April 1993, *(b)* each year since April 1993; [26559]

(3) into what categories cases cleared without assessment by the CSA are placed; and what are the numbers in such categories *(a)* since April 1993 and *(b)* each year since April 1993; [26560]

(4) how many cases of good cause for not co-operating with the Child Support Agency were accepted *(a)* in total since April 1993 and *(b)* in each year since April 1993; [26561]

(5) how many reduced benefit directions have been made *(a)* in total since April 1993 and *(b)* in each year since April 1993. [26562]

Mr. Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Mr. Frank Field, dated 25 April 1996:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency maintenance assessments and good cause decisions.

The number of full and interim maintenance assessments made by the Agency from April 1993 to March 1996 is shown on the attached table. The table also shows the number of cases cleared due to good cause accepted, reduced benefit directions imposed and other clearances.

The Agency does not have a business need to record routinely all the specific reasons why a case is cleared other than by a maintenance assessment, so we cannot provide a more detailed breakdown of these cases. Other reasons for clearances without a maintenance assessment include the following:-

benefit ceased—for a variety of reasons

MAF withdrawal: including reconciliation cases and those where the PWC has requested cancellation (e.g. in private cases)

no qualifying child

no jurisdiction

death of AP, PWC or qualifying child

Information on reduced benefit directions imposed became available in 1995–96; prior to this figures were not collected.

You may be interested to know that information for 1994–95 and 1995–96 on full maintenance assessments, interim maintenance assessments, other clearances, good cause accepted and reduced benefit directions implemented is shown in the CSA Statistical Information placed in the House of Commons Library every month.

I hope this is helpful.

Number of cases with:—	*1993–94*	*1994–95*	*1995–96*	*Total from April 1993*
Full maintenance assessments	132,139	187,220	110,187	429,546
Without full maintenance assessments (interim)	73,303	63,616	17,689	154,608
Other clearances	130,790	317,313	198,978	647,081
Good cause accepted	31,749	41,666	38,963	[1]112,378
Reduced benefit directions imposed	n/a	n/a	27,478	[1]27,478

[1] These cases form part of the 'Other clearances'.

Mr. Field: To ask the Secretary of State for Social Security how many cases have there been where the parent with care has made no contact with the CSA after issue of the maintenance application form. [26563]

Mr. Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Mr. Frank Field, dated 25 April 1996.

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency maintenance application forms.

Full details of the numbers of parents with care who have currently made no contact with the Agency after the issue of a maintenance application form are not available as local Field offices (where the bulk of pre maintenance assessment work is now carried out) do not have access to the full functionality of the Child Support Computer System (CSCS).
However, all CSCS functions will be provided to the Field offices on a phased basis beginning later this year.

The figures that are available show that in April 1995, the six Child Support Agency Centres had 98,000 such cases, and this has now reduced to 68,000.

In all cases, other than the 16,000 cases that were temporarily deferred at the beginning of 1995, where a maintenance application form is not returned, the Agency takes the following steps:

Where a prescribed benefit is in payment, after 14 days the Agency issues a reminder. If there is still no contact from the parent with care, the Agency tries to make contact to establish if a Good Cause investigation is appropriate. If there is still no contact from the parent with care or Good Cause is not accepted, a reduced benefit direction is considered.

Where a private client does not return a maintenance application form, the requirement to cooperate condition does not apply. In such cases the Agency sends a reminder to the client after two weeks; if there is still no reply, the Agency can take no further action and no follow up contact is made.

I hope this is helpful.

Mr. Field: To ask the Secretary of State for Social Security how many parents with care who had not returned their maintenance application forms to the CSA had their cases deferred in December 1994. [26564]

Mr. Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Mr. Frank Field, dated 25 April 1996:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency deferred cases.

16,000 cases were referred during the period January to March 1995 as a result of the parent with care not returning their maintenance application form (MAF) where the MAF had been issued before July 1994. These cases, where action has been deferred at the present time, should not be confused with the deferred take-on of pre-Agency existing income support cases.

The cases where a maintenance application form has not been fully completed or returned have had action on them deferred until further notice. However, they remain on the books and can be re-started at the request of the client.

I hope this is helpful.

Income Support

Mr. Frank Field: To ask the Secretary of State for Social Security (1) how many income support cases deferred in December 1994 have yet to have their case taken on; [26565]

(2) how many of the parents with care whose cases have been deferred are estimated to have ex-partners who are on income support. [26568]

Mr. Andrew Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Mr. Frank Field, dated 25 April 1996:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency cases deferred in December 1994.

It is not possible to give an exact figure for the approximately 300,000 Income Support cases deferred in December 1994 that are still outstanding. To obtain this figure a clerical examination of all the deferred cases would have to be made to find the number of cases awaiting action.

However, the most recent estimate, based on a sampling exercise, suggests that the number outstanding has reduced to around 200,000.

This reduction is due to a number of reasons. The Agency recommenced take on of these cases in November 1995, in line with the agreement made with the Secretary of State to recommence take on by December 1995; also, in some cases where Income Support has ceased and the parent with care has made a fresh application for benefit, the Agency will have become involved and these cases will

have been taken on; in other cases the parent with care will have requested that the Agency take on the case and this will have been done; finally, some clients will no longer be claiming Income Support.

It is not known precisely how many of the deferred cases have ex-partners who are on Income Support; we will not know their circumstances until we have received a completed maintenance enquiry form. However, experience tells us that a significant number of the absent parents involved are in receipt of Income Support, thus providing little incentive for the parent with care to pursue the case with the Agency.

I hope this is helpful.

WALES

Private Health Diagnosis

Mr. Morgan: To ask the Secretary of State for Wales what consultations he has had with the chairmen of Welsh health authorities and trusts concerning the efficacy of the guidelines for private practice diagnosis followed by NHS treatment; what recent representations he has received concerning the level of private practice diagnosis preceding NHS treatment; what statistics he has collated on the trend in such patterns of procedure; what assessment he has made of its impact on NHS waiting lists and times; and if he will make a statement. [25393]

Mr. Hague: None. It is for the management of NHS trusts to ensure that consultants have agreed up-to-date job plans which set out their fixed commitments and other responsibilities to the NHS, and that the rules regarding private work are observed.

Further and Higher Education

Mr. Win Griffiths: To ask the Secretary of State for Wales (1) what were the staff-to-student ratios in further education in Wales in *(a)* 1980–81, *(b)* 1994–95 and *(c)* on the latest data for which figures are available; [26469]

(2) what was the staff-to-student ratios in higher education in Wales in (i) 1980–81 (ii) 1994–95 and (iii) the latest date for which figures are available. [26476]

Mr. Richards: Full information is not available for the years requested. Information for the earliest and latest years available is shown in the following table.

Ratios of full-time equivalent student numbers to full-time equivalent academic and academic related staff numbers in Wales

Academic year	*1980–81*	*1982–83*	*1993–94*
University of Wales[1]	6.2	6.1	9.0
Other Higher Education[2]	8.1	8.8	16.7
Further Education	8.1	9.2	14.1

[1]As at December of each year.
[2]Includes higher education provision at further education institutions.
Source:
Universities Statistical Record and the Welsh Office Annual Monitoring Survey.

Mr. Griffiths: To ask the Secretary of State for Wales if he will list the institutions of Welsh higher education categorised by their financial status as determined by the Higher Education Funding Council for Wales. [26470]

Mr. Richards: Information about the financial status of individual institutions is a confidential matter between the individual institutions and the funding council. Nine institutions are currently designated as being in a satisfactory financial position, four are marginal; and one is unsatisfactory.

Mr. Griffiths: To ask the Secretary of State for Wales if he will list in *(a)* cash and *(b)* real terms the capital funding of Welsh higher education institutions in 1993–94, 1994–95 and 1995–96 and indicate in (i) cash and (ii) real terms the amount of capital funding per student. [26472]

Mr. Richards: The amount of capital funding for Welsh higher education institutions in 1993–94, 1994–95 and 1995–96 in cash and real terms was as follows:

£ million

1993–94		*1994–95*		*1995–96*	
Cash	*November 1994 prices*	*Cash*	*November 1994 prices*	*Cash*	*November 1994 prices*
21.534	21.930	30.893	30.893	25.297	24.620

The amount of capital funding per student is as follows:

£

1993–94		*1994–95*		*1995–96*	
Cash	*November 1994 prices*	*Cash*	*November 1994 prices*	*Cash*	*November 1994 prices*
376	383	493	493	392	382

Mr. Griffiths: To ask the Secretary of Stew for Wales if he will list in *(a)* cash and *(b)* real terms the amount of capital funding he plans to make available over the next three years and indicate in (i) cash and (ii) real terms the amount of capital funding per student in each of these years. [26473]

Mr. Richards: The indicative capital allocation for higher education for 1996–97, 1997–98 and 1998–99 in cash and real terms is as follows:

£ million

1996–97		*1997–98*		*1998–99*	
Cash	*November 1994 prices*	*Cash*	*November 1994 prices*	*Cash*	*November 1994 prices*
23.681	22.430	21.158	19.552	14.538	13.139

The amount of capital funding per student is as follows:

£ million

1996–97		*1997–98*		*1998–99*	
Cash	*November 1994 prices*	*Cash*	*November 1994 prices*	*Cash*	*November 1994 prices*
363	344	326	301	222	200

Mr. Griffiths: To ask the Secretary of State for Wales if he will make a statement about the number of students

in higher education in Wales who did not complete their studies in each of the last three years; and what estimate he has made of the impact of the changes in the value of awards made to students and the development of the student loan scheme on the student drop-out rate. [26474]

Mr. Richards: The information requested is not currently available but it is being collected by the higher education statistics agency and will be available in due course.

The introduction of loans has given students more money for their living costs. Borrowers do not have to begin repaying their loans until at least the April after they leave their courses, and then only if and when their income exceeds 85 per cent. of average earnings. There is no reason, therefore, why students should be unable to continue their education as a result of the shift from grant to loan.

For students who do find themselves in financial difficulties institutions can use access funds to help. In 1993–94 and 1994–95 some 4,000 students in higher education institutions in Wales received help from the access funds. In both years, no students in these institutions, who were refused help from the access funds, failed to start or to continue their courses because of financial considerations.

Mr. Griffiths: To ask the Secretary of State for Wales what assessment he has made of the impact on jobs in higher and further education of the funding announcements for 1996–97. [26475]

Mr. Richards: The financial provision for higher education for 1996–97 assumes an efficiency saving of 2 per cent. over 1995–96. For further education the planned efficiency saving is 5.3 per cent.

It is for institutions to decide how they manage the resources made available to them by the higher and further education funding councils for Wales, including the numbers of staff they employ.

Mr. Griffiths: To ask the Secretary of State for Wales how much was spent in *(a)* cash and *(b)* real terms per student in higher education in Wales in (i) 1980–81 and (ii) 1994–95. [26477]

Mr. Richards: The information in respect of 1980–81 is not available. The provision in cash and real terms for 1994–95 was £5,004.

Private Finance Initiative

Mr. Win Griffiths: To ask the Secretary of State for Wales if he will list the projects in Wales undertaken through the private finance initiative which have already been agreed, giving an indication of the money being spent in each of the financial years over which each project is planned to be undertaken. [26471]

Mr. Gwilym Jones: One project under the private finance initiative has been approved by the Welsh Office so far, a multi-storey car part at the University Hospital of Wales, Cardiff. The development will be paid for fully by those using the car parking facilities and therefore there is no cost to the Department. Other projects are under consideration. Information on schemes costing less than £1 million is not collected.

Health Innovation Zone Scheme

Mr. Morgan: To ask the Secretary of State for Wales what expenditure has been approved under the health innovation zone scheme *(a)* in the south Wales industrial valleys and *(b)* elsewhere in Wales; and in which financial years. [27069]

Mr. Hague: I will write to the hon. Member and place a copy of my reply in the Library of the House.

Mr. Morgan: To ask the Secretary of State for Wales (1) what are *(a)* the competitive tender procedures and *(b)* the quality standards to be applied to applications for funding under the primary care development fund; what proportion of the allocated sums available under the fund was spent in 1995–96; what assessment he has made of the rate of allocation in 1996–97; and if he will make a statement; [27067]

2) on what date, and for what reason, the health innovation zone was transformed into the primary care development fund; what expenditure has been approved under the fund; and if he will publish the fund's terms of reference. [27068]

Mr. Hague: The primary care development fund has no formal status; it is a term used by the Department to refer to a number of budgets used to promote health care in the community. These budgets fund a number of centrally-promoted activities but health professionals and others may also bid for money to undertake worthwhile projects throughout Wales. There are no formal terms of reference but the Department expects a project to improve patient care and quality standards are determined on a case-by-case basis. The health innovator zone remains in place and benefits from many of the projects.

No sum is specifically allocated for such projects.

TREASURY

Public Service Pension Schemes

Mr. David Shaw: To ask the Chancellor of the Exchequer if he will provide an explanation of the differences in the figures for the liabilities of the main unfunded public service pension schemes set out in *(a)* the answer to the hon. Member for Dover of 26 April 1993, *Official Report*, column *289* and *(b)* the answer to the hon. Member for Birkenhead (Mr. Field) on 26 February, *Official Report*, columns *358–59* showing which elements are due to *(a)* timing and *(b)* other factors. [25858]

Mr. Waldegrave: The figures for the capital value of the liabilities of unfunded public service pension schemes are estimates based on data which become available at periodic intervals and, in some cases, in a very limited form. The £170 billion relating to 31 March 1991 was subsequently revised to £185 billion when more reliable data became available.

Various factors have contributed to the increase in liability between 1991 and 1993. In the case of deferred benefits and pensions in payment, which are linked to the retail prices index the increases implemented from April 1991 and April 1992 amounted together to just over 15 per cent.

For employees, liabilities increase in line with pay levels, and some groups had significant pay awards during this period. Other contributing factors affecting the increase include the overall increase in numbers, that is, the number of employees, plus deferred pensions, plus pensions in payment, and the increase in amounts of pension resulting from a large number of redundancies and premature retirements.

Retail Prices Index

Mr. William Powell: To ask the Chancellor of the Exchequer if he will list the RPI for each month together with the annual increase since June 1983. [26744]

Mrs. Angela Knight: The information requested is available in tables 11 and 12 of the publication "Retail Prices Index", ONS Business Monitor MM23, a copy of which is available in the House of Commons Library.

Correspondence

Mr. Pawsey: To ask the Chancellor of the Exchequer when the hon. Member for Rugby and Kenilworth can expect replies to his correspondence of 23 January and 6 March which refers to Mr. Peter J. Hewer of 3 Heyville croft, Kenilworth; and what are the reasons for the delay which has so far occurred. [26755]

Mr. Jack: I replied to my hon. Friend today.

Bovine Spongiform Encephalopathy

Mr. Marlow: To ask the Chancellor of the Exchequer what is the annual cost of measures taken to resolve the BSE problem as decided by 17 April for the first full year and subsequent years, setting out the net cost after recalculations required by the British rebate system, setting out the amounts in sterling, and proportions due net from the UK and the EC. [26758]

Mr. Waldegrave: Estimates for 1996–97 to 1998–99 are in the table:

Estimated cost of measures in the UK taken in response to BSE situation up to 17 April

£ million

	1996–97	*1997–98*	*1998–99*
Net cost borne by the UK	750	600	570
Net contribution from the EU	260	140	110
Total cost	1,010	740	680

The table takes account of the following measures:

(a) the compensation arrangements for cattle over 30 months of age which cannot now enter the food chain;

(b) the new calf slaughter premium;

(c) the package of aid for the renderers and the abattoir and cutting industries announced on 3 April and 16 April respectively;

(d) additional running costs for the agriculture departments to enable more activity by the meat hygiene service.

The table does not make any allowance for the possible cost of intervention in the beef sector.

The figures for the net contribution from the EU take account of both the UK's contribution to additional EU spending and the effect of additional receipts on the UK abatement.

Uncollected Taxes

Ms Armstrong: To ask the Chancellor of the Exchequer how much is owed to the Inland Revenue in uncollected taxes; and how much has had to be written off in each of the past five years. [26802]

Mr. Jack *[holding answer 25 April 1996]:* The following table shows the figures for the amounts of uncollected tax owed to the Inland Revenue as at the end of October 1994, the latest date for which figures are available. The amounts represent tax assessed and collectible but not paid as at that date.

Type of Tax	*Amount £ million*
Corporation tax	561
Corporation Tax Pay and File	158
Capital Gains Tax	151
Income Tax (excluding PAYE)	2,250
PAYE (including sub-contractor's deductions)	647
Advance Corportion Tax	4
Income Tax on Interest etc.	2
Petroleum Revenue Tax	5
Total	3,778

The amounts of tax remitted or written off for each of the last five year are as follows:

Year to end October	*Amount remitted written off £ million*
1994	1,159.7
1993	1,580.2
1992	1,694.2
1991	883.9
1990	568.8

Overseas Visits

Mr. Hall: To ask the Chancellor of the Exchequer if he will place in the Library a list of all overseas visits made by all Ministers of his Department since 1990, including *(a)* details of the places visited and brief reasons for the visit, *(b)* details of size, composition and cost to public funds of the delegation and *(c)* the names of non-ministerial members of each delegation and the capacity in which each was present. [17499]

Mr. Kenneth Clarke *[holding answer 1 March 1996]:* Since I became Chancellor of the Exchequer in May 1993, Treasury Ministers have made nearly 100 overseas visits. Details are as follows:

	Place visited	*Reason for visit*
Chancellor		
1993		
6–7 June	Luxembourg	ECOFIN
6–7 July	Japan	G7
12 July	Brussels	ECOFIN
18–19 July	Germany	—
1–2 August	Brussels	EC Finance Ministers
12–13 September	Brussels	ECOFIN

	Place visited	Reason for visit
25–29 September	Washington	IMF
24–25 October	Luxembourg	ECOFIN
21–22 November	Brussels	ECOFIN
5 December	Brussels	ECOFIN
10–14 December	Brussels	European Council
28 December—5 January 1994	Indonesia	Trade delegation
1994		
5–10 January	Philippines	Trade delegation
27–30 January	Davos, Switzerland	World Economic Forum
8–9 February	France	Speaking engagement and bilateral meeting
13–14 February	Brussels	ECOFIN
14–15 March	Detroit	G7 Jobs Conference
20–21 March	Brussels	ECOFIN
22 March	Sweden	Bilateral meeting
7–9 April	Greece	Informal ECOFIN
15–16 April	Warsaw	Bilateral meeting
17–19 April	St. Petersberg	EBRD
24–26 April	Washington	G7
15–16 May	Brussels	ECOFIN
5–6 June	Brussels	ECOFIN
6–7 June	Paris	OECD
23–25 June	Corfu	European Council
29 June	Cologne	Bilateral meeting
8–10 July	Italy	G7
11 July	Brussels	ECOFIN
27 July	Brussels	ECOFIN
9–11 September	Dusseldorf	Informal ECOFIN
18–19 September	Brussels	ECOFIN
26–28 September	Malta	Commonwealth Finance Ministers
28 September—4 October	Madrid	G7
9–10 October	Luxembourg	ECOFIN
21 October	Brussels	ECOFIN
6–7 November	Brussels	ECOFIN
18 November	Chateaudun	Anglo-French Summit
4–5 December	Brussels	ECOFIN
8–10 December	Essen, Germany	European Council
1995		
31 December 1994—5 January 1995	Malaysia	Trade delegation
5–10 January	Thailand	Trade delegation
11–12 January	Vietnam	Trade delegation
16 January	Brussels	ECOFIN
26–29 January	Davos, Switzerland	World Economic Forum
3–4 February	Toronto	G7
20 February	Brussels	ECOFIN
19–20 March	Brussels	ECOFIN
7–9 April	France	Informal ECOFIN
24–27 April	USA	G7
14–17 May	Ukraine	Bilateral meeting
21–22 May	Brussels	ECOFIN
25 May—6 June	India	Trade delegation
15–17 June	Canada	G7
18–19 June	Luxembourg	ECOFIN
25–27 June	Nice	European Council
10 July	Brussels	ECOFIN
18 September	Brussels	ECOFIN
29 September—1 October	Valencia	Informal ECOFIN
2–6 October	Jamaica	Commonwealth Finance Ministers
6–9 October	Washington	IMF
22–23 October	Luxembourg	ECOFIN
26–27 November	Brussels	ECOFIN
14–16 December	Madrid	European Council
29 December—1 January 1996	Paraguay	Trade delegation
1996		
1–5 January	Argentina	Trade delegation
6–9 January	Chile	Trade delegation
9–13 January	Brazil	Trade delegation
19–21 January	Paris	G7
22 January	Brussels	ECOFIN
11 March	Brussels	ECOFIN
14–20 March	South Africa	Trade delegation
20–24 March	Zimbabwe	Trade delegation
12–14 April	Verona	Informal ECOFIN
14–16 April	Sofia	EBRD
20–23 April	Washington	IMF Spring meetings
Economic Secretary		
1993		
1 June	Paris	OECD
14–16 July	New York and Washington	Trinidad Terms
16 September	Hanover	Financial Services Conference
20 September—1 October	Caribbean	Commonwealth Finance Minister's Meeting
11–13 October	Brussels and Luxembourg	Financial Services Regulation
1994		
21–29 April	Japan	Trilaterals with Securities Regulators
16–20 May	New York and Los Angeles	Industrial Finance Initiative
18–23 September	Saudi Arabia, United Arab Emirates and South Africa	Accompanying the Prime Minister on His Business Programme
24–25 October	Dubai	British Bid Business Forum
1995		
3–6 January	New York/Boston	GATT Talks
9–11 April	Switzerland	Meetings with Swiss Ministers of Finance and Economy
10–12 May	Washington	GATS/FS
29 May—1 June	Hong Kong and Korea	To discuss GATS/Financial Services
15 June	Halifax, Canada	Halifax Summit
1996		
15 April	Toronto, Canada	British Invisibles Conference
Chief Secretary		
1993		
3–10 July	Mexico and Chile	Bilateral visit (at FCO's expense)
1994		
5–12 March	Brazil and Chile	Bilateral visit and attending the Chilean Presidential Inauguration (at FCO's expense)
27–28 June	Spain	Bilateral visits
1995		
1–6 June	Oman and Saudi	International relations
1996		
1–2 April	Lille	Jobs Conference
Paymaster General		
1993		
7 June	Luxembourg	ECOFIN
21–22 July	Brussels	Budget Council
15 November	Brussels	Budget Council
1994		
25 July	Brussels	Budget Council
15–16 November	Brussels	Budget Council

	Place visited	Reason for visit
1995		
24 July	Brussels	Budget Council
17 November	Brussels	Budget Council
1996		
21 March	Brussels	CIPFA Conference
Financial Secretary		
No visits made.		

Because of the way out records are currently maintained, to give details of the size, composition and disaggregated costs of travel in each case by both Ministers and officials would entail disproportionate cost. Nonetheless, all costs, including those of the Minister involved are rigorously scrutinised, and the compositions of delegations are kept to a bare minimum.

In total the costs of Treasury Ministers' overseas travel by financial year is as follows:

1993–94: £147,000

1994–95: £123,000

1995–96 (to date): £110,000.

The names of non-ministerial members of delegations are, by convention, not given.

AGRICULTURE, FISHERIES AND FOOD

Bovine Spongiform Encephalopathy

Mr. Hinchliffe: To ask the Minister of Agriculture, Fisheries and Food what funding was provided for Professor Harash Narang's experiments and research into a urine test to detect BSE in cattle. [23227]

Mr. Ainger: To ask the Minister of Agriculture, Fisheries and Food what investigations were carried out by his Department into the request by Harash Narang for research funding for a live test for BSE in cattle; and if he will make a statement. [23353]

Mrs. Browning *[holding answer 28 and 29 March 1996]:* Dr. Narang has not made any formal request to MAFF for research funds for work to develop a live test for BSE in cattle. Were he to make any such application it would be subject to the normal scrutiny procedures required to demonstrate that it was scientifically valid and a practical research proposal. We are in contact with Dr. Narang's sponsor, and are hoping to supply urine samples under a blind system to be agreed.

Green Minister

Mr. Dafis: To ask the Minister of Agriculture, Fisheries and Food what factors underlay his decision not to be the Green Minister for his Department. [25846]

Mr. Douglas Hogg *[holding answer 23 April 1996]:* I refer the hon. Member to the reply given to the hon. Member for Lewisham, Deptford (Ms Ruddock) on 22 November 1995, *Official Report*, column *200*.

Set-aside Scheme

Mr. William Powell: To ask the Minister of Agriculture, Fisheries and Food if he will list the number of claims and the amount claimed in 1995 for set-aside on land for each county of England. [26743]

Mr. Douglas Hogg: I am unable to provide the information requested by the hon. Member at this moment. However, I will write to him with this information as soon as it is available.

TRANSPORT

Aircraft Inspection

Mrs. Dunwoody: To ask the Secretary of State for Transport how many meetings *(a)* he and *(b)* his officials have had with the Federal Aviation Authority in respect of the FAA inspection programme of foreign countries in each of the last five years. [26912]

Mr. Norris: Ministers have not met the FAA to discuss its international aviation safety assessment programme. However, officials have frequent contacts with the FAA and have discussed aspects of the IASA programme on a number of occasions.

Mrs. Dunwoody: To ask the Secretary of State for Transport how many inspections have been undertaken by the Civil Aviation Authority on aircraft not registered in the United Kingdom, but using United Kingdom airports in each of the last five years; and if he will make a statement. [26904]

Mr. Norris: I refer to my reply to the hon. Member for Crew and Nantwich on 7 March 1996, *Official Report*, column *309*. The CAA has since carried out checks on aircraft registered in Liberia, Nigeria and Swaziland.

Aircraft Operating Licences

Mrs. Dunwoody: To ask the Secretary of State for Transport what statutory requirements must be met by an aircraft operator before an operating licence can be issued. [26914]

Mr. Norris: Council Regulation (EEC) No. 2407/92 on licensing of air carriers sets out the criteria for granting operating licences in all EC member states. The Licensing of Air Carriers Regulations 1992 (SI 1992 No. 2992) make provision for implementing the Council regulation in the United Kingdom.

Aircraft Leasing

Mrs. Dunwoody: To ask the Secretary of State for Transport how many requests for *(a)* dry leasing and *(b)* wet leasing of aircraft have been refused by (i) his Department and (ii) the Civil Aviation Authority for each of the last five years. [26907]

Mr. Norris: The following table shows the number of lease applications which have been refused approval over the last five years:

	CAA		DOT		Total
	Wet	Dry	Wet	Dry	
1991	1		2		3
1992	1		1		2
1993	6	1	—		7
1994	1		—		1
1995	3		2		5

Mrs. Dunwoody: To ask the Secretary of State for Transport what procedures airlines are required to follow before they are permitted to *(a)* dry lease and *(b)* wet lease aircraft. [26906]

Mr. Norris: I have placed a copy of these procedures in the Library.

M5 Viaduct

Mr. Nigel Jones: To ask the Secretary of State for Transport when he expects work to correct the structural weakness to the M5 Golden Valley viaduct between Cheltenham and Gloucester to be completed; and if he will make a statement. [27058]

Mr. Watts: The Highways Agency programme is to strengthen or replace the structure during the years 1997–98 and 1998–99, subject to resources being available.

Lane and weight restrictions are in force on the structure to limit traffic loading.

Investigations have been in progress since the loading restrictions were imposed to determine the levels and extent of structural weakness. These investigations are part of the exercise to establish whether it is most cost effective to strengthen or replace the structure.

Greenford Roundabout

Mr. Harry Greenway: To ask the Secretary of State for Transport what work is currently being undertaken at the Greenford roundabout; at what cost; and if he will make a statement. [26745]

Mr. Norris: These works are part of the implementation of priority (red) route measures for the A40 by the Traffic Director for London and will provide for full traffic signal control of Greenford road roundabout. The scheme is intended to create better lane discipline and reduce accidents. The cost of the scheme is approximately £210,000.

Drivers' Licences

Mr. Allen: To ask the Secretary of State for Transport if he will list the security arrangements surrounding the issuing of drivers' licences to private car owners; and what checks the Driver and Vehicle Licensing Agency undertakes to ensure that a single licence number is not used by more than one person. [26770]

Mr. Norris: The Driver and Vehicle Licensing Agency does not divulge details of the checks carried out before driving licences are issued. Each licence bears a driver number which uniquely identifies the holder.

Mr. Allen: To ask the Secretary of State for Transport if he will make a statement on the conviction in Nottingham of an individual for a drink driving offence in Kent on the basis of a mis-directed driving licence. [26901]

Mr. Norris: The police are investigating this matter.

Aviation Standards

Mrs. Dunwoody: To ask the Secretary of State for Transport how many meetings his Department has had with representatives of the Jamaican Government in respect of a service between Manchester and Jamaica. [26749]

Mr. Norris: Negotiations were held with representatives of the Jamaican Government on 24–26 January 1996 to discuss liberalising the existing air services agreement, including a request for a possible service between Manchester and Jamaica. Agreement was not reached and both sides agreed that a further round would be held later in the year.

Heavy Goods Vehicles

Mr. Allen: To ask the Secretary of State for Transport what plans he has to give to enforcement officers powers to seize and impound unlicensed heavy goods vehicles. [26771]

Mr. Norris: I am considering this in the light of the report on the roadside survey of illegal operators in October 1995, which was published on 24 April.

Network SouthCentral

Mr. Chidgey: To ask the Secretary of State for Transport which bids for Network SouthCentral offered new rolling stock. [26701]

Mr. Watts: Details of unsuccessful franchise bids are commercially confidential.

London and South Coast Ltd. will be investing in a programme of improvements to existing rolling stock in order to improve the reliability of the Network SouthCentral fleet. Certain trains, which will be used for express London-Brighton services, will be refurbished.

Driver Regulations

Mr. Allen: To ask the Secretary of State for Transport what are the maximum hours *(a)* bus drivers and *(b)* lorry drivers can drive without a break; and what plans the Government have to harmonise the regulations so the same hours rules apply to both. [26775]

Mr. Norris: For both goods and passenger vehicles to which the European Union rules apply, four and a half hours. For passenger vehicles operated under the UK rules, five and a half; for goods vehicles operated under the UK rules, there is no limit on continuous driving but a driver must not drive for more than 10 hours a day. We have no plans to change the UK rules.

Articulated Lorries

Mr. Rendel: To ask the Secretary of State for Transport if he will make the fitting of the HOPE anti-jacknifing device compulsory on articulated lorries. [26888]

Mr. Norris: No.

Rail Privatisation

Mr. Bayley: To ask the Secretary of State for Transport for what reasons his Department published a rail privatisation update leaflet in March; how many copies of this leaflet have been published; how much they cost to produce; how they are being distributed; and, in what numbers and at what frequency his Department intends to publish further rail privatisation update leaflets. [27027]

Mr. Watts: The rail privatisation update leaflet provides factual information to rail passengers about progress with railway privatisation and up-dates a similar

leaflet published in March 1994. The leaflet has been delivered to all manned railway stations in the United Kingdom, where it has been placed in racks for customers to pick up if they wish. A total of 250,000 leaflets were produced at a cost of £19,800. Distribution costs were £7,215. The overall cost per leaflet was about 11p. We have no plans at this stage for a further leaflet.

Magistrates Courts

Mr. Allen: To ask the Secretary of State for Transport what plans he has to expand the computer link between magistrates courts in South Wales and traffic area offices to the rest of England and Wales. [26774]

Mr. Norris: A joint working group which includes officials from the Department of Transport and the Lord Chancellor's Department is currently examining arrangements which would provide for the transfer of information about penalties and convictions for operators of heavy goods and passenger vehicles to be passed from the magistrates courts to the traffic area offices.

Experience gained from the manual trial of transfer of information between Gwent magistrates court and South Wales traffic area office will be taken into account in the recommendations of the joint working group.

Written Answers to Questions

Monday 29 April 1996

HOUSE OF COMMONS

Public Tours (Security Controls)

Mr. Pike: To ask the Chairman of the Accommodation and Works Committee what arrangements can be made to ensure speedier access through security controls for the public touring the House. [26433]

Mr. Ray Powell: This is a matter for the Serjeant at Arms. I have asked him to write to the hon. Member.

DUCHY OF LANCASTER

Private Finance Initiative

Ms Janet Anderson: To ask the Chancellor of the Duchy of Lancaster if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26637]

Mr. Willetts: The Cabinet Office, including the Office of Public Service, Her Majesty's Stationery Office and the Central Office of Information have not yet approved any projects under the PFI. The Central Computer and Telecommunications Agency hopes to involve private finance in the provision of the metropolitan telecommunications service. The precise level of revenue spending will not be determined until detailed negotiations are completed.

EU Regulations

Mr. Steen: To ask the Chancellor of the Duchy of Lancaster what steps he has taken to ensure that officials negotiating EU regulations are informed of their impact on United Kingdom business. [27074]

Mr. Freeman: Revised guidance requiring Departments to produce a compliance cost assessment for all EC legislative proposals was published on 25 January 1996, *Official Report,* columns *321–22.*

These assessments inform Government policy and the position taken by UK officials when negotiating EC legislation.

Her Majesty's Stationery Office

Mr. Fabricant: To ask the Chancellor of the Duchy of Lancaster when HMSO's 1995 report and accounts will be published; and if he will make a statement [27442]

Mr. Freeman: The 1995 HMSO accounts have been audited and certified by the Comptroller and Auditor General, and are being published today.

The accounts show an operating loss of £39.7 million for 1995. This is mainly due to HMSO making exceptional provisions for redundancy costs—some £26.1 million—and other one-off items as part of its continuing business transformation programme. The benefits of these changes are already being felt, with indications that HMSO has increased sales and returned to profitability in the first quarter of 1996.

In addition, HMSO has made an exceptional provision of £3 million in respect of a contract with a public sector customer in Uzbekistan, on which the Comptroller and Auditor General reports in detail in the HMSO accounts.

The main task is for HMSO to be ready for privatisation in the summer. In the interim, its management are working to the following key targets:

(i) to achieve an annual current cost operating profit of £7.8 million, before exceptional items;

(ii) for print, to achieve 97 per cent. of all orders delivered to time, and 99 per cent. of all orders from the print storage and distribution warehouse to be delivered on time;

(iii) for publications, to achieve dispatch times for customers' mail, electronic data interchange and telephone orders of 90 per cent. within four working days of receipt and 97 per cent. within five working days;

(iv) for office supplies, to dispatch 99 per cent. of validated orders for stock catalogue items within two working days of receipt, and for 97 per cent. of items to be dispatched first time from stock.

These accounts reflect the seriousness with which HMSO is tackling its trading position. However, this will be challenging as long as HMSO is governed by public sector operating restrictions. Privatisation will remove these and allow the business to compete on equal terms with other suppliers. In this context, I am pleased to inform the House that the sale process is proceeding well, and we have already received a healthy level of interest from good-quality bidders.

ENVIRONMENT

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for the Environment if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26630]

Sir Paul Beresford: The Department of the Environment and its sponsored bodies attracted over £4.5 billion in private investment in support of programmes in 1994–95 and anticipates a similar outturn in 1995–96. Forecasts for 1996–97 and 997–98 are for about £6 billion in private investment to be generated. This will assist in the delivery of a large number of projects, most notably ones relating to housing and urban regeneration. Estimated revenue spending on the Department's recently announced private finance initiative design, build, finance and operate-type projects is forecast to be nil in 1995–96, £200,000 in 1996–96 and £700,000 in 1997–98.

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for the Environment what contracts his Department and his

agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26679]

Sir Paul Beresford: The information requested is not held centrally and is available only at disproportionate cost.

Essex County Council

Mr. Whittingdale: To ask the Secretary of State for the Environment what is the total amount of reserves of Essex county council; what proportion of total expenditure that figure represents; and what is the average proportion for shire counties. [26878]

Sir Paul Beresford: The total level of reserves of Essex county council at 31 March 1995 was £120,127,000—of which £25,159,000 was local management of schools reserves—which was 12.4 per cent. of budgeted revenue expenditure for 1995–96. The same percentage for all shire counties at that date was 9.3 per cent.

Water (Pre-payment Devices)

Mr. Burden: To ask the Secretary of State for the Environment what estimate he has made of the number of domestic customers in each water company area who have suffered interruptions of supply through the operation of pre-payment water devices in each of the last three years; and what percentage this represents of customers using pre-payment water devices in each case. [27026]

Mr. Clappison *[holding answer 26 april 1996]:* This information is not held centrally.

Mr. Burden: To ask the Secretary of State for the Environment what estimate he has made of the numbers of pre-payment water meters installed in each water company area; and if he will list which areas *(a)* provide for total disconnection from the water supply and *(b)* continue to allow a restricted quantity of water to be supplied in the event of prolonged non-payment. [26893]

Mr. Clappison: The Director General of Water Services is assembling information on the number of budget payment units in operation in each water company area. This information will be placed in the Library as soon as it is available. There is no disconnection of the water supply to the property as a result of the operation of a budget payment unit. The supply continues to be available and can be used as soon as the unit is recharged. The units do not permit a restricted supply of water in the event of a prolonged non-payment.

Mr. Burden: To ask the Secretary of State for the Enviornment in what circumstances in each water company area disconnection from water supply as a result of the operation of pre-payment water devices renders a water customer liable for less than the regular annual water and sewerage bill for his or her property. [26894]

Mr. Clappison: Customers operating a budget payment unit who pay their bill on a rateable value basis are not eligible for a discount to reflect occasions when the water supply is not taken because the customer has not recharged the unit. Customers who pay their bill on a measured basis and use a budget payment unit pay only for the amount of water consumed.

Water Resources (Regulation)

Mrs. Helen Jackson: To ask the Secretary of State for the Environment what response he has made to the water companies' representations on the effect of the current regulation scheme on the level of water resources; and what plans he has to initiate a discussion at high level with the regulators and the Environment Agency on water resources. [27266]

Mr. Clappison: Together with the Environment Agency, the Office of Water Services and the drinking water inspectorate, the Water Companies Association and the Water Services Association are both participating in high-level discussions as part of the review of water resources and supply arrangements in the longer term which my right hon. Friend the Secretary of State announced last September.

Water Reservoirs

Mrs. Helen Jackson: To ask the Secretary of State for the Environment what percentage of reservoir capacity is currently full in each water company area; and what is was *(a)* six months ago and *(b)* a year ago. [27166]

Mr. Clappison: Storage as a percentage of capacity as at 1 April 1996, 1 October 1995 and 1 April 1995 in the major reservoirs or groups of reservoirs in each of the Environment Agency areas in England and Wales and which serve water companies is given in the following table:

Reservoir	*Storage, percentage of capacity*		
	1 April 1996	*1 October 1995*	*1 April 1995*
North West			
Northern Command Zone group	78	13	99
Vyrnwy	64	26	97
Northumbria			
Teesdale group	77	31	99
Kielder	96	82	97
Severn Trent			
Clywedog	86	43	97
Derwent Valley group	54	36	100
Yorkshire			
Washburn group	70	24	98
Bradford Supply group	59	15	98

Reservoir	Storage, percentage of capacity		
	1 April 1996	1 October 1995	1 April 1995
Anglian			
Grafham	94	72	95
Rutland	92	61	91
Thames			
London Group	94	66	97
Farmoor group	99	76	97
Southern			
Bewl	99	69	99
Ardingly	100	46	100
Wessex			
Clatworthy	100	30	100
Bristol West group	95	44	99
South West			
Colliford	63	47	97
Roadford	37	26	96
Wimbleball	78	30	100
Stithians	99	27	96
Welsh			
Celyn and Brenig group	72	48	100
Brianne	100	48	100
South Wales group	94	19	99
Elan Valley group	98	34	95

Rating Appeals

Ms Armstrong: To ask the Secretary of State for the Environment if he will list in total and by each valuation office the number of appeals that have been received against the 1995 rating; how many have been resolved; how many remain outstanding; and when he estimates that this process will be completed. [27306]

Sir Paul Beresford: I am placing in the Library a table which sets out, in total and by each office of the Valuation Office agency in England, the number of valid proposals to alter the 1995 rating lists which were received by 31 March 1996, the number settled and the number outstanding. We expect that all these outstanding appeals will be settled by the end of 1997. Appeals against entries in the 1995 rating lists may still be made up until 31 March 2001. Further appeals may be made thereafter in cases where lists have been altered, for example following decisions of valuation tribunals, the Lands Tribunal or the High Court. I cannot therefore estimate when all appeals against the 1995 list will have been settled.

Ms Armstrong: To ask the Secretary of State for the Environment if he will set out in total and by each Valuation Office region the number of valid proposals to alter the valuation list which were lodged *(a)* before 30 November 1993, *(b)* between 1 December 1993 and 30 November 1994, *(c)* between 1 December 1994 and 30 November 1995 and *(d)* since December 1995; and what is the number in each category which have still to be settled. [27307]

Sir Paul Beresford: In the periods 1 April to 30 November 1993—the "initial appeal period"—1 December 1993 to 30 November 1994, 1 December 1994 to 30 November 1995 and 1 December 1995 to 31 March 1996 the Valuation Office agency received, respectively, 864,316, 89,440, 93,213 and 83,220 banding proposals in respect of dwellings in England.

Statistics are held on proposals made during the initial appeal period, and the total made cumulatively since 1 April 1993. The tables show, by Valuation Office region and in total, the last available figures for proposals received and outstanding and the age of those yet to be resolved.

Proposals received and outstanding as at 31 March 1996

VOA region	Initial Appeal Period (1/4/93–30/11/93)		Cumulative (1/4/93–31/12/96)	
	Valid proposals received	Number outstanding	Valid proposals received	Number outstanding
Central	156,848	307	193,972	9,783
East	160,456	400	199,953	10,400
London	140,034	404	173,370	7,056
North	108,644	191	130,901	5,238
South	204,766	657	252,733	12,242
West	93,568	51	115,777	5,252
Total	864,316	2,010	1,066,706	49,971

Age of unresolved valid banding proposals as at 31 January 1996

VOA region	Under 3 months	Between 3 and 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
Central	3,135	2,884	3,243	898	455	535	11,150
East	3,191	2,884	3,569	1,012	513	829	11,998

Age of unresolved valid banding proposals as at 31 January 1996

VOA region	Under 3 months	Between 3 and 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
London	2,285	1,182	2,415	520	219	955	8,576
North	1,751	1,572	1,823	436	215	358	6,155
South	3,815	3,608	5,123	2,031	956	1,273	16,806
West	1,742	1,483	1,835	607	166	115	5,948
Total	15,919	14,613	18,008	5,504	2,524	4,065	60,633

Groundwater

Mrs. Helen Jackson: To ask the Secretary of State for the Environment what is the current percentage level of maximum groundwater in each of the water company areas; and what it was *(a)* six months ago and *(b)* one year ago. [27099]

Mr. Clappison: Groundwater levels as a percentage of the maximum historically recorded for the month in question at index sites on the major aquifers used for public water supply in England and Wales are given in the following table, grouped according to Environment Agency area and also showing the aquifer type:

Site	Aquifer[1]	Percentage of historic maximum level for month		
		March 1996	October 1995	March 1995
Anglian				
Washpit Farm (Norfolk)	C	86	94	98
Redlands Hall (Hertfordshire)	C	78	74	100
Keelby Grange (N. Lincolnshire)	C	34	70	95
New Red Lion (S. Lincolnshire)	LL	63	47	88
Northumbrian				
Rushyford (Durham)	ML	99	99	99
Skirwith (Cumbria)	S	99	100	100
Southern				
Westdean (E. Sussex)	C	35	35	88
Compton House (W. Sussex)	C	60	52	90
Little Bucket Farm (Kent)	C	72	84	100
Chilgrove House (W. Sussex)	C	66	46	88
Severn Trent				
Alstonfield (N. Derbyshire)	CL	86	87	93
South West				
Lime Kiln Way (Dorset)	C	100	101	100
Bussels (E. Devon)	S	96	98	98
Thames				
The Holt (Hertfordshire)	C	95	98	86
Therfield Rectory (Hertfordshire)	C	82	83	94
Rockley (Wiltshire)	C	95	95	100
Ampney Crucis (Gloucestershire)	MJ	99	97	99
Wessex				
Ashton Farm (Dorset)	C	99	93	99
West Woodyates Manor (Dorset)	C	85	64	89
Welsh				
Llanfair D. C. (Clwyd)	S	99	99	100
Yorkshire				
Dalton Holme (E. Riding)	C	59	56	87
Wetwang (E. Riding)	C	65	87	73
Peggy Ellerton (W. Riding)	ML	92	93	94

[1] Aquifer codes: C = Chalk and Upper Greensand; CL = Carboniferous Limestone; LL = Lincolnshire Limestone; MJ = Middle Jurassic limestones; ML = Magnesian Limestone; S = Permo-Triassic sandstones.

Energy Efficiency

Ms Ruddock: To ask the Secretary of State for the Environment if he will list central Government expenditure on energy efficiency by all Departments and programmes for 1995–96. [27237]

Mr. Clappison: The information of 1995–96 is not yet available, but will be requested from individual Departments later this year. I expect shortly to publish figures for 1994–95.

LORD CHANCELLOR'S DEPARTMENT

Jury Service

Mr. David Nicholson: To ask the Parliamentary Secretary, Lord Chancellor's Department how many representations he received in each of the last four years complaining about the procedure for selecting for and excusing from jury service. [26451]

Mr. Jonathan Evans: The question concerns a specific

operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

Letter from M. D. Huebner to Mr. David Nicholson, dated 29 April 1996:

The Parliamentary Secretary, Lord Chancellor's Department has asked me to reply to your Question on the number of complaints that have been received about the procedure for jury selection and excusal.

The Court Service does not collate information about this specific area of complaint centrally and to obtain a precise figure would incur a disproportionate cost.

Magistrates (Doncaster)

Mr. Redmond: To ask the Parliamentary Secretary, Lord Chancellor's Department what is the approximate shortfall in magistrates available to the Doncaster Bench. [26309]

Mr. Jonathan Evans: The current strength of the Doncaster Bench is 185 and the most recent annual average number of sittings is 43. This is marginally over the Lord Chancellor's desired upper level of 40 sittings to achieve which it is estimated that a further 17 lay magistrates would be required.

Legal Aid

Mr. Cox: To ask the Parliamentary Secretary, Lord Chancellor's Department what legal aid is available to a British national who is appealing against a prison sentence imposed in an overseas country; and if he will make a statement. [26426]

Mr. Jonathan Evans: A British national appealing against a prison sentence imposed overseas would be doing so under the jurisdiction of the overseas country. Legal aid would be available to the appellant according to the rules of any scheme operated by that country. Under the legal aid scheme of England and Wales, legal aid is limited to matters of English law and to proceedings before the courts of England and Wales. Parallel provisions apply under the legal aid schemes of Scotland and Northern Ireland.

HEALTH

Spongiform Encephalopathy Advisory Committee

Mr. Heppell: To ask the Secretary of State for Health, pursuant to his oral statement of 25 March, *Official Report*, columns 711–23, what are the risks referred to by SEAC associated with changing from eating beef to non-beef products. [26450]

Mr. Horam: As the Spongiform Encephalopathy Advisory Committee's advice stated,

"no human activity is without some risk",

and it is widely acknowledged that there is a variety of health risks associated with food.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Health if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26624]

Mr. Horam: I refer the hon. Member to the reply I gave the hon. Member for Sheffield, Attercliffe (Mr. Betts) on 6 December 1995, *Official Report*, column *224*.

Cancelled Operations (West Yorkshire)

Mrs. Ann Taylor: To ask the Secretary of State for Health what was the number of cancelled operations in each of the hospitals in the area covered by the West Yorkshire district health authority in each quarter of 1994–95 and 1995–96. [26776]

Mr. Horam: The latest information available is shown in the table:

West Yorkshire District Health Authority area

1994–95

Quarter 1: 0

Quarter 2: 6

Quarter 3: 34

Quarter 4: 226.

1995–96

Quarter 1: 222

Quarter 2: 63

Quarter 3: 122.

Note: Figures represent the number of operations cancelled for non-medical reasons on the day the patient is due to arrive or after they have arrived in hospital in the West Yorkshire district health authority area.

Childhood Leukaemia

Mr. Redmond: To ask the Secretary of State for Health if he will make a statement on the study taking place in the Sellafield area in respect of cases of childhood leukaemia, sewage outlets and a virus. [26697]

Mr. Horam: No study is being carried out nor is one planned. At present, there are no data to link childhood leukaemia with viral infection or still less with any virus that would normally be present in sewage.

In its recent report, published on 27 March 1996, the Committee on Medical Aspects of Radiation in the Environment recommended that the United Kingdom childhood cancer study, which is a national study testing both radiation and non-radiation hypotheses regarding the aetiology of childhood cancer and leukaemia, should be supported to completion.

Mr. Redmond: To ask the Secretary of State for Health in which locations childhood leukaemia has been linked to *(a)* sewage outlets and *(b)* viruses; and if he will make a statement. [26698]

Mr. Horam: There is no evidence to link childhood leukaemia with any virus that would normally be present in sewage, or with any other viral infection.

General Practitioner Premises

Mr. Timms: To ask the Secretary of State for Health, pursuant to his answer of 16 April, *Official Report*,

column *480*, what proportion of general practitioners' premises were below minimum standards in each London health authority in each year since 1990. [26649]

Mr. Malone: I refer the hon. Member to the reply I gave the hon. Member for Dulwich (Ms Jowell) on 30 January, *Official Report*, column *711*.

Steroids

Mr. Flynn: To ask the Secretary of State for Health what assessment he has made of the value and risks of prescribing steroids to children. [26786]

Mr. Malone: Corticosteroids are effective in the treatment of many serious and life-threatening conditions and have been used for the treatment of children and adults for many years. All medicines have side effects, and those for corticosteroids are well documented in the product information, which is produced by the manufacturer and authorised by the Licensing Authority and in the British National Formulary, which the Department sends free of charge to all doctors. The product information contains special precautions regarding use in children. In addition, in 1994, the Committee on Safety of Medicines evaluated the association of corticosteroids and severe chickenpox, as a result of which the product information for corticosteroids was revised to further improve warnings and precautions of use. Doctors and pharmacists were informed of these changes through the CSM's regular bulletin "Current Problems in Pharmacovigilance".

Paracetomol

Mr. Flynn: To ask the Secretary of State for Health if he will restrict the sale of paracetamol and products which include paracetamol as a principal ingredient to outlets controlled by qualified pharmacists. [26796]

Mr. Malone: The sale of paracetamol in pack sizes over 25 tablets is already restricted to control by a pharmacist. There are currently no proposals further to restrict the sale of products containing paracetamol.

Traumatic Brain Injury

Mr. Alfred Morris: To ask the Secretary of State for Health what evaluation he has made of the findings of the report commissioned for Headway on assessing residential care needs of people who have suffered traumatic brain injury; what action he is taking; and if he will make a statement. [26478]

Mr. Bowis: We shall study the report, which has just been received.

Paediatric Intensive Care

Mrs. Helen Jackson: To ask the Secretary of State for Health, pursuant to his answer of 30 January, *Official Report*, column *716*, if he will now publish the results of the monitoring figures for the occupancy of intensive care paediatric beds for the months of February, March and April, and monthly thereafter. [27264]

Mr. Horam: My right hon. Friend the Secretary of State has asked the chief executive of the national health service to report to him on paediatric intensive care by the end of April. Information for this report is still being collated.

AIDS Conference

Ms Harman: To ask the Secretary of State for Health if representatives from his Department will be attending the 11th international conference on AIDS in Vancouver in July. [27268]

Mr. Horam: There will be two representatives from the Department of Health attending the 11th international conference on AIDS in Vancouver in July 1996—a principal scientific officer and a nursing officer.

Health Authority Funding

Mr. Milburn: To ask the Secretary of State for Health what is the per capita funding in each district health authority in *(a)* 1995–96 and *(b)* 1996–97. [25887]

Mr. Horam *[holding answer 19 April 1996]:* The figures for district health authorities' funding per capita in 1995–96 will be placed in the Library. District health authorities were abolished on 31 March 1996 and replaced by health authorities combining the functions of district health authorities and family health services authorities, and often with different boundaries.

TREASURY

Overseas Visits

Mr. Gapes: To ask the Chancellor of the Exchequer if he will list the countries he has visited and the dates of these visits in each year since 1992. [26299]

Mr. Kenneth Clarke: I refer to the reply I gave on 26 April 1996 to the hon. Member for Warrington, South (Mr. Hall), *Official Report*, columns *322–25*.

Mr. Gapes: To ask the Chancellor of the Exchequer how many times he has visited Switzerland and on what dates and for what purposes in each year since 1992. [26300]

Mr. Clarke: Since I became Chancellor in May 1993, I have made the following visits to Switzerland:

27–30 January 1994: Davos, Switzerland (World Economic Forum)

26–29 January 1995: Davos, Switzerland (World Economic Forum).

Valuation Office

Mr. David Nicholson: To ask the Chancellor of the Exchequer how many representations he has had since 1 January 1995 about *(a)* delays in hearing appeals against valuation of business premises for rates and *(b)* reductions in manpower in the Valuation Office; and if he will make a statement. [26338]

Mrs. Angela Knight: Ministers within the Treasury have received around 10 inquiries relating to alleged delays in the hearing of business rate appeals and a further five inquiries in connection with reductions in manpower within the Valuation Office agency.

European Union

Mr. David Shaw: To ask the Chancellor of the Exchequer, pursuant to his answer of 22 April, *Official Report*, column *10*, on net EU receipts, if he will set out

the formula and basis of calculation of (i) the gross contribution and (ii) the abatement in respect of 1995–96 and the previous year. [26788]

Mr. Heathcoat-Amory: The basis of the Community's revenue system, which leads to the member states' gross contributions to the European Community budget, and a broad description of the basis used to determine the UK's abatement are contained in chapter 8 of the "Departmental Report of the Chancellor of the Exchequer's smaller Departments—The Government's Expenditure Plans 1996–97 to 1998–99", Cm 3217. This chapter also outlines the main differences between the UK's gross contributions in the financial years 1994–95 and 1995–96.

Mr. Shaw: To ask the Chancellor of the Exchequer, pursuant to his answer to the hon. Member for Dover of 22 April, *Official Report,* column *10,* relating to net EU receipts, in which documents produced by Her Majesty's Government the column "Public sector receipts" is analysed; and if he will set out the Departments which receive the funds and give details of their use. [26787]

Mr. Heathcoat-Amory: Details of the amounts of the UK's receipts from the Community budget by Department and by main Community funds, for the period 1990–91 to 1998–99, are given in table 8D of the "Departmental Report of the Chancellor of the Exchequer's smaller Departments—The Government's Expenditure Plans 1996–97 to 1998–99", Cm 3217. Similar details of the amounts in earlier years are given in the earlier departmental reports. Details of the use to which these funds are put can be obtained from the relevant departmental Ministers.

Serco Ltd.

Mr. Redmond: To ask the Chancellor of the Exchequer what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26641]

Mrs. Angela Knight: The Treasury, Royal Mint, Office of HM Paymaster General, Valuation Office and Office for National Statistics have no contracts with Serco Ltd.

The Inland Revenue has a contract with Serco for administration services at the Inland Revenue offices, Castle Meadow road, Nottingham. This includes typing, secretarial, messenger, porter post room, switchboard, help desk, training/conference room booking services, etcetera. The current cost is £1,123,343.97—February 1995 to January 1996—and the contract ends on the 31 January 1998 with an option to extend to 31 January 2000.

There are no penalties if the contract is terminated early, due to a default in the service, or for a breach of the contract.

If Inland Revenue wishes not to continue with the contract for reasons other than the above, it needs to give six months' notice and would be liable to pay reasonable commitments, liabilities and expenditure which otherwise would be an unavoidable loss to Serco by reason of termination of the contract.

HM Customs and Excise estates department has call-off contracts with Serco Ltd. to provide works managers services for their properties in the south-east of England. These contracts cover headquarters properties based in Southend, investigation division properties based in London, all properties covered by south-east England and Anglia collections and a number of, but not all, properties covered by South London and Thames collection.

Due to the call-off nature of the contract and the delegation to regional managers, it is not possible to provide accurate figures as to the total value of supplies made under this contract, but a broad estimate would be a value of £500,000.

The contract for HQ Southend expires on the 31 May 1997; all other contracts listed above expire on 2 April 1998.

There are no penalty clauses for termination of the contract. In addition to usual causes for termination, the client is entitled to terminate the contract by giving not less than 30 days' notice.

VAT (Energy-saving Materials)

Mr. Khabra: To ask the Chancellor of the Exchequer if he will undertake a cost-benefit analysis of the effects of reducing value added tax on energy-saving materials from 17.5 per cent. to 8 per cent; and if he will make a statement. [26831]

Mr. Heathcoat-Amory: I have no plans to reduce the rate of value added tax on energy-saving materials.

Departmental Payments

Ms Armstrong: To ask the Chancellor of the Exchequer what steps Her Majesty's Government are taking to monitor the performance of Government Departments in the timely payment of creditors. [26835]

Mrs. Angela Knight *[holding answer 25 April 1996]:* Departments are currently required to publish details of their payment performance in their departmental reports. Following the Prime Minister's statement at the Your Business Matters national conference, a league table of all Departments' payment performance will be published every year, and the Treasury is currently considering a new, rigorous and consistent method to collect this data.

Income Tax

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what estimate he has made of the income tax yield from the self-employed in the latest year for which figures are available. [27034]

Mr. Jack *[holding answer 26 April 1996]:* In 1995–96, it is estimated that £8.6 billion income tax was received in respect of income from trades, professions and vocations, net of repayments made. No estimate is available of tax paid by self-employed people on their other income.

OVERSEAS DEVELOPMENT ADMINISTRATION

EU PHARE Programme

Ms Quin: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the policy of his

Department in pressing for changes to the administrative procedures of the EU Poland and Hungary Assistance for Economic Restructuring programme. [25903]

Mr. Hanley: The improvements we have been seeking PHARE's procedures include greater decentralisation of programme management from Brussels to recipient countries, effective monitoring and evaluation of programmes and a larger role for EU delegations in co-ordination and information.

China

Mrs. Ann Winterton: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library copies of the material which he has received from the International Planned Parenthood Federation and the United Nations Fund for Population Activity concerning their budgets and programmes in China. [26546]

Mr. Hanley: The China country programme of the United Nations Population Fund—UNFPA—has a current allocation of $500,000 which will be spent on women's development and mother and child health care projects, and for contraceptive quality assurance work. The International Planned Parenthood Federation has an allocation for the China Family Planning Association in 1996 of $1 million which is for audio-visual equipment and vehicles. Copies of relevant documents will be placed in the Library of the House.

Mrs. Winterton: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the work of the United Nations Fund for Population Activity in China with particular reference to encouraging population control policies which do not involve coercion. [27132]

Mr. Hanley: Our judgment is that the United Nations Population Fund performs an essential role in promoting adherence to voluntary and non-coercive approaches to family planning in all countries of the world, including in China. UNFPA is currently engaged in an intensive dialogue with the Government of China about the nature of any future assistance to that country. UNFPA has made it clear that it is prepared to support activities only in countries where birth planning restrictions have been lifted.

Mrs. Ann Winterton: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list those occasions during the last year when Ministers from his Department have made representations in respect of Chinese population control programmes and policies; what was the outcome on each of those occasions; and if he will make a statement. [26547]

Mr. Hanley: Ministers raised human rights issues, which include allegations of coercion in family planning programmes, with a vice-minister of the state family planning commission in September 1995; during meetings with Chinese leaders in October 1995 and January 1996; and with the Chinese Foreign Minister in April 1996. These meetings have had the common objective of persuading the Chinese Government to adhere to international human rights standards. All meetings have served to underline to the Chinese Government the seriousness with which human rights issues in China are viewed in the United Kingdom, and have supported the current intensive efforts of the United Nations Population Fund to encourage the Chinese Government to implement family planning programmes which are responsive to freely-expressed demand for services, rather than seek to meet particular birth quotas or targets.

Rain Forests

Mr. Dafis: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list those projects concerned with the conversation of tropical rainforests, or species within them, funded through the global environment facility, together with sums of money which have been committed internationally to each project; and if he will indicate if each project forms part of biodiversity action plans published by the Governments of the countries in which the projects are located. [25925]

Mr. Hanley: Further to the holding reply of 23 April, the table lists relevant projects and is based on information supplied by the secretariat of the global environment facility. Under the biodiversity convention, each party is obliged to develop or adapt national plans, strategies or programmes for the conservation and sustainable use of biological diversity in accordance with its particular conditions and capabilities. Many countries have yet to complete or adapt these plans. Some of the projects listed will assist in the formulation of these plans. However, all GEF projects relate to the recipient Governments' existing relevant environmental plans. These are listed in the table.

$ million

Country and project title	*Total international commitment*	*GEF commitment*	*Biodiversity action plan*
Bhutan; Trust fund for Environmental Conservation, World Bank	13.6	10.0	No
Bolivia; Biodiversity Conservation	8.40	4.5	[1]No
Brazil; Biodiversity Fund	30.0	25.0	Yes
Brazil; National Biodiversity Project	10.0	10.0	Yes
Cameroon; Biodiversity Conservation and Management	11.40	6.0	[1]No
Central African Republic; Decentralised Approach to Biodiversity Protection and Use; Bangassou Dense Forest	3.40	2.5	No
China; Nature Reserves Management	17.90	17.9	Yes
Columbia; Biodiversity Conservation in the Choco Region	9.0	9.0	No
Congo; Wildlife protection and Management	16.0	10.0	[1]No
Costa Rica; Conservation and Development of La Amistad and La Osa Conservation Areas	8.0	8.0	Yes
East Africa region; Institutional Support to Protect Biodiversity	10.0	10.0	No
Ecuador; Biodiversity Protection	7.3	7.2	[1]No

$ million

Country and project title	Total international commitment	GEF commitment	Biodiversity action plan
Gabon; Conservation of Biodiversity through Effective Management of Wildlife Trade	1.0	1.0	No
Ghana; Coastal Wetlands Management	7.2	7.2	[1]No
Guatemala; Integrated Biodiversity Protection in the Sarstun Montagua Region	7.7	4.0	Yes
Guyana; Programme for Sustainable Forestry (Iwokrama Rain Forest)	3.4	3.0	Yes
India; Ecodevelopment	56.0	20.0	[1]No
Indonesia; Biodiversity Collections	7.2	7.2	Yes
Indonesia; Kerinci Seblat Integrated Conservation and Development	34.2	15.0	Yes
Lao PDR; Wildlife and Protected Areas Conservation	19.3	5.0	[1]No
Latin America region; Regional Strategies for Sustainable Conservation of Natural Resources in the Amazon	4.5	4.5	Yes
Latin America region; Biodiversity Enterprise Fund for Latin America	5.0	5.0	[2]No
Mauritius, Biodiversity Restoration	1.2	1.2	[1]No
Mauritius; Restoration of Highly Degraded and Threatened Native Forests	0.2	0.2	No
Mexico; Protected Areas Programme	25.0	25.0	No
South Pacific region; Biodiversity Conservation Programme	12.0	8.2	[3]No
Panama; Biodiversity Conservation in the Darien	9.0	9.0	No
Papua New Guinea; Biodiversity Conservation and Resource Management	5.0	5.0	[1]No
Peru; National Trust Fund for Protected Areas	6.5	5.0	[4]No
Philippines; Conservation of Priority Protected Areas	20.0	20.0	[5]No
Sri Lanka; Wildlife Conservation and Protected Areas Management	4.1	4.1	[6]No
Uganda; Bwindi Impenetrable National Park and Mgahingi Gorilla National Park Conservation	4.9	4.0	[1]No
Vietnam; Creating Protected Areas for Resources Conservation	5.69	3.0	Yes
Totals	384.09	276.7	

[1] Supports National Environmental Action Plan and/or Tropical Forest Action Plan.
[2] Supports private sector initiatives that promote biodiversity conservation throughout Latin America.
[3] Supports South Pacific Regional Environmental Programme and the Action Strategy for Nature Conservation in the South Pacific Region.
[4] Funds the drafting of a master plan for the management of Peru's national parks.
[5] Forms part of "Philippines Strategy for Sustainable Development".
[6] Supports "National Policy for Wildlife Conservation".

EDUCATION AND EMPLOYMENT

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for Educationa and Employment what contracts her Department and her agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should she seek early termination of the contract; and if she will make a statement. [26678]

Mr. Robin Squire: DFEE and its agencies have two facilities management contracts with Serco, for head office buildings in London and Runcorn, respectively, for which the Department pays annual management fees. The contracts expire on 31 March 1997 and can be terminated by giving 90 days' notice with no specified penalties.

Financial details of the contracts are in confidence for commercial reasons.

Nursery Voucher Scheme

Mr. Blunkett: To ask the Secretary of State for Education and Employment how much has been spent on publicity in each of the four pilot authorities in phase 1 of the voucher scheme; and in each case what was the estimated publicity budget. [26783]

Mr. Robin Squire: To date, some £1.1 million has been spent on providing information to parents and providers nationwide. The budget, of £750,000, was exceeded in order to meet the unexpectedly high demand for information outside the phase 1 areas. It is not possible to break down expenditure between the phase 1 areas or between phase 1 areas and the rest of the country.

Mr. Blunkett: To ask the Secretary of State for Education and Employment what funding has been made available to each of the four pilot authorities and in total to cover the cost of administration in phase 1 of the voucher scheme. [26814]

Mr. Squire: Grant aid has been made available to the four local education authorities taking part in the first phase of the voucher scheme to recognise the additional costs incurred in participating in phase 1 compared with joining in phase 2.

The maximum level of grant up to which each local education authority may claim is as follows:

	£
Kensington and Chelsea	37,220
Norfolk	92,107
Wandsworth	48,980
Westminster	38,585
Total	216,892

Equal Value Claims

Ms Jowell: To ask the Secretary of State for Education and Employment how many equal value

claims have been brought by women for each year since 1990; and how many of those claims were successful in the same period. [26764]

Mrs. Gillan: The precise information requested is not available.

Statistics showing the number of equal pay cases disposed of each year since 1990, and the number of successful cases in each of those years, are shown in the following table.

Year	*Equal pay cases disposed of* [1]	*Number successful* [2]
1990	508	10
1991	227	5
1992	240	21
1993	780	19
1994	418	8
Total	2,173	63

[1] Many equal pay cases typically consist of a single complaint to which is linked a number of identical claims made by colleagues of the complainant who are employed by the same employer. When a tribunal disposes of a complainant's case, all other cases linked to it are disposed of in the same way and are recorded as such in tribunal statistics.

[2] This column records the *actual* number of successful complaints decided by tribunals. The figures do not include linked complaints which were not actually heard by tribunals.

EU Directives

Mr. Steen: To ask the Secretary of State for Education and Employment if she will list the directives which have affected her Department in each of the past three years and *(a)* the United Kingdom legislation introduced as a result of the directives, *(b)* the United Kingdom legislation which goes beyond the minimum standards set out in the directives and *(c)* the clauses within each piece of United Kingdom legislation which amplify the minimum standards set out in the directives. [27078]

Mr. Robin Squire: The Department for Education and Employment is responsible for two related directives which require implementation in the UK and have been adopted in the last three years:

Directive 94/38/EC of 26 July 1994 amending annexes C and D to Council directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement directive 89/48/EEC;

Directive 95/43/EC of 20 July 1995 amending annexes C and D to Council directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement directive 89/48/EEC.

To date, no UK legislation has been introduced as a result of the directives, although legislation in the form of regulations under section 2(2) of the European Communities Act 1972 is being prepared for introduction later in the year.

Solotec

Mr. Byers: To ask the Secretary of State for Education and Employment on what date Solotec inherited responsibility for courses organised by Sight and Sound which had originally been entered into by South Thames training and enterprise council. [27273]

Mr. Paice: A contract was signed between Solotec and Sight and Sound on 24 April 1995.

Training and Enterprise Councils

Mr. Morgan: To ask the Secretary of State for Education and Employment, pursuant to her answer of 23 April, *Official Report*, column *102*, if the letters to the regional offices in relation to the training and enterprise councils dated 22 March named particular training provider companies. [27315]

Mr. Paice: Yes.

Jobseeker's Allowance

Mr. Rooney: To ask the Secretary of State for Education and Employment if Employment Service staff based in jobcentres will take adjudication decisions on benefit sanctions for claimants of jobseeker's allowance. [27101]

Mr. Forth: All adjudication decisions on jobseeker's allowance will be made by independent adjudication officers. Decisions on the refusal of a jobseeker on principle to enter into a jobseeker's agreement, decisions connected with training schemes or employment programmes under section 19(5)(b) of the Jobseekers Act 1995 and decisions on the failure of a jobseeker to attend an Employment Service interview as required will normally be made by those independent officers located in jobcentres. All other labour market adjudication decisions will be made in centralised locations. We will in due course consider whether more independent adjudication will take place in jobcentres.

EU Nationals

Mr. Rooney: To ask the Secretary of State for Education and Employment if EU nationals can count periods of unemployment and receipt of benefit in another EU country towards the elibility qualifying period for *(a)* training for work and *(b)* other Employment Service programmes. [27102]

Mr. Forth: I refer the hon. Member to the reply given by my colleague, the then Minister of State for Employment, to the hon. Member for Birmingham, Ladywood, (Ms Short) on 22 March 1995, *Official Report*, column *245*.

Project Work

Mr. Rooney: To ask the Secretary of State for Education and Employment what action will be taken against claimants who decline to participate in the job search element of project work. [27103]

Mr. Forth: The first 13 weeks of job search activity on the project work pilots is voluntary. Unemployed people will be offered extra help to find work through a range of opportunities including: 1–2–1 interviews, jobclub, jobfinder's grant, work trials, training for work and some specialist opportunities for people with disabilities. No action will be taken against clients who decline places on programmes.

Those who are then referred to project work experience will be required to attend three hours' supervised job search a week. Those who fail to do this without good cause may be subject to benefit sanctions.

All people participating in the pilots are expected to meet benefit conditions and show that they are actively seeking and available for work; normal adjudication action will be taken for people who do not meet these conditions or refuse employment.

National Vocational Qualifications

Mr. Byers: To ask the Secretary of State for Education and Employment for which training providers the London chamber of commerce and industry verify and award NVQ certificates. [27119]

Mr. Paice: The Department does not hold this information. The National Council for Vocational Qualifications, as accrediting body for NVQs, is provided with details of approved NVQ centres by the London chamber of commerce and industry examinations board under the status of commercial in confidence.

Mr. Byers: To ask the Secretary of State for Education and Employment if she will investigate the circumstances surrounding the award of business administration and information technology NVQ qualifications by the London chamber of commerce and industry for courses provided by Sight and Sound and funded by Solotec. [27120]

Mr. Paice: I understand that the National Council for Vocational Qualifications is undertaking an investigation into this matter. The Department is being kept fully informed and will received a copy of the report when it is finalised.

Mr. Byers: To ask the Secretary of State for Education and Employment if she will carry out a comprehensive review of the way in which NVQs are awarded. [27121]

Mr. Paice: NVQs were the subject of a comprehensive review by Gordon Beaumont who reported on the 100 most used NVQs and Scottish vocational qualifications in January. I have agreed an action plan, published on 27 March, in response to his recommendations, which includes actions relating to assessment, verification and certification of awards. These are being taken forward by NCVQ under a major programme of work which is sponsored by this Department.

Mr. Byers: To ask the Secretary of State for Education and Employment (1) what steps she has taken to ensure that the London chamber of commerce and industry is a suitable body to issue NVQ certificates; [27130]

(2) if she will investigate the suitability of the London chamber of commerce and industry verifiers to assess NVQ portfolios. [27131]

Mr. Paice: The National Council for Vocational Qualifications is responsible for regulating the NVQ system and its quality. The council regularly reviews the performance of awarding bodies to ensure that they have adequate arrangements and resources for quality assurance and that systems approved at the time of NVQ accreditation continue to operate effectively. The council has recently agreed a plan with the London chamber of commerce and industry examinations board requiring strengthening of arrangements for centre approval, external verification and internal verification.

Mr. Byers: To ask the Secretary of State for Education and Employment when the Government office for London was first informed about concerns surrounding the award of NVQs by the London chamber of commerce and industry for students attending courses organised by Sight and Sound. [27129]

Mr. Paice: The Government office for London first became aware about concerns surrounding the award of NVQs following information from Solotec on 16 April 1996.

TRANSPORT

Lorry Drivers (Eyesight Requirements)

Mr. Steen: To ask the Secretary of State for Transport when he expects to receive the information from the relevant national authorities on eyesight requirements for lorry drivers required by the second European directive on driving licences, 91/439/EEC. [27072]

Mr. Norris: We have received replies from some, and are awaiting replies from other EU member states. We hope to receive outstanding replies shortly.

EU Directives

Mr. Steen: To ask the Secretary of State for Transport if he will list the directives which have affected his Department in each of the past three years and *(a)* the legislation introduced as a result of the directives, *(b)* the legislation which goes beyond the minimum standards set out in the directives and *(c)* the clauses within each piece of legislation which amplify the minimum standards set out in the directives. [27080]

Mr. Norris: The relevant directives are listed in the following table, along with the United kingdom legislation introduced as a result. In our view, in no case does the legislation go beyond the minimum standards required by the directive in question. It is intended that this should also be the case for legislation still in preparation.

Number	*Title and description of Community Instrument*	*United Kingdom legislation*
93/103/EEC	Minimum safety and health requirements for work on board fishing vessels	Implementation in progress.
93/116/EEC	Council Directive relating to interior fittings of motor vehicles	Motor Vehicles (EC Type Approval) (Amendment) Regulations 1994
93/12/EEC	Council Directive relating to sulphur content of certain liquid fuels	Motor Fuels (Composition and Content) Regulations 1994
93/14/EEC	Council Directive on the braking of two- or three-wheel motor vehicles	Currently consulting on changes to Construction and Use regulations.
93/29/EEC	Council Directive on the identification of controls, tell-tales and indicators for two- or three-wheel motor vehicles	Not yet implemented.
93/30/EEC	Council Directive on audible warning devices for two- or three- wheel motor vehicles	Not yet implemented.

Number	Title and description of Community Instrument	United Kingdom legislation
93/31/EEC	Council Directive on stands for two-wheel motor vehicles	Not yet implemented.
93/32/EEC	Council Directive on passenger hand-holds on two-wheel motor vehicles	Not yet implemented.
93/33/EEC	Council Directive on protective device as intended to prevent the unauthorised use of two- or three-wheel motor vehicles	Not yet implemented.
93/34/EEC	Council Directive on statutory markings for two- or three-wheel motor vehicles	Not yet implemented.
93/59/EEC	Commission Directive relating to measures to be taken against air pollution by emissions from motor vehicles	Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 1993 and and The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1993
93/75/EEC	Reporting requirements for ships carrying dangerous or polluting goods	Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995
93/81/EEC	Commission Directive relating to type approval of motor vehicles and trailers	Motor Vehicles (EC Type Approval) (Amendment) Regulations 1994
93/89/EEC	Council Directive on the application of taxes on certain vehicles used for the carriage of dangerous goods by road and tolls and charges for the use of certain infrastructure	No legislation required.
93/89/EEC	Council Directive on the application by Member States of taxes on certain vehicles used for the carriage of goods by road and tolls and charges for the use of certain infrastructure	No legislation required.
93/91/EEC	Commission Directive adapting to technical progress Council Directive 78/316/EEC (Controls and Tell-tales)	Motor Vehicles (EC Type Approval) (Amendment) Regulations 1994
93/92/EEC	Council Directive on the installation of lighting and light signalling devices on two- or three-wheel motor vehicles	Not yet implemented.
94/12/EC	European Parliament and Council Directive relating to measures to be taken against air pollution by emissions from motor vehicles.	Road Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1995
94/20/EC	Council Directive relating to the mechanical coupling devices of motor vehicles and their trailers and their attachments to those vehicles	Motor Vehicles (EC Type Approval) (Amendment) Regulations 1995
94/53/EEC	Commission Directive relating to interior fittings (e.g. identification of controls) of motor vehicles	Motor Vehicles (EC Type Approval) (Amendment) Regulations 1995
94/55/EC	Council Directive on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road	UK implementing legislation in preparation.
94/56/EC	Council Directive establishing the fundamental principles governing the investigation of civil aviation accidents and incidents	UK legislation (Civil Aviation (Investigation of Air Accidents) Regulations 1989) currently being amended. Minimum implementation planned.
94/57/EC	Council Directive on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations	
94/58/EC	Council Directive on the minimum level of training for seafarers	Implementation in progress
94/68/EC	Commission Directive adapting to technical progress Council Directive 78/318/EEC (wash wipe)	Motor Vehicles (EC Type Approval) (Amendment) Regulations 1995
94/78/EC	Commission Directive adapting to technical progress Council Directive 78/549/EEC (wheel guards)	Motor Vehicles (EC Type Approval) (Amendment) Regulations 1995
95/EEC	Council Directive on statistical returns in respect of goods and passengers carried by sea	UK implementing legislation under consideration
95/01/EC	European Parliament and Council Directive on the maximum design speed, maximum torque and maximum net engine power of two-and three-wheel motor vehicles	Not yet implemented
95/18/EEC	Council Directive on the licensing of railway undertakings	
95/19/EEC	Council Directive on the allocation of railway infrastructure capacity and the charging of infrastructure fees	
95/21/EC	Council Directive concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States of international standards for ship safety, pollution prevention and shipboard living and working conditions (port state control)	Merchant Shipping (Port State Control) Regulations 1995
95/28/EC	Council Directive on the approximation of the laws of the Member States relating to the burning behaviour of materials used in interior construction of certain categories of motor vehicle	Not yet implemented. Minimum implementation planned.
95/28/EC	European Parliament and Council Directive on the flammability of materials used in interiors of certain types of vehicles	Not yet implemented. Minimum implementation planned.
95/48/EC	Commission Directive relating to masses and dimensions of category M1 motor vehicles	Not yet implemented.
95/50/EEC	Council Directive on uniform procedures for checks on the transport of dangerous goods by road	No legislation required
95/54/EC	Commission Directive relating to suppression of radio interference and to type approval of motor vehicles and their trailers	Not yet implemented.
95/56/EC	Commission Directive relating to devices to prevent the unauthorised use of motor vehicles	Not yet implemented.

East London River Crossing

Mr. Dunn: To ask the Secretary of State for Transport when he will lift the line orders for the east London river crossing. [27501]

Mr. Norris: The Government have decided that the east London river crossing line order should be revoked. Statutory procedures leading to revocation will be initiated as soon as practicable.

Bus Companies (Fuel Duty Rebate)

Mr. Foulkes: To ask the Secretary of State for Transport what sums were paid by his Department in fuel duty rebate in 1993–94, 1994–95 and 1995–96 to *(a)* British Bus plc, *(b)* First Bus plc and *(c)* Stagecoach Holdings plc and their subsidiaries. [27231]

Mr. Norris: It would not be appropriate for the Government to disclose this information, which is regarded as commercially confidential, about private sector bus operators.

Fishes Royal

Mr. Redmond: To ask the Secretary of State for Transport (1) if he will list for each of the last five years *(a)* the number of staff employed and *(b)* the total cost to his Department in respect of responsibilities for Fishes Royal; and if he will make a statement; [26700]

(2) how much has been received in each of the last five years in respect of the disposal for Fishes Royal; and if he will make a statement. [26702]

Mr. Norris: I have asked the chief executive of the Coastguard agency to write to the hon. Member.

Letter from C. J. Harris to Mr. Martin Redmond, dated 29 April 1996:

The Secretary of State for Transport has asked me to reply to your recent Questions about Fishes Royal

PQ 1843/95/96

Fishes Royal are the responsibility of the Receiver of Wreck who spends approximately 7.5 per cent. of her time on this function with the occasional assistance of local Coastguard Officers. This figure has remained largely unchanged during the last five years. The total cost since 1993, including staff costs, is as follows:

1993–94: £9,150

1994–95: £28,250

1995–96: £40,600

Figures prior to 1993–94 are not readily available.

PQ 1856/95/96

No money has been received in respect of the disposal of Fishes Royal in the last 5 years.

Aircraft Leasing

Mrs. Dunwoody: To ask the Secretary of State for Transport if he will list, for each of the last five years, the number of occasions on which his Department has been asked to grant permission for *(a)* dry leasing of aircraft and *(b)* wet leasing of aircraft. [26821]

Mr. Norris: The following table shows the number of wet and dry lease applications which have been made to the Department of Transport over the last five years:

	Wet	*Dry*
1991	35	6
1992	48	14
1993	49	36
1994	69	14
1995	85	31

MV Derbyshire

Mr. Dixon: To ask the Secretary of State for Transport, pursuant to his answer of 23 April, *Official Report*, columns *76–77*, which months of the year it is possible to visit the wreck of the MV Derbyshire; and what assessment he has made of whether the recommendation of the assessors and advisers will be ready in time for a visit in the current year. [27236]

Mr. Norris: An assessment of the weather impact on operations in the area of Derbyshire site has been made in conjunction with the meteorological departments of the UK and USA and additional information from commercial organisations that have carried out underwater operations in this region. We expect to receive the recommendations of the assessors and advisors in time for a visit this year if that proves practicable.

Rail Franchises

Mr. Hawkins: To ask the Secretary of State for Transport if he will publish the franchise agreements for those passenger rail franchises that have recently been awarded by the franchising director. [27134]

Mr. Watts: The Gatwick Express, InterCity East Coast and Midland Main Line franchises commenced operation yesterday, 28 April. Copies of the franchise agreements and ancillary documents have today been placed in the Library. Certain provision of these documents have been deleted in line with section 73 of the Railways Act 1993.

The Network SouthCentral franchise will commence operation as soon as practicable and a copy of the franchise agreement will be placed in the Library thereafter.

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for Transport what contracts his Department and his agencies have with Serco Ltd., what is the current cost; when each contract ends; what are the penalties involved should be he seek early termination of the contracts; and if he will make a statement. [26688]

Mr. Norris *[pursuant to his answer, 25 April 1996, c. 246-47]:* My Department also has the following contracts with Serco Ltd:

Description	*Termination date*
Supply and Installation of MIDAS instation and outstation equipment	Mid June 1996
Supply, Installation and Commissioning of Back Projection Display	31 July 1996
NMCS1 Maintenance	7 October 1996
Supply and installation of MIDAS System Manchester Network M62	7 October 1996
NCD Stores Yate	31 January 1997

Description	*Termination date*
Motorway Signals Mk2, Enhanced Message Signs, Cantilever Structures	18 March 1997
Supply of NMCS2 Core Systems	Mid June 1997
NMCS2 Software Upgrade and Supply of NMCS1	Mid September 1997
CCTV Maintenance Contract	28 January 1998
Refurbishment of Motorway Communication Equipment (call-off)	1 October 1998
Regional Maintenance contract	19 November 2000

The total cost of the contracts is £24,215,000. Individual contract costs are not provided as this information is commercially confidential.

The cost to the Department of early termination of these contracts would be negotiable and depend on the individual circumstances and loss suffered by the contractor. In any case, this amount, when taken together with any payments already made, should not exceed the total contract price.

PRIME MINISTER

Beef Exports (EU Ban)

Mr. John Morris: To ask the Prime Minister if he will take measures *(a)* at the Council of Ministers of the European Community and *(b)* the Court of Justice in Luxembourg to expedite the hearing of the British Government's proposed case against the European Commission's embargo on the export of British beef, particularly to third countries; and if he will instruct the Attorney-General to present the British case. [26372]

The Prime Minister *[holding answer 23 April]:* The European Union ban on the export of British beef is not justified on the basis of science as a measure necessary to protect public health, and it is totally disproportionate. We are pressing at every opportunity in the Council of Ministers for this ban on the export of British beef to be lifted. We are also challenging the legality of the ban before the European Court of Justice.

ATTORNEY-GENERAL

Trials (Media Reporting)

33. **Mr. Soley:** To ask the Attorney-General if he will make a statement on the reporting of trials in the media. [25667]

The Attorney-General: The law provides a general right to make fair and accurate reports of legal proceedings held in public, published contemporaneously and in good faith, subject to limited statutory exceptions such as those to protect rape victims and children and certain powers to order postponement of reporting where necessary to avoid prejudice to the administration of justice.

Financial Fraud

34. **Mr. Tony Banks:** To ask the Attorney-General if he will make a statement on his Department's role in respect of fraud in financial institutions. [25669]

The Solicitor-General: The role of the Serious Fraud Office is to deter fraud through the investigation and prosecution of cases of serious and complex fraud which fall within the criteria set by the director following the recommendations of the Davie report.

Crown Prosecution Service

Mr. Harry Greenway: To ask the Attorney-General what is the current annual cost of running the Crown Prosecution Service; what was the cost five years ago; and if he will make a statement. [26047]

The Attorney-General: The current running cost provision for the CPS in 1996–97 is £220 million. Running cost expenditure in 1992–93, five years ago, was £201 million in cash terms and £222 million in constant prices. After taking account of price changes, the CPS's running costs are lower in 1996–97 in real terms by approximately 1 per cent. than they were five years ago in 1992–93.

Mr. Flynn: To ask the Attorney-General what new proposals he has to improve the effectiveness of prosecution procedures. [25660]

The Attorney-General: Current initiatives between the Crown Prosecution Service and the police include steps to improve the quality and timeliness of case preparation by reducing the volume of paperwork in police files and piloting the use of CPS lawyers giving on-the-spot advice in busy police stations.

FOREIGN AND COMMONWEALTH AFFAIRS

Taiwan (British Citizens)

Mr. Llwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs how many British citizens are currently resident in Taiwan; and if he will make a statement. [26991]

Mr. Hanley: There are estimated to be about 800 British citizens resident in Taiwan, mainly business men with families, English language teachers and missionaries.

Iran

Ms Quin: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to raise the subject of human rights in Iran with his EU counterparts. [25904]

Mr. Hanley: We frequently raise and discuss the subject of human rights in Iran with our European Union partners. The EU co-sponsors resolutions critical of Iran at the United Nations Commission on Human Rights and the United Nations General Assembly. The most recent resolution was adopted by the UNCHR on 24 April 1996. The EU also raises specific cases of human rights abuses with the Iranian authorities. We will continue to work closely with our EU partners on this issue.

BBC Worldwide Television (Arabic)

Ms Quin: To ask the Secretary of State for Foreign and Commonwealth Affairs what proposals he has to ensure the continuation and expansion of the BBC world television service in Arabic. [25905]

Mr. Hanley: BBC Arabic TV, a commercial service of BBC Worldwide Television, ceased operation on 22 April. Decisions about any future developments are a matter for BBC Worldwide Television.

Nuclear Material

Mr. Fatchett: To ask the Secretary of State for Foreign and Commonwealth Affairs to what purpose the nuclear material referred to in Cm 3195 and Cm 3196 is to be put; and if he will make a statement. [26766]

Mr. David Davis: The end-uses of the nuclear material and technology, referred to in Cms 3195 and 3196, are respectively:

(a) the manufacture of nuclear fuel and/or associated research and development; and

(b) the recovery of a small amount of highly enriched uranium from medical radio-isotope production wastes.

Mr. Fatchett: To ask the Secretary of State for Foreign and Commonwealth Affairs what proportion of the uranium oxide powder referred to in Cm 3195 is *(a)* 235 uranium oxide and *(b)* 238 uranium oxide. [26765]

Mr. Davis: The uranium oxide powder referred to in Cm 3195 will contain a maximum of 19.95 per cent. uranium 235, the remainder being uranium 238.

Gibraltar to Spain Crossing

Mr. Steen: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the average time taken by a motor car and occupants to cross the border from Gibraltar to Spain in the period 1 to 14 April in the years *(a)* 1994, *(b)* 1995 and *(c)* 1996; what representations he has made to the Spanish authorities on delays in the crossing; and what response he has received. [27071]

Mr. David Davis: The relevant figures are:

1 to 14 April 1994: frequent delays of 30 to 45 minutes, up to a maximum of 90 minutes.

1 to 14 April 1995: frequent delays of between one and two hours, up to a maximum of four hours.

1 to 14 April 1996: frequent delays of between one and one-and-a-half hours, up to a maximum of three hours.

We have repeatedly made representations to the Spanish Government about the delays at the Gibraltar frontier which remain unacceptable. They are totally disproportionate to the need to make customs and immigration checks.

Immigration

Mr. Madden: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) when the explanatory statement explaining the reasons for the refusal of a visa for Mrs. Shazia Shaukat, Ref. IMM/D2009, was *(a)* completed at the post in Islamabad and *(b)* dispatched to the immigration appellate authorities in London; and if he will make a statement; [27098]

(2) when the application made to the post in Islamabad by Mr. Mohammed Wahid Sadiq, Ref. IMM/C7406, to join his wife in the United Kingdom will be decided; when Mr. Sadiq was interviewed; when the letter dated 9 February from Bradford law centre concerning this case was answered; and if he will make a statement. [27100]

Mr. Hanley: I have asked the high commissioner at Islamabad for details and will arrange for the hon. Member to receive a substantive reply from the migration and visa correspondence unit as soon as possible.

Lebanon

Mr. David Young: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to Israel to cease its attacks on non-combatants in Lebanon and its violation of Lebanese territory. [27263]

Mr. Hanley: We have made our concerns about the situation in Lebanon clear to the Israelis on a number of occasions. We have called for an immediate ceasefire, including in UN Security Council resolution 1052, which was co-sponsored by the UK.

Organic Fertilisers (BSE Risk)

Mr. Gapes: To ask the Secretary of State for Foreign and Commonwealth Affairs what are the risks from bovine spongiform encephalopathy-related diseases to users of organic fertilisers with special reference to *(a)* blood, fish and bone, *(b)* bonemeal and *(c)* dried blood. [23844]

Mrs. Browning: I have been asked to reply.

There is no scientific evidence available to suggest that the use of organic fertilisers containing blood, fish, bone, bonemeal and dried blood pose a human health risk.

TRADE AND INDUSTRY

Private Fiance Initiative

Ms Janet Anderson: To ask the President of the Board of Trade if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26631]

Mr. John M. Taylor: The revenue spending estimated by my Department in connection with the private finance initiative is as follows:

1995–96: £0 million

1996–97: £0.2 million

1997–98: £3.6 million.

Power Stations

Mr. Harvey: To ask the President of the Board of Trade if he will detail the provisions for ensuring proper maintenance of *(a)* coal-fired, *(b)* oil-fired and *(c)* gas-fired power stations established under the Electricity Act 1989; and if he will make a statement. [26798]

Mr. Page: Power stations must comply with emission standards laid down by Her Majesty's inspectorate of pollution and also with the requirements of the Health and Safety at Work, etc. Act 1974 enforced by the Health and Safety Executive. Provided these requirements are met,

maintenance standards are a commercial matter for the operators. However, the pricing mechanism by which generators receive payment from the electricity pool includes an element related to the availability of generating capacity, and this gives generators a market incentive to ensure that their stations are sufficiently well maintained to be available.

Winfrith Reactor

Mr. Ingram: To ask the President of the Board of Trade what advice he has received from the nuclear installations inspectorate on the pre-commencement safety report for the divestment of the A59 active handling team; and if NII approval of the safety case for the divestment is required. [27003]

Mr. Page: Responsibility for safety of United Kingdom Atomic Energy Authority operations is a matter for UKAEA. I would not normally expect to receive advice from the NII on day-to-day safety matters and it has not raised any concerns with me on this case. The safety implications of the arrangement are being considered by UKAEA, the licensed operator, and the NII in accordance with normal licensing procedures.

Mr. Ingram: To ask the President of the Board of Trade if he will list the recorded safety incidents and the related costs which occurred during the execution of the contract by Wastechem to decontaminate the pond furniture at the Winfrith steam-generating heavy water reactor. [27037]

Mr. Page: There were no ministerially reportable incidents during the conduct of this contract. Detailed questions about safety issues and costs are an operational matter for UKAEA. I have asked the chairman to write to the hon. Member.

Mr. Ingram: To ask the President of the Board of Trade (1) which companies were shortlisted to bid for the work associated with the A59 active handling building at Winfrith; [27001]

(2) what sums were paid to Wastechem to decontaminate the pond furniture at the Winfrith steam-generating heavy water reactor; [27041]

(3) what was *(a)* the contracted time agreed with Wastechem and *(b)* the actual time taken to decontaminate the pond furniture at the Winfrith steam-generating heavy water reactor; [27036]

(4) what percentage of the pond furniture at the Winfrith steam-generating heavy water reactor was decontaminated by Wastechem to the level specified in the contract; and what was the cost of the storage and disposal of the remainder; [27038]

(5) for what reasons *(a)* AEA Technology was not permitted to bid and *(b)* the British Nuclear Fuels Ltd. bid was rejected for the work associated with the A59 active handling building at Winfrith; [27002]

(6) what time scale was given in the bid by Wastechem for the work specified in the invitation to tender for the A59 active handling divestment at Winfrith; what representations he has received from United Kingdom Atomic Energy Authority that the time scale be extended; and what estimate he has made of the cost of that extension; [27004]

(7) what estimate he has made of the savings from placing the contract for the A59 active handling divestment contract with Wastechem over undertaking the work on an in-house basis; [27005]

(8) what were the contract prices submitted by *(a)* Wastechem and *(b)* AEA Technology to decontaminate the pond furniture at the Winfrith steam-generating heavy water reactor; [27040]

(9) what savings were achieved by awarding the contract to decontaminate the pond furniture at the Winfrith steam-generating heavy water reactor to Wastechem; [27035]

(10) if he will make a statement on the claim made by Wastechem against the United Kingdom Atomic Energy Authority in connection with the decontamination of the pond furniture at the Winfrith steam-generating heavy water reactor and the amount of the settlement reached. [27039]

Mr. Page: These are operational matters for UKAEA. I have asked the chairman to write to the hon. Member.

Research Councils

Mr. Ingram: To ask the President of the Board of Trade what research council category have been allocated to Scotland in each of the last three years; and what figures are projected for the next three years. [26331]

Mr. Ian Taylor *[holding answer 23 April 1996]:* Research council expenditure in Scotland was as follows:

£ million

Research council	*1993–94*	*1994–95*
BBSRC	—	21.1
ESRC	5.2	4.8
EPSRC	—	32.0
MRC	33.6	32.7
NERC	14.3	10.4
PPARC	—	10.4
CCLRC	—	—
AFRC	10.5	—
SERC	45.8	—
Total	109.4	111.4

Figures for 1995–96 are not yet available, and a meaningful projection of Scotland's allocation for the next three years cannot be made as a significant proportion of the funding, comprising grants to higher education institutions and postgraduate studentships, depends on the number of successful Scottish grant applications that are made in this period.

The Agricultural and Food Research Council and the Science and Engineering Research Council ceased to exist in April 1994. The Biotechnology and Biological Sciences Research Council, Engineering and Physical Sciences Research Council and the Particle Physics and Astronomy Research Council came into being on 1 April 1994. The Council for the Central Laboratory of the Research Councils came into being on 1 April 1995.

Manufacturing Employment

Mr. Ingram: To ask the President of the Board of Trade what assessment he has made of future employment levels in the manufacturing sector; and if he will make a statement. [27000]

Mr. Lang: Manufacturing employment rose in February and more than 50,000 extra jobs have been created since the beginning of 1994. Both the British Chambers of Commerce and the Institute of Directors have reported that firms expect to increase employment over the next four months.

Industrial Development Boards

Mr. Jamieson: To ask the President of the Board of Trade if *(a)* members of his Department's regional industrial development boards and *(b)* other advisers are required to register and record personal financial interests in companies (i) at the date of appointment to the board or to an advisory position and (ii) in circumstances where companies in which a financial interest is held apply for Department of Trade and Industry financial assistance. [25609]

Mr. Oppenheim *[holding answer 19 April 1996]:* Yes.

Financial Assistance

Mr. Jamieson: To ask the President of the Board of Trade what financial assistance, including loan guarantees, has been given by his Department since 1980 to South West Leisure Products Ltd. by *(a)* type of assistance and *(b)* date, including month. [24647]

Mr. Oppenheim *[holding answer 16 April 1996]:* I refer the hon. Gentleman to my answer of 29 February 1996, *Official Report*, column *676*, which was however confused by a typographical error in the *Official Report*.

South West Leisure Products Ltd. received regional selective assistance totalling £23,068 in January and October 1985 and regional development grant totalling £66,900 between 1985 and February 1988.

Two loans to the company were guaranteed under the loan guarantee scheme in August 1986.

Mr. Jamieson: To ask the President of the Board of Trade what role was played by (i) Mr. Kenneth Holmes and (ii) Mr. Michael Jordan in the granting of DTI financial assistance to *(a)* Pan Atlantia (UK) plc, *(b)* Van Pieters Ltd., *(c)* Portcurno Management Company Ltd., *(d)* South West Farm Processors Ltd., *(e)* ROM-Data Ltd., *(f)* Dellcourts Ltd. and *(g)* Character Ceramics Ltd. [22573]

Mr. Oppenheim *[holding answer 25 March 1996]:* Kenneth Holmes, acting as an external accountancy adviser, advised the Department on regional selective assistance applications from Porthcurno Management Company Ltd. and ROM-Data Ltd. Although he did not advise the Department on the offers made to Character Ceramics Ltd. in 1992 and 1993, he did advise on an earlier application from the business when trading as Rodelco China.

The regional selective assistance to South West Farm Processors Ltd. was considered by the South West industrial development board while Kenneth Holmes was the chairman of SWIDB, but before he became an external adviser to the Department. Because of a conflict of interest, Mr. Holmes absented himself from the discussion in March 1990 at which the SWIDB decided to recommend the grant.

Michael Jordan was a member of SWIDB when it considered the application by Porthcurno Management Company Ltd.—although an offer was subsequently made to the company, it went into liquidation without any grant payments being made.

Neither Kenneth Holmes nor Michael Jordan advised the Department on the grants made to Pan Atlantia (UK) Ltd. or Van Pieters plc. No financial assistance was sought by Dellcourts Ltd. under any of the Department's principal regional, enterprise or technology schemes.

Mr. Jamieson: To ask the President of the Board of Trade if he will list those employees or others giving advice in any capacity in his Department's south-west regional office who took part in the assessment of *(a)* the regional selective assistance grant in 1993 and *(b)* any other financial assistance made to Pendennis Shipyard Ltd. Falmouth since 1985. [21187]

Mr. Oppenheim *[holding answer 18 March 1996]:* Departmental officials principally involved in the assessment of the regional selective assistance grant application in 1993 were John Bowder, then regional director; David Johnson, the deputy regional director; Mike Twomey and Kris Bale, also both of the regional office; and David Reams, economics and statistics division. Kenneth Holmes, an external accountancy adviser, was also involved in the assessment.

The case was also considered by the South West industrial development board.

No other assistance has been paid to Pendennis Shipyard Ltd. under the Department's principal regional, economic or technology schemes during the period mentioned.

Mr. Jamieson: To ask the President of the Board of Trade what role Mr. Michael Jordan performed in *(a)* the granting of the regional selective grants to Pendennis Shipyard Ltd., Falmouth in (i) 1993 and (ii) 1995 and *(b)* the loan in 1994 to Queensbury International Ltd., Plymouth. [22567]

Mr. Oppenheim *[holding answer 25 March 1996]:* In respect of the 1993 grant to Pendennis Shipyard Ltd., I refer the hon. Member to my answer of 22 March 1996, *Official Report*, column *373*. The company received a second tranche of regional selective assistance in 1995, but this was made under the terms of the 1993 offer.

Michael Jordan played no role in the Department's consideration of the 1994 guarantee under the loan guarantee scheme to Queensbury International Ltd.

Mr. Jamieson: To ask the President of the Board of Trade what financial assistance has been given by his Department since 1980 to *(a)* Marine Projects Ltd., *(b)* the Renwick Group of companies, *(c)* Brock's Fireplaces Ltd., *(d)* Vickring Ltd., *(e)* K. J. Ward Holdings Ltd., *(f)* Valetare Ltd. and *(g)* Devon Conversions Ltd. [22571]

Mr. Oppenheim *[holding answer 25 March 1996]:* Two of the companies have received assistance under the Department's principal regional, enterprise and technology schemes since 1980:

Company	*Scheme*	*Payment* £	*Year*
Marine Projects (Plymouth) Ltd.	Regional selective assistance (three projects)	910,000	1984–91
Valetare Ltd.	Consultancy Initiative	2,379	1993

Under the loan guarantee scheme, a loan to Renwicks Garages 1982 Ltd.—later trading as Vickring Ltd.—was guaranteed in 1982, and a loan to Renwick Computer Services Ltd. was guaranteed in 1984.

South West Industrial Development Board

Mr. Jamieson: To ask the President of the Board of Trade what has been the membership since 1980 of the South West industrial development board, giving full names and dates of birth. [24649]

Mr. Oppenheim *[holding answer 16 April 1996]:* The board's membership is published annually in the reports on the Industrial Development Act 1982 which are deposited in the Library of the House.

Mr. Jamieson: To ask the President of the Board of Trade if he will list the members of his Department's South West industrial development board for each year since 1987. [24207]

Mr. Oppenheim *[holding answer 2 April 1996]:* This information is published annually in the reports on the Industrial Development Act, which are deposited in the Library of the House.

Mr. Jamieson: To ask the President of the Board of Trade if he will place in the Library a copy of the minutes of his Department's South West industrial development board meetings since 1 January 1990. [25607]

Mr. Oppenheim *[holding answer 19 April 1996]:* No. Meetings of the regional industrial development boards record commercially confidential advice to Ministers. This has been the practice under all Governments.

Serco Ltd.

Mr. Redmond: To ask the President of the Board of Trade what contracts his Department and his agencies have with Serco Ltd; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26687]

Mr. John M. Taylor: Details of the two contracts that my Department currently has with Serco Ltd. are as follows.

The DTI has a contract with NPL Management Ltd.—a wholly owned subsidiary of Serco Group plc—to operate the National Physical Laboratory on behalf of my Department. A programme of work broadly defined in the contract is commissioned from NPL by my Department on terms similar to those which apply to the procurement of research and development from all third parties, and at a rate negotiated prior to award of the contract. Serco does not, however, receive any fee for operating NPL on behalf of the DTI. The contract is for a period of five years from 1 October 1995. Early termination is provided for in the contract, but this does not commit my Department to any penalty payments.

The National Weights and Measures Laboratory—an executive agency within DTI—has a contract with Serco to maintain its building and plant. The cost of the contract is dependent on the extent of the work required in any year. The cost in 1995–96 was £91,378. The contract expires on 30 September 1996. Early termination is provided for in the contract subject to three months' notice, but this does not commit the agency to any penalty payments.

Business Links

Mrs. Roche: To ask the President of the Board of Trade what research his Department is carrying out into the relationship between business links and business incubators; and when he plans to publish the findings. [27006]

Mr. Page: Business incubators can be a valuable method of providing intensive support to small companies with growth potential, perhaps most obviously for high-technology companies working in related product areas. My Department is aware of a number of different business incubator projects and is also represented on the enterprise panel set up to determine whether practical steps can be taken to encourage further development of the incubator movement in the UK. We understand that the panel is due to launch its report in July.

We would fully expect business incubator projects to have close relationships with their local business links. There is, however, no specific research being undertaken on the relationship between business links and business incubators.

NORTHERN IRELAND

Industrial Development Board

Mr. Illsley: To ask the Secretary of State for Northern Ireland if he will provide a breakdown of expenditure on activities to promote Northern Ireland as an industrial development location, including overseas representation, public relations and advertising, promotional aids, visits, seminars, exhibitions, sponsorships of research in the Industrial Development Board for Northern Ireland for 1994–95 and 1995–96. [26229]

Mr. Ancram *[holding answer 22 April 1996]:* In 1994–95 and 1995–96, the Industrial Development Board for Northern Ireland, to promote Northern Ireland as a industrial development location, spent as follows:

1994–95: 5,781 (£000)

1995–96: 6,222 (£000s).

These figures comprise:

	1994–95	*1995–96*
Representation outside Northern Ireland	2,779	2,724
Public Relations	1,434	1,438
Advertising	119	624
Promotional Aids	1,278	1,295
Visits	61	31
Seminars/Exhibitions	110	110
Sponsorship of Research	Nil	Nil
Total	5,781	6,222

The marked increase in advertising expenditure in 1995–96 over 1994–95 was to allow the Industrial Development Board to gain the maximum publicity from President Clinton's successful visit to Northern Ireland in December 1995. Representations outside Northern Ireland include Great Britain.

Read Codes (NHS)

Mr. Morgan: To ask the Secretary of State for Northern Ireland what part-funding contribution his Department has made towards the cost of development of Read codes for computerising health and hospital record-keeping and information systems. [27066]

Mr. Moss *[holding answer 26 April 1996]:* The Department of Health and Social Services has made no contribution towards the cost of development of Read codes.

NATIONAL HERITAGE

Taylor Report

Ms Walley: To ask the Secretary of State for National Heritage if she will list by recommendation *(a)* those recommendations listed in the Taylor report which have been implemented and *(b)* the target date for implementation for those that have not. [26525]

Mr. Sproat: The Government have implemented 70 out of the 76 recommendations. Recommendations 1, 2, 3, 5, 6(a), 7 up to and including 23, 25, 26, 27, 28, 29, in part, 30 up to and including 71, 74, 75 and 76 have been implemented. The Government have no plans at present to implement the remaining recommendations.

Ms Walley: To ask the Secretary of State for National Heritage how many football clubs have been prevented from promotion as a result of their grounds not meeting the requirements of the Taylor report. [26526]

Mr. Sproat: None.

Battle of Trafalgar Bicentenary

Mr. Spellar: To ask the Secretary of State for National Heritage what preparations her Department is making for the commemoration of the bicentenary of the battle of Trafalgar and the death of Nelson. [25916]

Mr. Sproat: We shall consider this nearer the time.

Football (Corruption)

Miss Hoey: To ask the Secretary of State for National Heritage what evidence she has presented to the premier league football inquiry into football corruption in English clubs. [25735]

Mr. Sproat: None.

British Library

Ms Rachel Squire: To ask the Secretary of State for National Heritage how much money has been spent by the British library in the development and operation of its automated information systems strategy to date. [25595]

Mr. Sproat: The British library's information systems strategy determines the overall framework within which the library incurs expenditure on the operation and development of its information technology systems. The strategy was published in November 1995. In the financial year 1995–96, the library spent some £6.5 million on operating its information technology systems, and £4.5 million on their further development. In 1996–97, the library has budgeted £7.3 million for operating information technology systems, and £6.1 million for their development.

Television Licences

Mr. Byers: To ask the Secretary of State for National Heritage what consultations took place concerning the decision to require owners of second homes to have a second television licence; and if she will make a statement. [25863]

Mr. Sproat *[holding answer 23 April 1996]:* The BBC is responsible for interpreting the television licensing regulations. On the basis of independent legal advice, the corporation announced on 29 March that second home owners require a separate television licence if television is used in their second homes. The Department was kept informed of the BBC's deliberations.

Media Violence

Mr. Dafis: To ask the Secretary of State for National Heritage (1) if it is an aim of Government policy to reduce the amount of violence depicted on television; [25208]

(2) if she will monitor the average weekly number of murders by shooting depicted on each television channel and publish the results on a regular basis. [25348]

Mr. Sproat *[holding answer 23 April 1996]:* Broadcasters in the UK are independent of Government, but have clear responsibilities with regard to programme content. The broadcasting and regulatory bodies—the governors of the BBC, the Independent Television Commission, the Radio Authority and the Welsh Authority—produce and regularly review codes and guidelines with which broadcasters are obliged to comply. These set out the standards to be maintained with regard to the depiction of violence and sexual conduct and issues of general taste and decency, as well as other issues affecting programme content. These are in addition to broadcasters' own guidelines. The Government firmly believe that broadcasters must exercise caution, and be

sensitive to public concerns about the depiction of violence, and have expressed this view to the chairmen of the broadcasting and regulatory bodies.

It is the statutory duty of the Broadcasting Standards Council, under the Broadcasting Act 1990, to monitor the portrayal of violence, as well as sexual conduct and standards of taste and decency, in radio and television programmes. This research has been conducted and published annually since 1991.

Sir Michael Neubert: To ask the Secretary of State for National Heritage what recent representations she has received about the depiction of violence in the media, with particular reference to its effect on children. [22304]

Mr. Sproat *[holding answer 1 April 1996]:* The Department receives a number of representations about the depiction of violence in the media generally, many of which express considerable concern about its possible effect on children. Issues of the depiction of violence in film and video releases are, of course, for my right hon. and learned Friend the Home Secretary. While issues of programme content in broadcasting are a matter for the independent broadcasting and regulatory bodies, the governors of the BBC, the Independent Television Commission, the Radio Authority and the Welsh Authority, the Government strongly believe that broadcasters should exercise caution in this area, which generates considerable public concern.

Public Bodies

Dr. Wright: To ask the Secretary of State for National Heritage how many appointments to the public bodies listed in "Public Bodies" for her Department were made during 1994–95 from names supplied by the public appointments unit; and if she will list them. [25958]

Mr. Sproat *[holding answer 22 April 1996]:* None.

Archaeological Sites

Mr. Dafis: To ask the Secretary of State for National Heritage when she plans to introduce legislation to implement her proposals for new controls for archaeological sites. [25844]

Mr. Sproat *[holding answer 23 April 1996]:* Proposals to update and improve the legislation governing the protection of archaeological sites will be included in the heritage Green Paper, to be published shortly. Subject to the outcome of the consultation exercise and given a suitable legislative opportunity, these proposals will then go forward for consideration by Parliament.

Late Payments

Mrs. Roche: To ask the Secretary of State for National Heritage how much was paid late to the private sector for goods and services by her Department in 1995–96. [26151]

Mr. Sproat *[holding answer 24 April 1996]:* The information requested is not available, and could be provided only at disproportionate cost.

Mrs. Roche: To ask the Secretary of State for National Heritage what percentage of bills were paid late by her Department in 1995–96. [26127]

Mr. Sproat *[holding answer 24 April 1996]:* My Department is committed to the payment of invoices within agreed contractual provisions or within 30 days of the presentation of a valid invoice or delivery, if later. Although the information requested is not available, and could be provided only at disproportionate cost, on the basis of a sample of invoices received by the Department of National Heritage during 1995–96, 91 per cent. were paid on time.

Copyright

Mr. Maclennan: To ask the Secretary of State for National Heritage what progress her Department has made towards obtaining a photocopying licence from the Copyright Licensing Agency to ensure compliance with copyright law. [26719]

Mr. Sproat *[holding answer 25 April 1996]:* The Department of National Heritage is currently discussing the terms of its photocopying licence with the Copyright Licensing Agency. We expect to sign the final licence shortly.

Five Nations Championship

Mr. Morgan: To ask the Secretary of State for National Heritage what consultations she has had with the four home rugby unions concerning the equal partition principle of the receipts from the television contract for televising the Five Nations championship. [27313]

Mr. Sproat: None.

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for National Heritage what contracts her Department and her agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should she seek early termination of the contract; and if she will make a statement. [26683]

Mr. Sproat: My Department and the Historic Royal Palaces agency do not have any contracts with Serco Ltd. However, the Royal Parks agency has two contracts the details of which are set out in the list. In neither case would the Royal Parks agency be liable for any penalties in the event that the contract was terminated early.

Contract	*Estimated annual cost (£)*	*Duration*	*Completion date*
Hyde Park Grounds maintenance	868,784	4 years	3 March 2000
Richmond Park Grounds maintenance	533,061	4 years	3 March 2000

Football Trust

Ms Walley: To ask the Secretary of State for National Heritage what was the budget of the Football Trust in each of the last five years; and what percentage of that budget was received from pools betting duty. [26528]

Mr. Sproat: The information is as follows:

Football Trust income 1992 to 1996

Year ended 5 April	*Income £ million*	*Percentage of budget received from pools betting duty concessions*
1992	34.9	58
1993	38.7	55
1994	38.9	58
1995	41.5	55
1996	25.7	62

Source:
The Football Trust.

Crown Immunity

Mr. Cohen: To ask the Secretary of State for National Heritage how many buildings in the Government's historic estate *(a)* are in disrepair and *(b)* have Crown immunity; how many of those in disrepair have Crown immunity; what proposals she has to (i) tackle this disrepair and (ii) end Crown immunity for such buildings; and if she will make a statement. [25717]

Mr. Sproat: There are about 1,600 historic buildings in the Government estate, which are either statutorily listed or scheduled ancient monuments. All have Crown immunity. Thirty-one are known to be in disrepair and at risk. Departments have developed proposals to dispose of 17 of these, mostly through sale on the open market. The remainder are subject to regular comprehensive surveys, used to prioritise essential repairs. Many of the 31 buildings at risk are the responsibility of the Ministry of Defence, whose expert historic buildings advisory group considers ways in which the buildings might be disposed of or brought into use.

The Government have already announced the intention to end Crown immunity from planning and conservation controls at a suitable legislative opportunity. The implications of this for certain aspects of conservation policy will be discussed in the forthcoming Green Paper.

Dome Cinema, Worthing

Mr. Redmond: To ask the Secretary of State for National Heritage what action her Department is taking to save the Dome cinema at Worthing, West Sussex; and if she will make a statement. [26614]

Mr. Sproat: The future of this building, which is currently listed as grade 2, is a matter for its owners and the local planning authority, which is responsible for the control of works to listed buildings. My right hon. Friend's responsibility is restricted to the listed status of the building. A request that it is upgraded to 2* is currently being considered by English Heritage, my statutory adviser on listing matters.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for National Heritage what estimate she has made of funding to be made available to her Department through the private finance initiative in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26173]

Mr. Sproat: The estimated private finance component of projects completed, under way or in prospect in my Department, its agencies and non-departmental public bodies is as follows:

(a) 1995–96: £6.01 million

(b) 1996–97: £14.5 million

(c) 1997–98: £26 million.

Ms Anderson: To ask the Secretary of State for National Heritage if she will list the revenue spending estimated by her Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26627]

Mr. Sproat: The Department, including its agencies and sponsored bodies, have engaged in a number of PFI projects, which involve the following income generation or revenue spending:

£

	Estimated income	*Estimated spending*	*Surplus*
1995–96	445,000	418,000	27,000
1996–97	445,000	350,000	95,000
1997–98	445,000	150,000	295,000

Tourism

Mr. Flynn: To ask the Secretary of State for National Heritage what assessment has been made of the principal reasons indicated by research as to why foreign tourists visit Britain. [26791]

Mr. Sproat: From time to time, the British Tourist Authority produces information about features mentioned by holiday makers as being enjoyable parts of their visits. In the 1988 overseas visitors survey, the particular features of Britain which visitors enjoyed included: the people, mentioned by 30 per cent.; heritage and cultural attractions, 26 per cent.; countryside, scenery and villages, 21 per cent.; and specific towns, areas or attractions, 18 per cent. The 1995 overseas visitors to London survey indicated that visitors to London, which attracts 51 per cent. of all overseas visitors to Britain, including 84 per cent. of all first-time visitors, mentioned as enjoyable features of their visit: historic houses, sites and cathedrals, 38 per cent.; British way of life and people, 21 per cent.; museums and galleries, 18 per cent.; shopping, 15 per cent.; London architecture, 13 per cent.; parks and gardens, 12 per cent.; and pageantry, history and ceremonial, 11 per cent.

National Heritage Memorial Fund

Mr. Cox: To ask the Secretary of State for National Heritage if she will list the grants of over £3 million that have been made by the national heritage memorial fund; and if she will list each of the organisations that have received grants in excess of this amount. [26307]

Mr. Sproat: The information is as follows:

Receiving Organisation	*Amount (£ million)*
Heritage Memorial Fund	
The National Trust—to acquire Kedleston Hall	14.0
The National Trust—to acquire Belton House	9.0
Weston Park Foundation—endowment payment	7.8

Receiving Organisation	*Amount (£ million)*
The National Trust—to acquire Chippendale furniture in Nostell Priory	6.1
Burton Constable Hall Foundation—endowment payment	5.8
The National Trust—to acquire Calke Abbey	4.5
The National Trust—to acquire Stowe Park	4.5
The National Trust—to acquire Chastleton House	4.1
The National Trust for Scotland—Fyvie Castle contents, endowment and restoration	3.1
English Heritage—to acquire the contents of Brodsworth Hall	3.4
Paxton Trust—Paxton House contents, endowment and restoration	3.02
Heritage Lottery Fund	
Sir Winston Churchill Archive Trust—acquisition and conservation of Churchill papers	13.2
National Maritime Museum—new building and gallery development work	11.8
The National Trust for Scotland—acquisition of Mar Lodge Estate	10.3
British Museum Collections Study Centre—new building	8.1
The National Gallery—acquisition of painting: Seurat "The Channel of Gravelines"	8.0
The Lowry Centre—new building	7.6
National Museums of Scotland—new buildings projects	7.2
Imperial War Museum—new building: Duxford American Air Museum	6.5
Natural History Museum—construction of new gallery	6.1
National Museum of Photography, Film and Television—construction of new gallery	6.0
Hampshire Museum of Transport and Technology—new building	5.7
The National Trust—acquisition of Croome Park	4.9
The Tate Gallery—gallery extension	3.8
The National Trust for Scotland—Charlotte Square Regeneration	3.8
Geffrye Museum—museum extension	3.7
Lace Market Heritage Trust—building restoration	3.1

SCOTLAND

Cairngorm Funicular Railway

Mr. Galbraith: To ask the Secretary of State for Scotland if the application from the Cairngorm chairlift company for financial assistance from Highlands and Islands Enterprise for an uplift facility at Cairngorm makes provision for any of the money or facilities established to be transferred, either wholly or in part, to the Cairngorm Mountain Railway Company Ltd.; and if, under the terms of the application, it would be possible to consider such a transfer in the future. [25914]

Mr. Kynoch: Ministers are currently considering an application by Highlands and Islands Enterprise for approval to incur expenditure related to the proposed Cairngorm funicular project. I am unaware of any provision in the application for the transfer of money or resources to the Cairngorm Mountain Railway Company.

The precise terms of the application for assistance made by the Cairngorm Chairlift Company to Highlands and Islands Enterprise are a matter for the enterprise organisation. However, as I pointed out in my answer to the hon. Member on 2 April at column *344*, in the case of assistance provided by Highlands and Islands Enterprise it is a standard condition that the onward transfer of assets in respect of which financial assistance has been provided may not take place without the consent of that organisation.

Rural Home Ownership Grants

Mrs. Ray Michie: To ask the Secretary of State for Scotland if he will list for each district and islands council area for 1995–96 *(a)* the total number of rural home ownership grants awarded by Scottish Homes and *(b)* the expenditure on rural home ownership grants. [26552]

Mr. Raymond S. Robertson: The information requested is a matter for Scottish Homes. I have asked its chairman, Mr. John Ward, to write to the hon. Member.

Crofter Building Grants and Loans Scheme

Mrs. Ray Michie: To ask the Secretary of State for Scotland how many new houses were provided through the crofter building grants and loans scheme in 1995–96; and what has been the total number of improvements through the scheme. [26553]

Mr. Raymond S. Robertson: Data on the number of new house and house improvement projects completed during a given financial year are not collated for statistical purposes. However, in 1995–96, 94 new house and 113 house improvement projects were approved for grant and/or loan assistance under the scheme.

Mrs. Michie: To ask the Secretary of State for Scotland what has been for each year since 1989–90 *(a)* the actual expenditure on grants provided through the crofter building grants and loan scheme and *(b)* the actual expenditure on loans provided through the scheme. [26554]

Mr. Robertson: Prior to 1990–91 expenditure records did not differentiate between grant and loan expenditure. In 1989–90, the total expenditure under the scheme was £3.562 million. The information for the following years is set out in the table.

£ million

Financial year	*Grant*	*Loan*
1990–91	1.568	2.557
1991–92	1.555	2.592
1992–93	1.836	2.959
1993–94	1.887	2.901
1994–95	1.974	2.886
1995–96	[1]1.541	[1]2.168

[1] Provisional outturn

Strathclyde Police (Corruption Investigation)

Mr. McFall: To ask the Secretary of State for Scotland what reports the Lord Advocate has received, and when, from Strathclyde police on their internal investigations into allegations of corrupt links between police officers and organised crime; what action he has taken in respect of these reports; and if he will make a statement. [26917]

Lord James Douglas-Hamilton: My noble and learned Friend the Lord Advocate informs me that this matter was first reported to the regional procurator fiscal at Glasgow on 2 June 1995. The regional procurator fiscal has been kept regularly informed of progress in the investigation by Strathclyde police into a number of allegations by a convicted criminal about the conduct of some of its officers and the activities of prominent criminals in the Glasgow area. The regional procurator fiscal has in turn kept the Crown Office fully informed and, where appropriate, Crown counsel's instructions have been obtained concerning relevant aspects of the investigation. The investigation is continuing under the independent guidance and direction of the regional procurator fiscal. It would be entirely inappropriate to disclose details of the allegations or of the investigation.

EU Directives

Mr. Steen: To ask the Secretary of State for Scotland if he will list the directives which have affected his Department in each of the past three years and *(a)* the legislation introduced as a result of the directives, *(b)* the legislation which goes beyond the minimum standards set out in the directives and *(c)* the clauses within each piece of legislation which amplify the minimum standards set out in the directives. [27076]

Mr. Kynoch: Given the range of my Department's interests, it is affected by many directives. None of these applies only to Scotland and principal responsibility for the relevant UK legislation therefore lies in all cases elsewhere.

Gaelic Education

Sir Hector Monro: To ask the Secretary of State for Scotland if he has completed his consideration of the inspectors' report on provisions for Gaelic education in schools; and if he will make a statement. [27566]

Mr. Michael Forsyth: I have now considered the inspectorate report on Gaelic education and have taken into account the views of the 123 organisations and individuals who submitted comments on it. I was pleased

to note that the report highlighted the impressive progress which has been made in developing Gaelic education since the mid-1980s.

The report provides an invaluable picture of the strengths and the weaknesses of Gaelic education at this juncture and I am anxious to use it to determine the best way forward. With all resources for education coming under pressure from competing priorities, it is important that resources for Gaelic education are used in the way that best supports the future of the Gaelic language. The Government wish to build on the successes of the last 10 years and to this end I propose to increase funding for Gaelic education by 10 per cent.—by £200,000—from 1997–98. Our aim is to strengthen the existing provision and to enable it to grow steadily, assuming that the level of parental demand is maintained, while securing its quality.

While the report was generally reassuring on the quality of the existing provision, that provision is the result of very rapid growth, and the Government have already acted on one of the report's recommendations by funding research into comparative attainment levels in Gaelic and English-medium schooling. Professor Richard Johnstone of Stirling university will work with Leirsinn—the research unit at Sabhal Mor Ostaig, the Gaelic college on Skye—and the Scottish Council for Research in Education on a project which will report in 1999.

The inspectorate report pointed out that the development of good-quality Gaelic-medium education suffers from a number of constraints, some of which derive ultimately from the small number of Gaelic speakers—a total of 69,510 at the time of the last census, many of whom are elderly. The Government are determined to address these constraints in consultation with the Gaelic community and the local authorities and we believe that co-ordinated planning and careful targeting of resources will be crucial to long-term success.

A key area needing to be tackled is the shortfall of teachers able to deliver Gaelic-medium education. To that end, we have already taken, and will continue to take, steps to encourage the teacher education institutions to increase the number of Gaelic speakers on pre-service training courses to meet the needs of the Gaelic-medium sector. We have decided to make exceptional postgraduate grants available, where necessary, to Gaelic-speaking graduates undertaking the one-year postgraduate primary teacher training course. Unfortunately, in the case of some courses, not enough Gaelic speakers apply for places and the Gaelic-speaking community itself can help by encouraging students to enter the teaching profession. We have funded publicity measures to assist with this and would be happy to do so again.

The report highlighted the contribution which the development of pre-school education has played in both stimulating interest and providing a useful preparation for entry to Gaelic medium primary education. Gaelic pre-school education will continue to be the main feeder for Gaelic-medium primary units and its growth should take account of available Gaelic-medium primary provision. We will therefore be encouraging education authorities to be more proactive in providing advice on pre-school provision in their areas.

The inspectorate recommended that, in order to improve the range and quality of Gaelic teaching materials at all levels, a national resource centre should be established which would produce teaching materials and arrange for their dissemination. I endorse this recommendation and will make funds available for this purpose. I shall be consulting local authorities and relevant Gaelic organisations about the remit of and location for a centre.

In the face of significant practical difficulties, the inspectorate recommended against the extension of Gaelic-medium education to secondary level, proposing instead additional provision for Gaelic medium tuition in the first four years of secondary education, including certificated courses on aspects of Gaelic culture in S3/S4. It has to be said that these recommendations met with widespread opposition from the Gaelic community, but after lengthy consideration the Government have decided to accept the inspectorate's advice on this matter as offering the best way forward. We shall issue an early invitation to the Scottish Consultative Council on the Curriculum and the Scottish Examination Board to set up a joint working party for the creation of the new courses. I appreciate that the additional provision envisaged falls short of the aspirations of the Gaelic community, but I am satisfied that the new courses will consolidate and extend the benefits gained by children attending Gaelic-medium primary units. In view of the teacher supply issues, it will be difficult to achieve the necessary consolidation at primary level and to devise and introduce the new secondary courses. I am confident that, by capitalising on the expertise of the available secondary teaching force the new courses will offer quality Gaelic-medium education at secondary level.

The report recommended that the scheme of specific grants for Gaelic education, which has been instrumental in encouraging education authorities to develop Gaelic-medium education, should continue. We have carefully considered this and accept that the specific grants have a key role to play in supporting Gaelic education and should continue. From 1997–98 the element of specific grants devoted to production of teaching materials will be diverted to the proposed new resource centre and the element which is currently used by authorities to support Sabhal Mor Ostaig will be transferred to the Department and added to its grant to the college.

Finally, the inspectorate found that voluntary organisations had played a major part in promoting the speaking of Gaelic and in raising its profile in education and in the wider community. It felt, however, that some duplication between the organisations had hindered the pace of development. It recommended a review of the Government's financial support for the language and culture with a view to securing improved co-ordination between local authorities and Gaelic organisations, thereby ensuring that available resources are used to best effect. I endorse this recommendation and such a review will be undertaken by the Scottish Office in consultation with the organisations and the education authorities during the next financial year.

The measures I have announced today will consolidate the work which has already been done to support Gaelic by providing an improved base for the provision of quality Gaelic education into the next millennium and additional

resources will be committed to the area. Ultimately, the future of Gaelic lies in the hands of the Gaelic community themselves, but these measures demonstrate yet again the Government's commitment to assist them in their efforts to maintain their language and culture.

Peat Extraction (Flanders Moss)

Mr. Wilson: To ask the Secretary of State for Scotland (1) if he will make a statement on the agreement between Scottish Natural Heritage and others to secure the non-extraction of peat from Flanders Moss, including the sums involved; [25561]

(2) if he will make a statement on the factors which underlay the decision that no compensation was payable to the owner of part of Flanders Moss and adjacent farmland, following the decision to designate the area as a site of special scientific interest and prohibit the extraction of peat in 1989. [25562]

Mr. Kynoch *[holding answer 26 April 1996]:* These are matters for Scottish Natural Heritage. I have asked the chairman of SNH to write to the hon. Member.

SOCIAL SECURITY

Departmental Expenditure

Mr. Cousins: To ask the Secretary of State for Social Security what was his Department's expenditure on *(a)* computer hardware, *(b)* related buildings, *(c)* related equipment, *(d)* computer systems, *(e)* computer services and *(f)* computer applications (i) directly or (ii) indirectly sourced for (1) the Benefits Agency, (2) the Contributions Agency and (3) the Information Technology Services Agency in each year since 1990 separately identifying planned and outturn expenditure. [24194]

Mr. Burt: The details of the Department's total computer related expenditure are in the table. Information on the expenditure of individual DSS agencies is available only at disproportionate cost.

	1990–91	*1991–92*	*1992–93*	*1993–94*	*£ million 1994–95*
1. Capital					
Computer hardware and other capital	118.0	64.1	120.8	146.1	75.6
Land Buildings	12.6	12.5	26.1	31.6	14.4
2. Running costs					
Computer systems, services and applications	249.0	422.4	445.2	450.3	432.8
3. Out-turn and plan					
Total provision	369.4	432.5	441.6	564.5	466.7
Total Out-turn	379.6	413.7	435.9	561.8	460.2
Reduced/(Increased) expenditure	(10.2)	18.8	5.7	2.7	6.5
Reduced/(Increased) expenditure Running Cost	(2.5)	5.5	3.5	1.7	5.1
Capital	(7.7)	13.3	2.2	1.0	1.4

1. All figures are taken from that year's ITSA annual report and accounts. For 1990–91 they are vote based and include VAT.
2. For all subsequent years items 1 and 2 are accrual based and item 3 is vote based.
3. ITSA, an executive agency of the Department of Social Security, has supplied IT services to the DSS, its agencies and to other Government Departments and agencies, including the Employment Service, the Northern Ireland Social Security Agency, the National Health Service Pensions Agency and the Department of Health. These costs are included in the figures.

Resettlement Agency

Mr. Chris Smith: To ask the Secretary of State for Social Security what funding has been earmarked within the Department for the carrying out of duties hitherto undertaken by the Resettlement Agency; what account will be taken of the needs of single homeless people in determining the level and type of programme to be administered under the new arrangements; if the funding available for resettlement units will be ring-fenced; and if he will make a statement. [24836]

Mr. Roger Evans: In excess of £21,000,000 will be made available by DSS headquarters in 1996–97 through revenue and capital support, these grants having previously been administered by the Resettlement Agency.

Following the repeal of schedule 5 to the Supplementary Benefits Act 1976, as amended, section 30 of the Jobseekers Act 1995 enables the Secretary of State to continue to support provision for single, unsettled, homeless persons in accommodation owned and operated by local authority and voluntary organisations.

In February 1985, the Government announced their intention to work towards the closure of DSS re-establishment centres and resettlement units. It was decided that all funds used to run the RECs and RUs would be directed towards the establishment of new resettlement provision. The fundamental principle of this replacement programme was that new provision had to be established without any increase in the DSS's resettlement budget, apart from annual inflation increases approved by the Treasury. This principle remains in force.

Incapacity Benefit

Mr. Bradley: To ask the Secretary of State for Social Security how many people have been found exempt from the all-work test of capacity by virtue of *(a)* receipt of the highest rate of disability living allowance care component, *(b)* a serious medical condition and *(c)* a receipt of invalidity benefit and being aged 58 years or over on 13 April 1995 for (i) February and (ii) March. [26366]

Mr. Burt: We estimate that 738,000 people are not subject to the all-work test because they were aged 58 or over on 13 April 1995 and have been continuously in

receipt of invalidity benefit since 1 December 1993. The requested information on the numbers exempt from the all-work test in February and March 1996 for the other reasons given, is in the table.

	February 1996	*March 1996*
In receipt of Disability Living Allowance High Rate Care Component	2,261	2,197
Severe medical condition	18,930	18,533

Source:
100 per cent. count of cases on the incapacity benefit computer system.

Mr. Bradley: To ask the Secretary of State for Social Security how many persons and what proportion of persons whose claims to incapacity benefit have been disallowed because of a failure to return form IB50 have subsequently been awarded the benefit. [25804]

Mr. Burt: The information is not available and could be obtained only at disproportionate cost.

Mr. Bradley: To ask the Secretary of State for Social Security how many IB50 all-work test questionnaires were issued by his Department in *(a)* February and *(b)* March; and how many claims were disallowed for failure to return the questionnaire. [26340]

Mr. Burt: Such information as is available is in the table.

	February	*March*
Number of IB50 all-work test questionnaires issued[1]	137,778	113,804
Number of claims disallowed for failure to return IB50 questionnaire[1,2]	827	974

[1] Figures exclude clerically processed cases. [2] Figures exclude:
—Severe disablement allowance cases
—cases where the claim related to national insurance credits only

Mr. Bradley: To ask the Secretary of State for Social Security how many and what proportion of persons who have passed the all-work test have been awarded points under the heading of mental health descriptors. [25806]

Mr. Burt: The information is not available and could be obtained only at disproportionate cost.

State Pensions

Mr. Cox: To ask the Secretary of State for Social Security how many *(a)* men and *(b)* women aged 100 years or over and living in the United Kingdom were in receipt of state retirement pensions on 30 March. [26302]

Mr. Heald: At 30 September 1995, the latest date for which information is available, it is estimated that 1,240 men and 7,520 women aged 100 or over and living in Great Britain were in receipt of state retirement pension.
Notes:

1. "State retirement pension" comprises contributory retirement pension, non-contributory retirement pension and graduated retirement benefit.

2. The figures are subject to a degree of uncertainty as they are based on a 5 per cent. sample of retirement pension awards.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Social Security if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26629]

Mr. Burt: To date, the Department has awarded one PFI contract. This is for the replacement of the national insurance recording system—NIRS2—and was awarded in April 1995. Revenue costs from public funds will not arise under this contract until the replacement system is developed and successfully delivered to the Department in 1997. These revenue costs are subject to continuing negotiation and are currently commercial in confidence.

Mental Health

Mr. Bradley: To ask the Secretary of State for Social Security how many people who have failed to attend a medical examination since April 1995 have a recognised mental health problem. [26820]

Mr. Burt: The information is not available and could be obtained only at disproportionate cost.

Student Loans

Mr. Jim Cunningham: To ask the Secretary of State for Social Security what discussions he has had with the Secretary of State for Education and Employment regarding the link between student loans and social security payments. [26853]

Mr. Roger Evans: Departmental officials and those from the Department for Education and Employment have regular discussions regarding the interaction of the educational maintenance system and social security benefits.

Mr. Cunningham: To ask the Secretary of State for Social Security (1) under what circumstances student loans are counted as income when applying for social security benefits; [26850]

(2) if he will make a statement on the link between student loans and social security benefits. [26852]

Mr. Evans: The majority of full-time students are not eligible for income-related social security benefits, although students in vulnerable groups—disabled students and those with dependent children—and partners of students do retain eligibility.

Student loans are taken into account as income for social security benefit purposes, subject to a £10 weekly disregard. Any student loan not taken out, but which would be available to a student if he or she took reasonable steps to acquire it, is treated in the same way.

Mr. Cunningham: To ask the Secretary of State for Social Security how many people in receipt of student loans are in receipt also of social security payments; and which social security payments they are in receipt of. [26854]

Mr. Evans: The information is not available.

Mr. Cunningham: To ask the Secretary of State for Social Security under what circumstances student loans are taken into account when applying for council tax

rebates; and if he will make a statement on the link between student loans and forms of assistance with housing needs. [26849]

Mr. Evans: The majority of full-time students are not eligible for income-related social security benefits, including council tax benefit. This applies equally to housing benefit and housing costs met by income support. However, students in vulnerable groups—disabled and those with dependent children—and partners of students retain eligibility for these benefits.

Students' loans are taken into account as income for council tax benefit, housing benefit and income support purposes, subject to a £10 weekly disregard. Any student loan not taken out, but which would be available to a student if he or she took reasonable steps to acquire it, is treated in the same way.

Child Benefit

Ms Jowell: To ask the Secretary of State for Social Security for how many women child benefit was the only source of independent income for each year since 1990. [26763]

Mr. Andrew Mitchell: The figures from 1990 to 1993, the latest year for which information is available, are in the table. Estimates are based on the family expenditure survey. Independent income is interpreted as any income recorded and attributed to the individual on the FES. It is uncertain how individuals will record and attribute between themselves particular types of income—for example, income from benefits or investments—and whether treatment will be consistent over time. Therefore conclusions based on year-on-year comparisons must be drawn with caution.

The figures quoted of course exclude those lone parents in receipt of child benefit whose main source of income is income support.

Year	*Number of women*
1990	845,000
1991	855,000
1992	930,000
1993	785,000

Notes:
1. Independent income excludes benefit paid in respect of local taxes—rate rebates, community charge benefit, council tax benefit.
2. Estimates are based on the family expenditure survey for the United Kingdom and are rounded to the nearest 5,000.

War Pension Disregards

Mr. Betts: To ask the Secretary of State for Social Security what would be the cost of disregarding the total of war disablement pensions and war widows' pensions for *(a)* housing benefit and *(b)* council tax benefit calculations. [27177]

Mr. Heald: A broad estimate of the cost of fully disregarding war disablement pensions and war widows' pensions is *(a)* £45 million in housing benefit and *(b)* £15 million in council tax benefit.

Notes.
1. Estimates are based upon the May 1994 income support quarterly statistical inquiry and the 1991, 1992 and 1993 family expenditure survey uprated to 1996–97 levels.
2. In compiling these estimates, expenditure has been rounded, wherever appropriate, to the nearest £5 million.
3. Estimates are broad order estimates only, due to a lack of comprehensive data.

Mr. Betts: To ask the Secretary of State for Social Security how many local authorities wholly disregard war disablement pensions and war widows' pensions for housing benefit and council tax benefit calculations; how many disregard only the mandatory first £10; and how many disregard more than the £10 but not the total amount. [27178]

Mr. Heald: The information is not available and could be obtained only at disproportionate cost.

EU Directives

Mr. Steen: To ask the Secretary of State for Social Security if he will list the directives which have affected his Department in each of the past three years and *(a)* the United Kingdom legislation introduced as a result of the directives, *(b)* the United Kingdom legislation which goes beyond the minimum standards set out in the directives and *(c)* the clauses within each piece of United Kingdom legislation which amplify the minimum standards set out in the directives. [27082]

Mr. Burt: The only directive that has affected this Department in the past three years is the directive on the protection of pregnant women at work—92/85/EEC. This required changes to the UK's maternity benefits schemes for employed women. The changes were introduced for women expecting babies on or after 16 October 1994.

The Trade Union Reform and Employment Rights Act 1993 introduced the right to 14 weeks' maternity leave. Following a period of consultation, which allowed all sides of industry, interest groups and individuals to comment on the Government's proposals on maternity pay, the following legislation was introduced.

SI 1994/1230: The Maternity Allowance and Statutory Maternity Pay Regulations 1994 made on 3 May 1994 amending primary legislation to enable changes to be made.

SI 1994/1367: The Social Security Maternity Benefits and Statutory Sick Pay (Amendment) Regulations 1994 made on 11 June 1994 covering the detail of the changes.

There were two clauses which amplified the minimum standards set out in the directive.

Regulation 2 of SI 1994/1230 increased the rate of maternity allowance for employees for the whole 18-week maternity allowance period rather than the minimum 14-week leave period specified in the directive.

Regulation 4 of SI 1994/1230 extended the higher rate of statutory maternity pay—90 per cent. of earnings for the first six weeks of maternity leave—to all women who have completed 26 weeks' continuous service with their employer at the qualifying week. Previously, women had to complete at least two years' service to get the higher rate. The directive required a qualifying period of no more than 37 weeks. The regulation also has the effect of increasing the lower rate of statutory maternity pay for the remaining 12 weeks of the maternity period, rather than eight weeks required by the directive.

Restricting the changes to the minimum required by the directive would have complicated the scheme and made it harder to understand. Employers supported simplification

over the marginal extra cost. As a result, the changes were more beneficial to women and eased the administrative burden for business.

Income Support

Mr. Timms: To ask the Secretary of State for Social Security with reference to his answer of 21 April 1995, *Official Report,* column *314*, if he will continue to publish on a monthly basis the numbers of people refused income support because of the habitual residence requirement, in the same form as before, for the year 1996–97. [27179]

Mr. Roger Evans: Yes.

Mr. Timms: To ask the Secretary of State for Social Security how many people were refused income support due to the habitual residence requirement *(a)* in March 1996, *(b)* in February 1996 and *(c)* since its inception; and how many of these were (i) British nationals, (ii) European Economic Area nationals and (iii) others. [27157]

Mr. Evans: The information is set out in the tables.

Habitual residence: February and March 1996

	February 1996	*March 1996*
EEA national—pass	685	622
EEA national—fail	650	542
British citizen—pass	4,883	4,506
British citizen—fail	646	546
Other—pass	678	656
Other—fail	551	647

Habitual residence: August 1994 to March 1996

	Numbers
EEA national—pass	14,000
EEA national—fail	14,032
British citizen—pass	95,973
British citizen—fail	9,738
Other—pass	15,616
Other—fail	15,948

Family Credit

Dr. Godman: To ask the Secretary of State for Social Security (1) what percentage of those lone parents who were in receipt of family credit in *(a)* 1992–93 and *(b)* 1993–94 received family credit for (i) 26 weeks only, (ii) 52 weeks only and (iii) more than 52 weeks; [22187]

(2) how many lone parents claimed family credit in *(a)* 1992–93 and *(b)* 1993–94; [22189]

(3) how many couples claimed family credit in *(a)* 1992–93 and *(b)* 1993–94; [22190]

(4) what was the total number of family credit claimants in *(a)* 1992–93 and (b) 1993–94; [22191]

(5) of those couples in receipt of family credit in *(a)* 1992–93 and *(b)* 1993–94 what percentage received family credit for (i) 26 weeks only, (ii) 52 weeks only and (iii) more than 52 weeks. [22192]

Mr. Roger Evans *[pursuant to his answer, 1 April 1996, c. 76]:* The information that I gave regarding family credit claimants contained a typographical error. The correct information is as follows.

The available information is set out in the table. In order to provide data on a comparable basis, it refers to recipients of family credit at the end of each financial year. This excludes awards beginning and ending during the year and therefore significantly underestimates the number and proportion of awards that last for 26 weeks only. The proportion with longer spells on family credit is thus over-estimated.

	Caseload (thousands)	*Percentage of caseload with Family Credit in payment for 26 weeks*	*Percentage of caseload with Family Credit in payment for 52 weeks*	*Percentage of caseload with Family Credit in payment for more than 52 weeks*
1992–93				
All families	485	42.1	23.2	34.6
All couples	280	48.0	21.2	30.8
All lone parents	204	34.1	25.9	40.0
1993–94				
All families	536	38.9	21.1	39.9
All couples	303	45.2	21.0	33.8
All lone parents	233	30.7	21.3	48.0

Notes:
1. Figures refer to awards in payment at the end of the financial year; and may exclude those who have ceased to claim during the year.
2. All figures have been rounded to the nearest thousand.
3. Percentages have been expressed to one decimal place, and therefore may not tally.

Source:
Family credit computer system: 5 per cent. sample of all awards.

WALES

Devolved Powers

15. **Mr. Robert G. Hughes:** To ask the Secretary of State for Wales what measure he has taken to devolve powers and responsibilities from central to local government. [25646]

Mr. Hague: I announced during the Welsh Affairs debate on 29 February, *Official Report,* columns 1024–40, my intention to issue a consultation paper on devolving certain responsibilities from my Department to local government. That paper, "The Welsh Office and Local Government: Redefining the Relationship", was issued on 20 March.

Bovine Spongiform Encephalopathy

16. **Mr. Dafis:** To ask the Secretary of State for Wales what consideration he has given to the impact of the BSE problem on the Welsh food strategy. [25647]

Mr. Hague: The food strategy is concerned not only with beef but with developing the whole of the Welsh food industry, from producers to retailers. The problems faced by the beef industry will be considered during the consultation. I expect the strategy that emerges to make proposals for restoring consumer confidence in Welsh beef within the context of a general marketing strategy for all goods from Wales.

Jobs (Pembrokeshire)

16. **Mr. Jacques Arnold:** To ask the Secretary of State for Wales what action Government Departments have recently taken to increase the number of jobs in Pembrokeshire. [25648]

Mr. Hague: The Ministry of Defence recently decided to relocate its moorings and buoys work to Pembroke Dock. This will bring 135 jobs to the area. The Welsh Office continues to provide support to companies in the area through regional selective assistance and to infrastructure projects through the strategic development scheme. Since January 1994, 18 offers of RSA have been accepted promising the creation of over 300 new jobs and safeguarding a further 226. The Welsh Office and Government agencies also continue to support the work of the west Wales task force.

Hospice and Palliative Care

18. **Mr. Touhig:** To ask the Secretary of State for Wales when he last consulted charitable organisations which provide hospice and palliative care services in the Gwent area. [25649]

Mr. Richards: Organisations that provide hospice and palliative care services were consulted in August 1994 about NHS responsibilities for meeting continuing health care needs, which include palliative health care services

The provision of palliative health care services in Gwent is the responsibility of Gwent health authority. Guidance outlining health authority responsibilities was issued in February 1995.

Environment

19. **Dr. Spink:** To ask the Secretary of State for Wales what action he is currently taking to improve care for the environment in Wales. [25650]

Mr. Hague: Details of the wide range of actions being taken are given in "The Environment in Wales: Fourth Report", the Welsh commitment tables in "This Common Inheritance UK Annual Report 1996" and the speech I gave at the Welsh launch of the Environment Agency on 27 March, copies of which are in the Library of the House.

Slag Heaps

20. **Mr. Harry Greenway:** To ask the Secretary of State for Wales how many former slag heaps have been reclaimed; to what uses they have been put; at what cost; and if he will make a statement. [25651]

Mr. Richards: This is an operational matter for the Welsh Development Agency. I will arrange for the chief executive of the agency to write to my hon. Friend and for a copy of his letter to be placed in the Library of the House.

Beef Industry

21. **Mr. Ieuan Wyn Jones:** To ask the Secretary of State for Wales when he will next meet farmers' leaders to discuss the beef industry in Wales. [25653]

Mr. Hague: The Under-Secretary of State, my. hon. Friend the Member for Cardiff, North (Mr. Jones), and I have met farmers' leaders to discuss this subject on a number of occasions recently and will continue to do so as necessary.

European Central Bank

22. **Mr. Llew Smith:** To ask the Secretary of State for Wales what assessment he has made of the implications for Wales of a European central bank. [25654]

Mr. Hague: None.

Non-urgent Operations

23. **Lady Olga Maitland:** To ask the Secretary of State for Wales what resources were made available for non-urgent operations at the three treatment centres in south Wales in 1995–96. [25655]

Mr. Richards: In 1995–96, funding for non-urgent operations at the three south Wales treatment centres totalled 2.536 million, made up of:

Ophthalmic centre, Bridgend general hospital: £0.956 million

Surgical centre, Bridgend general hospital: £0.516 million

Orthopaedic centre, Prince of Wales hospital, Rhydlafar: £1.064 million

Education Statistics

24. **Mr. Alan W. Williams:** To ask the Secretary of State for Wales what is the percentage of young people aged 18 to 21 years in full-time education in *(a)* Carmarthenshire, *(b)* Dyfed, *(c)* Wales and *(d)* Britain. [25656]

Mr. Richards: The available information is for 1994–95 and relates to the new unitary authority area of Carmarthenshire and the previous local education authority area of Dyfed. The following table sets out the information on this basis.

Percentage of population aged 18 to 21 in full-time education in Wales, 1994–95[1]

	Percentage
Carmarthenshire	27
Dyfed	33
Wales	33
United Kingdom	29

[1] Ages as at 31 August 1994.

Inward Investment

25. **Mr. Wigley:** To ask the Secretary of State for Wales what steps he is taking, in conjunction with the Welsh Development Agency and the Development Board for Rural Wales, to ensure that inward investment industrial projects are encouraged to locate in the western counties of Wales; and if he will make a statement. [25657]

Mr. Hague: I have given the agency and the board specific targets: the agency is required to encourage 20 per cent. of inward investment cases to go beyond the eastern M4 and A55 corridors and the board is required to deploy 50 per cent. of its programme expenditure in the western parts of its area and to attract at least 30 per cent. of new jobs from new inward investment projects to those parts of its area not in

Powys. These provide a focus. Other measures include the significant infrastructural improvements that are on-going and the assisted areas upgrading that took place in 1993.

26. **Mr. David Evans:** To ask the Secretary of State for Wales what recent major inward investments have come to Wales; and if he will make a statement. [25658]

Mr. Hague: Recent announcements show that Wales continues to be a leading region for inward investment and my recent visit to the United States confirmed my belief that more will come. Over the past few months, significant projects have been announced by Ford,; Newport Wafer-Fab,; Halla,; Sumitomo,; and Cable OnLine. There has been significant success in the financial services sector too, including Legal and General.

Second Severn Crossing

27. **Mr. Simon Coombs:** To ask the Secretary of State for Wales when he expects the second Severn crossing and its access roads in Gwent to be fully open to traffic. [25659]

Mr. Richards: The concessionaire, Severn River Crossing plc, has announced that the official opening ceremony will take place on 5 June 1996. It is expected that the crossing and the Welsh approach road will be open to traffic on the following day.

Industrial Villages

Mr. Hain: To ask the Secretary of State for Wales what actio he proposes to advance his support for industrial villages, in the valley programme area. [26364]

Mr. Hague: The hon. Member knows from our meeting on 16 April that I am prepared to consider any proposals received for developing the industrial village concept in the programme for the valleys area. My officials will be discussing further with representatives of Neath Port Talbot county borough council the proposals for the Dulais valley which the hon. Member put forward.

Training and Enterprise

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on training and enterprise in north Wales. [26829]

Mr. Richards: Extra-ordinary general meetings of the North East Wales and North West Wales training and enterprise councils were held on 9 April where it was agreed to create, through merger, a single TEC for the north Wales area.

In proposing the merger, the TECs consider that the long-term economic needs of north Wales would be best served by one organisation assuming responsibility for the delivery of training and enterprise support for local people and businesses across the whole of the area.

The merger is planned to take effect in April 1997. However, this will depend on a decision to be taken by the Welsh Office nearer the time on whether the proposed TEC is a suitable body to contract with for the delivery of the Government's training and enterprise programmes in north Wales. This decision will be taken in the light of the new organisation's memorandum and articles of association and its draft corporate and business plan—for 1997–98 and beyond—when these documents have been produced, consulted on as appropriate and submitted to the Department.

British Dental Association

Mr. Llwyd: To ask the Secretary of State for Wales what representations his Department has recently received from the British Dental Association; and if he will make a statement. [26988]

Mr. Richards: The Welsh Office maintains regular, largely informal, contact with BDA representatives in Wales.

On 6 March this year, I met representatives of the Welsh council of the BDA, together with the Welsh general dental services committee of the BDA, to hear their views on a variety of topics. These included premature retirement for general dental practitioners; the £3 million initiative to increase NHS dental service provision in Wales; fluoridation of public water supplies; and the relationship between the Welsh Office and the profession in Wales.

Officials are happy to continue the present close relationship with the profession's representatives and to accommodate any request for more formal contact when required. I have agreed to meet them again when the need arises.

Welsh Language Education

Mr. Barry Field: To ask the Secretary of State for Wales what grant aid the Government have given to Welsh language education for the financial year 1996–97. [25652]

Mr. Richards: The Government will be making available to schools and local authorities about £7.4 million towards Welsh language education in 1996–97.

EU Directives

Mr. Steen: To ask the Secretary of State for Wales if he will list the directives which have affected his Department in each of the past three years and *(a)* the legislation introduced as a result of the directives, *(b)* the legislation which goes beyond the minimum standards set out in the directives and *(c)* the clauses within each piece of legislation which amplify the minimum standards set out in the directives. [27075]

Mr. Hague: I will write to the hon. Member as soon as possible and place a copy of my reply in the Library of the House.

Cancelled Operations

Mr. Morgan: To ask the Secretary of State for Wales what information he has on the numbers of cancelled operations in Welsh hospitals during 1995–96; and what numbers of those operations cancelled were reinstated within the patients charter guarantee period. [27310]

Mr. Hague: Information on the number of cancelled operations in Welsh hospitals and the number of those operations which were reinstated within the patients charter guarantee period is not collected centrally. However, the number of patients admitted to Welsh hospitals and treated more than one month after a

cancelled operation in the first three quarters of 1995–96 is shown in the following table. Information for the quarter ending 31 March 1996 is not yet available.

Quarter ending 30 June 1995: 65

Quarter ending 30 September 1995: 30

Quarter ending 31 December 1995: 43.

Waste Water Directive

Mr. Morgan: To ask the Secretary of State for Wales what further consideration has been given with respect to a request to the European Commission for a derogation from the 2000 deadline for the urban waste water treatment directive and the Cardiff East sewage works. [27328]

Mr. Hague: The matter remains under consideration.

Dental Services

Mr. Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 22 April, *Official Report*, column *40*, if he will list the health authorities which employ or plans to employ salaried dentists; and if they are full time or part time. [27305]

Mr. Hague: The following health authorities currently employ salaried dentists to provide general dental services.

North Wales: Two part time

Dyfed Powys: One full time and three part time

Gwent: One full time.

No further appointments are proposed at the present time.

South and East Wales Ambulance NHS Trust

Mr. Morgan: To ask the Secretary of State for Wales what further consultations he has had with the chairman of the South and East Wales Ambulance NHS trust concerning the level of management overheads and the need for further economies at management level; and when he expects to receive a further report on the future shape of the trust. [27309]

Mr. Hague: My officials have had a number of discussions with the new chairman about the work he is doing to put the trust on a firm financial footing. The trust will continue to provide monthly financial progress reports and an operational plan for 1996–97 is expected by the end of May 1996.

Health Promotion

Mr. Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 29 January, *Official Report*, column *599*, if he will list the specific initiatives of the Health Promotion Authority for Wales which were targeted to those on low income; and what independent evaluation has been undertaken on their effectiveness. [27329]

Mr. Hague: Initiatives relevant to those on low income undertaken by Health Promotion Wales, HPW, include:

"Get Cooking": designed to improve the nutrition skills of individuals and promote health eating on a limited budget;

"Health Shopping Basket": designed to promote the availability of healthier eating products among small local retail outlets;

"Community Alcohol Education Materials": designed to encourage sensible drinking. Developed with the help of residents of a mid-Glamorgan village;

"Network of Health Promoting Schools": includes schools in areas of low income in Wales;

"Communities for Better Health": aims to encourage and support a network of local projects.

In addition, a large proportion of HPW's other work is as relevant to those on low income as it is to other groups within the population.

Evaluation is a component of all HPW's activities. The results are published in peer review journals or as specific HPW evaluation reports.

Mr. Morgan: To ask the Secretary of State for Wales what consideration he is giving to applying the recommendations of the nutrition task force and the low income project team to Wales. [27308]

Mr. Hague: Responsibility for most health promotion matters in Wales has been devolved to health authorities. It is for them to decide how and to what extent they wish to take note of the recommendations of the nutrition task force in England when developing their local strategies.

Cancer Statistics

Mr. Morgan: To ask the Secretary of State for Wales if he will make a statement on the future provision for cancer statistics collection and dissemination; what provision will be made to *(a)* transfer and *(b)* retrain and upgrade the clerical staff of his Department and the Welsh Health Common Services Authority to the successor statistical collecting service; and what revisions he proposes to published cancer statistics to adjust for incorrectly recorded cancers. [27311]

Mr. Hague: Proposals for the future management of the Wales cancer registry submitted by the Velindre NHS trust and the Welsh Combined Centres for Public Health are currently under consideration. I expect the management of the registry to transfer shortly.

The invitation for proposals to manage the registry set out clear performance targets, including targets for data accuracy, which the successful organisation will be expected to meet. Both Velindre and the combined centres put forward proposals which covered the staffing and staff training necessary to fulfil these performance requirements. It is intended that most of the managerial and operational aspects of the registry, including current managerial, clerical and IT staff, will be transferred to the new organisation. It is not intended that any staff will transfer from my Department to the registry.

The cancer registry revises data where necessary on an on-going basis, and this is reflected in its dissemination and publication of data.

Mr. Morgan: To ask the Secretary of State for Wales what representations he has had from *(a)* clinicians and *(b)* others concerning the future of the Wales cancer registry and the recording of bone and other cancers. [27312]

Mr. Hague: I am aware of having received four representations about the future of the cancer registry, one from a clinician.

In March 1995, officials of my Department met representatives of the Wales Green party to discuss matters related to the recording of cancer data in Wales. In the last two years, I am aware of four other representations about recording of cancers in Wales. One of these was from a clinician.

Local Authorities (Negligence Claims)

Mr. Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 18 April, *Official Report*, columns *635–36*, if he will consult the Welsh Local Authority Association concerning the negligence insurance cover available to local authorities and the principles of open government in fault and negligence cases. [27304]

Mr. Hague: I have no plans to do so at present.

Child Sex Abuse

Mr. Morgan: To ask the Secretary of State for Wales what was the cost of the outside legal advice he has received in relation to the Jillings report into child sex abuse in Clwyd; and how many *(a)* solicitors, *(b)* Queen's counsel and *(c)* other barristers have been involved. [27316]

Mr. Hague: One junior counsel has been instructed by the legal adviser of the Welsh Office. His fee note has not yet been received.

Further and Higher Education

Mr. Flynn: To ask the Secretary of State for Wales what new proposals he has to improve the educational value of further and higher education services. [25631]

Mr. Richards: Proposals for promoting relevant, high-quality further and higher education are an integral part of "People and Prosperity—An Agenda for Action in Wales". Wales will also participate in the forthcoming national inquiry into higher education, chaired by Sir Ron Dearing.

Strategic Development Schemes

Mr. Rowlands: To ask the Secretary of State for Wales what is the current annual cost to his Department of the administration of *(a)* the strategic development schemes and *(b)* European structural funds, Rechar funds and the European social fund; and how many staff, and at what grades, deal with such schemes and funds. [19355]

Mr. Gwilym Jones *[holding answer 7 March 1996]:* The information requested has been placed in the Library of the House.

DEFENCE

Remotely Piloted Vehicle (Llanbedr)

Mr. Redmond: To ask the Secretary of State for Defence, pursuant to his answer of 2 April, *Official Report*, column *97*, if the Jindivik remotely piloted aerial target authorised to fly in the Llanbedr danger area on 6 January was fitted with a destruct feature; and if he will make a statement. [26691]

Mr. Arbuthnot: This is a matter for the Defence Evaluation and Research Agency under its framework document. I have asked the chief executive, DERA, to write to the hon. Member.

Letter from John Chisholm to Mr. Martin Redmond, dated 29 April 1996:

The Secretary of State for Defence has asked me as Chief Executive of the Defence Evaluation and Research Agency to reply to your question, pursuant to that of 2 April, asking if the Jindivik remotely piloted aerial target authorised to fly at Llanbedr on 6 January was fitted with a destruct feature.

I can confirm that the Jindivik in question was fitted with a destruct feature.

I hope this is helpful.

Land Mines

Dr. David Clark: To ask the Secretary of State for Defence what estimate he has made of the number of anti-personnel land mines that his Department *(a)* currently holds and *(b)* will hold in 2000. [27022]

Mr. Arbuthnot *[holding answer 26 April 1996]:* It is our established policy for security reasons not to reveal information relating to stock levels of munitions held or planned. However, as stated by the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Boothferry (Mr. Davis) on 23 April 1996, *Official Report*, column *84*, we intend to reduce quantities by almost half as soon as practicable. This will be reflected in the quantity of anti-personnel mines held in 2000.

If either agreement has been reached for an international ban on all anti-personnel mines or suitable alternatives have been identified, we will commence destruction of our remaining anti-personnel mines accordingly. The total number of mines held in 2000 will therefore also depend on whether and when such developments occur.

Dr. Clark: To ask the Secretary of State for Defence what techniques his Department plans to us to dispose of anti-personnel land mines not classified as smart land mines. [27023]

Mr. Arbuthnot *[holding answer 26 April 1996]:* No decision has been made on the method of destruction of surplus anti-personnel land mines. A decision will be made after assessment of the most cost-effective method which is consistent with safety and environmental protection.

Dr. Clark: To ask the Secretary of State for Defence what plans he has to purchase new smart anti-personnel land mines; and from which countries. [27024]

Mr. Arbuthnot *[holding answer 26 April 1996]:* As my hon. Friend the Minister of State, Foreign and Commonwealth Office stated in his announcement on 23 April 1996, *Official Report*, column *84*, the United Kingdom will work actively towards a total worldwide ban on anti-personnel mines. If we need to replace our remaining anti-personnel mines before an international ban is agreed, we will procure only those with a self-destruct capability. No final decisions on the procurement of these mines, including a source, have been taken and any decision will take account of all relevant factors, including progress towards a total worldwide ban.

Saxon Vehicles

Dr. David Clark: To ask the Secretary of State for Defence how many Saxon vehicles have been deployed by his Department in Bosnia over the last three years. [26460]

Mr. Soames *[holding answer 23 April 1996]:* A total of 65 Saxon vehicles were deployed to Bosnia in March 1994 with 1st Battalion the Duke of Wellington's regiment. These vehicles have remained in theatre with successive units though numbers have fluctuated in accordance with operational tasks. There are currently 75 Saxon vehicles in Bosnia with 1st Battalion the Queen's Lancashire regiment.

Dr. Clark: To ask the Secretary of State for Defence what off-road duties Saxon vehicles are used for; and if he will make a statement. [26459]

Mr. Soames *[holding answer 23 April 1996]:* Saxon is a reliable troop-carrying vehicle which provides protected mobility between dismounted actions. It has a limited cross-country capability, and its use in operations, exercises and training reflects this.

Its capacity and protection make it an ideal vehicle for use by infantry in Bosnia, where the mine threat means that vehicles are forced to remain on tracks and roads. Units deploying with Saxon have generally been pleased with how well it has fared.

Dr. Clark: To ask the Secretary of State for Defence what restrictions on the use of certain mountain tracks in Bosnia were placed on Saxon vehicles; and if he will make a statement. [26457]

Mr. Soames *[holding answer 23 April 1996]:* The use of different types of vehicle over particular terrain is a matter for the chain of command and military commanders on the ground. Guidance takes account of a number of factors including road, weather and operational conditions. All training throughout the deployment of British forces in Bosnia has stressed the importance of defensive driving and winter driving skills and these factors are constantly inculcated in all personnel.

Dr. Clark: To ask the Secretary of State for Defence what operational duties Saxon vehicles carried out in Bosnia. [26461]

Mr. Soames *[holding answer 23 April 1996]:* The Saxon vehicle has carried out a wide range of operational duties with British forces in Bosnia. It continues to be employed on a variety of tasks including patrolling, escort duties, checkpoint protection and the movement of personnel and supplies.

Dr. Clark: To ask the Secretary of State for Defence how many accidents involving Saxon vehicles have resulted in *(a)* deaths and *(b)* serious injury in the last three years; what were the dates of these accidents; what were the causes of these accidents; and on what dates the boards of inquiry sat to investigate each accident. [26455]

Mr. Soames *[holding answer 23 April 1996]:* In the three calendar years until 31 December 1995, there were two fatal accidents involving Saxon vehicles, both from 1st Battalion the Royal Gloucestershire Berkshire and Wiltshire regiment—1RGBW. The first accident, in which one soldier, Private Benjamin Hinton, was unfortunately killed and three others were seriously injured, occurred on 9 September 1994. The second accident, on 12 September 1994, resulted in the tragic death of three soldiers: Privates Phillip Armstrong, Martin Dowdell and Christopher Turner. Again, three others were seriously injured.

A board on inquiry to investigate both accidents was convened in Cyprus on 24 July 1995. The timing of the board of inquiry reflected the need for all police and other investigations to be completed first, and the completion of 1RGBW's tour in Bosnia in March 1995. In March 1995, 1RGBW moved temporarily to Catterick before transferring to Cyprus in May 1995. The board concluded that both accidents were caused by driver error.

Information relating to non-fatal accidents which resulted in serious injuries could not be provided without disproportionate cost.

Dr. Clark: To ask the Secretary of State for Defence when his Department purchased Saxon vehicles; how many vehicles were purchased; and what was the total cost. [26458]

Mr. Soames *[holding answer 23 April 1996]:* Two types of Saxon vehicles have been purchased: Saxon General War Role—GWR—in the early 1980s at a total cost of some £45 million for 527 vehicles; and Saxon Patrol between 1992 and 1994 at a total cost of some £25 million for 145 vehicles.

Dr. Clark: To ask the Secretary of State for Defence if the boards of inquiry concerning fatalities resulting from Saxon crashes in Bosnia were provided with all the witnesses and documents relevant to the investigations. [26456]

Mr. Soames *[holding answer 23 April 1996]:* The board of inquiry considered all the available documentation. It commented that certain types of documentation were not available to them. These documents were thought to have been lost during the roulement of units in Bosnia. It has now come to light that some of those missing documents had been sent to the coroner before the board of inquiry met. My Department is to ask that the documents be made available for examination as a matter of urgency to determine whether they may have any bearing on the accidents.

The board of inquiry took evidence from all witnesses whom they considered had a contribution to make to the inquiry.

Atomic Weapons Establishment, Llanishen

Mr. Morgan: To ask the Secretary of State for Defence, pursuant to his answer of 16 April, *Official Report*, columns *455–56*, what is the cost of decommissioning the AWE site in Llanishen that was taken into account in reaching the closure decision. [27327]

Mr. Arbuthnot: There is a long-standing convention of not announcing the detailed figures which subscribe to the overall cost of the defence nuclear programme. My Department, however, expects to spend some millions of pounds on the thorough decommissioning of the AWE site at Llanishen.

HOME DEPARTMENT

Prisons (Costs)

Mr. Alex Carlile: To ask the Secretary of State for the Home Department when he will publish further figures on the comparative cost of public and private prisons; and if he will make a statement. [26659]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Alex Carlile, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question asking when will further figures on the comparative cost of public and private prisons be published.

We have recently received the first draft of a report by Coopers and Lybrand which updates the comparison of performance on cost and service delivery between each of the privately managed prisons and the most nearly comparable public sector prisons, using 1994–95 data.

Once the report has been finalised, we shall need to discuss the findings, and arrangements for publications, with Ministers.

Prisons (Suicides)

Ms Quin: To ask the Secretary of State for the Home Department what was the number of suicides in prison in each of the past 10 years. [25902]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Ms Joyce Quinn, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question about the number of suicides in Prison Service establishments in the past ten years.

The attached table shows the number of self-inflicted deaths in prisons in England and Wales in each year of the past ten years.

Year	*Self-inflicted deaths*
1986	21
1987	46
1988	37
1989	48
1990	50
1991	42
1992	41
1993	47
1994	62
1995	60
1996[1] (Total as of 19 April 1996)	17

Ms Jowell: To ask the Secretary of State for the Home Department how many *(a)* attempted suicides and *(b)* suicides have been committed by young (i) men and (ii) women in prison establishments for each year since 1990. [26782]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Ms Tessa Jowell, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question about suicides and attempted suicides by young men and women in prison establishments in each year since 1990.

The attached table gives the number of reported incidents of attempted suicides and the number of self-inflicted deaths for young offenders, male and female, aged 15–21 inclusive, for the years 1990 to 1995.

Breakdown of attempted suicides and self-inflicted deaths by young offenders, male and female, aged 15–21 inclusive, for the period 1990–95

	Attempted suicides		*Self-inflicted deaths*	
Year	*Male*	*Female*	*Male*	*Female*
1990	—	—	10	0
1991	209	15	7	0
1992	278	21	10	1
1993	246	10	3	0
1994	254	3	12	0
1995	158	3	12	0

[1] Figures for attempted suicides were not collected centrally until 1991.

Mr. Cox: To ask the Secretary of State for the Home Department (1) if each prison in England and Wales has an officer fully trained in suicide awareness; and if he will make a statement; [26539]

(2) if he will make a statement on the training given to prison officers in suicide awareness; and when this training was last reviewed. [26540]

Miss Widdecombe: Responsibility for these matters has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Questions about suicide awareness training in prisons in England and Wales.

Training in suicide awareness was last reviewed in preparation for the launch of the current strategy in April 1994. The strategy is underpinned by a comprehensive training manual in modular form. As part of the implementation process, all governors nominated staff to attend central training as tutors. Tutors then carried forward the training of staff of all grades within their own establishment.

Every prison has a minimum of one member of staff trained as a suicide awareness tutor who contributes to the overall training programme set out by the governor.

Prisons (Trade Unions)

Mr. Alex Carlile: To ask the Secretary of State for the Home Department if the relevant trade unions are to be de-recognised on the selection of prisons for market testing; and if he will make a statement. [26660]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Alex Carlile, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question about trade unions being de-recognised on the selection of prisons for market testing.

The Director of Personnel has informed all recognised trade unions that they were de-recognised for the purposes of collective bargaining on the scope and selection of schemes for private finance, market testing and contracting out. We shall continue to consult with the trade unions on these matters.

Where as a consequence of schemes transferring work to contractors there are personnel implications, the existing arrangements for consultation or negotiation with trade unions will apply.

Prison Service (Corporate Plan)

Mr. Alex Carlile: To ask the Secretary of State for the Home Department when the 1996 to 1999 corporate plan for the Prison Service will be published; when he received the plan; what considerations underlie the time scale for publication; and if he will make a statement. [26661]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Alex Carlile, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question on the 1996 to 1999 corporate plan for the Prison Service.

We are currently discussing the final draft of our plan with Ministers, and we hope to be able to publish it within the next three or four weeks.

Prison Population

Mr. Alex Carlile: To ask the Secretary of State for the Home Department what was the prison population on the last day of each of the last 24 months; and if he will make a statement. [26662]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Alex Carlile, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question asking what was the prison population on the last day of each of the last 24 months; and if he will make a statement.

The information requested is given in the attached table.

Prison population[1] in England and Wales on the last day of the month, April 1994—March 1996

On last day of month	*Number*
1994	
April	47,943
May	48,675
June	48,929
July	49,169
August	49,392
September	49,812
October	49,851
November	50,565
December	47,611
1995	
January	49,542
February	50,571
March	51,594
April	50,787
May	50,643
June	51,084
July	51,279
August	51,265
September	51,286
October	52,027
November	52,540
December	49,494
1996	
January	51,947
February	53,178
March	53,740

[1] Includes those held in police cells.

Prison (Probation Posts)

Mr. Alex Carlile: To ask the Secretary of State for the Home Department what percentage of prisons plan to reduce probation posts during the current financial year; and if he will make a statement. [26664]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Alex Carlile, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question about the percentage of prisons which plan to reduce probation posts during the current financial year.

The number of prisons and young offender institutions in which there are plans for a decrease in probation staff during 1996–97 is 56. This represents 44 per cent.

The Prison Service is committed to partnership with the Probation Service to deliver the custodial and non-custodial parts of a prisoner's sentence effectively. Governors have been discussing with chief probation officers the scope for improvement in efficiency and for more effective use of all available resources. This includes other ways of discharging continuing tasks which have been undertaken by probation staff but which do not require their specialist skills.

Prisons (Education Facilities)

Mr. Alex Carlile: To ask the Secretary of State for the Home Department what percentage of prisons plan to reduce education facilities during the current financial year; and if he will make a statement. [26665]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Alex Carlile, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question about the percentage of prisons that plan to reduce education facilities during the current financial year.

73 prisons and young offender institutions, 57 per cent., are currently planning to reduce contracted educational provision in 1996–97.

Education is an essential part of the opportunities which must be provided in prisons. The Prison Service has given guidance to governors which identifies the core curriculum areas to which priority should be given. This includes the necessary support for prisoners who lack the basic skills of literacy and numeracy. But it is right for governors to review all regime activities and make considered decisions on how available financial provision can best

be utilised. There is, for example, scope for improving the targeting of education provision and for considering whether other activities, like work and programmes to tackle offending behaviour, can better address identified prisoner deficits.

Prison Service (Capital Programme)

Mr. Alex Carlile: To ask the Secretary of State for the Home Department what estimate he has made of the effect of the reduction to the current financial year's Prison Service capital programme on *(a)* roof and cell strengthening, *(b)* renewal of services, *(c)* maintenance spending, *(d)* new kitchen and regime facilities and *(e)* new information technology projects; and if he will make a statement. [26666]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Alex Carlile, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question about the effect of the reduction to the 1996–7 Prison Service capital programme on specified classifications of spend.

Roof and cell strengthening schemes at higher security prisons will be given priority. Work on the remaining projects planned for 1996–7 has been rephased and will be funded either conventionally, or through the private finance initiative (PFI). Where governors have concerns about possible compromises to security, they will make local short-term arrangements to strengthen other aspects of security, such as closed circuit television.

Some 50 per cent, around £16m, of renewal of services and maintenance projects have been deferred until later years, although those schemes identified as vital are proceeding in 1996–7. Because of the nature of these projects, it is possible that they might attain a higher priority during the year and the Prison Service strategy is to monitor and review the situation on a regular basis.

Essential kitchen schemes that address health issues will proceed in 1996–7 with a total spend of around £2.5m. The other projects initially planned for 1996–7 are currently being considered for funding through PFI in later years. Where there is a risk that this delay compromises the role of the kitchen and the functioning of the prison, short-term maintenance will be undertaken.

Regime facilities that are essential to support the opening of new houseblocks in 1996–7 are in the current programme. Those schemes that have been deferred will be considered for funding through the private sector.

A project, known as Quantum, has been initiated to identify the scope for, and then to procure, the provision of all IT services under a PFI agreement. This obviates the need for a significant capital provision for IT in 1996–7.

Prison Service (Staff)

Mr. Alex Carlile: To ask the Secretary of State for the Home Department how many Prison Service posts will be lost during the current financial year; what was the target figure set; and if he will make a statement. [26667]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Alex Carlile, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question about the number of Prison Service posts lost during the current financial year; and what was the target figure.

Reductions in staff are part of the Prison Service's plans for improving its cost efficiency. Final decisions on numbers have not been taken. These decisions will be reached following local consultation with the unions and will take into account the operational needs of the Service, available financial provision, the scope for cost reductions in other areas and the numbers of staff who have applied for voluntary early retirement and severance.

Maximum Security Prison

Mr. Alex Carlile: To ask the Secretary of State for the Home Department when the Home Office feasibility study on the super-max prison will be published; for how long he has had the study; what are the reasons for the time taken to publish the study; and if he will make a statement. [26670]

Miss Widdecombe: My right hon. and learned Friend has not yet received the final Prison Service report examining the feasibility, costs and benefits of building a maximum security prison to house the most dangerous prisoners in the system and a control prison to hold the most unruly and disruptive prisoners.

Prison Service (Redundancy Package)

Mr. Alex Carlile: To ask the Secretary of State for the Home Department if the Treasury-funded redundancy package for the Prison Service will be extended beyond 27 March 1997; and if he will make a statement. [26673]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Alex Carlile, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question about the Treasury-funded redundancy package for the Prison Service being extended beyond 27 March 1997.

The White Paper "The Civil Service—Continuity and Change" announced that from 1 October 1994 to 31 March 1997, 80 per cent of the cost of early departures—whether voluntary or compulsory—would be funded from the central Civil Service Superannuation Vote. The scheme is administered by the Office for Public Service and applies across the Civil Service. There are currently no plans for the scheme to be extended beyond March 1997.

Late Payments

Mrs. Roche: To ask the Secretary of State for the Home Department how much was paid later to the private sector for goods and services by his Department in 1995–96. [26153]

Mr. Howard *[holding answer 24 April 1996]:* The information requested is not readily available and could be obtained only at disproportionate cost.

Mrs. Roche: To ask the Secretary of State for the Home Department what percentage of bills were paid late by his Department in 1995–96. [26117]

Mr. Howard *[holding answer 24 April 1996]:* This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Fire Safety Regulations

Mr. Steen: To ask the Secretary of State for the Home Department, pursuant to his answer of 18 December, *Official Report*, column *960*, on new fire safety regulations, when he now plans to introduce the regulations; and what assessment he has made of the costs of the regulations to *(a)* small businesses, *(b)* medium-sized enterprises, *(c)* large businesses and *(d)* all businesses. [27089]

Mr. Sackville: I hope to make an announcement shortly.

Risley Prison

Mr. Hoyle: To ask the Secretary of State for the Home Department when the most recent escape took place from Risley prison. [26335]

Miss Widdecombe *[holding answer 24 April 1996]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Doug Hoyle, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question about the most recent escape from Risley.

The most recent escape took place on 9 April 1996, when a prisoner escaped by hiding on a Prison Service vehicle as it left the prison. An internal enquiry is currently underway.

Mr. Raghbir Singh

Mr. Mullin: To ask the Secretary of State for the Home Department for how long Mr. Raghbir Singh has been detained without charged; what reasons have been given to Mr. Singh for his detention; and when he can expect to be released. [26885]

Mr. Howard: Raghbir Singh has been detained since 29 March 1995, pending deportation on the ground that his presence is not conducive to the public good for reasons of national security. There is no proposal to release him before deportation.

The lawfulness of my decision to detain Mr. Singh under Immigration Act powers and to initiate deportation action against him has been the subject of judicial review proceedings before both the High Court and the Court of Appeal. On both occasions, the courts concluded that the action was lawful.

Private Finance Initiative

Mr. Straw: To ask the Secretary of State for the Home Department if he will list for each financial year from 1990–91 the amount of capital expenditure for *(a)* the Prison Service, *(b)* police and *(c)* other Department functions covered by the private finance initiative or other unconventional capital arrangements, together with the figures from 1990–91 and for each future financial year for which information is available of the estimated revenue or other financial consequences of that capital expenditure. [26036]

Mr. Howard *[holding answer 24 April 1996]:* Details of the estimated capital expenditure and revenue consequences to 2000–01 are as follows:

A: Prison Service

£ million

Year	*Capital expenditure*	*Revenue consequences*
1990–95	Nil	Nil
1995–96	8	Nil
1996–97	72	2
1997–98	190	34
1998–99	105	89
1999–00	n/a	110
2000–01	n/a	111

B: Police

£ million

Year	*Capital expenditure*	*Revenue consequences*
1990–94	Nil	Nil
1994–95	[1]—	2
1995–96	[1]—	4
1996–97	1.5	4
1997–98	0.5	7
1998–99	0	5
1999–00	[2]—	20
2000–01	[2]—	40

[1] The capital cost of the police national (telecommunications) network has largely been incurred during these years, and is estimated to be approximately £50 million.

[2] The capital cost of the public safety radio communications project, estimated at some £500 million, is expected to be incurred after 1998–99.

In addition to the above, individual police forces are expected to develop PFI projects.

C: Other departmental functions

£ million

Year	*Capital expenditure*	*Revenue consequences*
1990–95	Nil	Nil
1995–96	12	Nil
1996–97	34.5	4
1997–98	53.5	21
1998–99	58	55
1999–00	n/a	64
2000–01	n/a	65

EU Directives

Mr. Steen: To ask the Secretary of State for the Home Department if he will list the directives which have affected his Department in each of the past three years and *(a)* the United Kingdom legislation introduced as a result of the directives, *(b)* the United Kingdom legislation which goes beyond the minimum standards set out in the directives and *(c)* the clauses within each piece of United Kingdom legislation which amplify the minimum standards set out in the directives. [27085]

Mr. Howard: Information is not held centrally concerning the directives which affect my Department, and such information could be compiled only at disproportionate cost. However, my Department has taken lead or shared responsibility for the following directives and resulting United Kingdom legislation during the past three years:

Directive (92/58/EEC) on the minimum requirements for the provision of safety and/or health signs at work, implemented by the Health and Safety (Safety Signs and Signals) Regulations 1996;

Directive (92/91/EEC) concerning minimum requirements for improving the safety and health protection of workers in the mineral extracting industries through drilling, implemented by the Borehold Sites and Operations Regulations 1995;

Directive (93/96/EEC) on rights of residence for students, implemented by the Immigration (European Economic Area) Order 1994;

Directive (93/109/EC) laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union in a member state of which they are not nationals, implemented by the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994;

7th directive (94/21/EC) on summer time arrangements, implemented by the Summer Time Order 1994;

Directive (94/80/EC) laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in local government elections for citizens of the Union in a member state of which they are not nationals, implemented by the Local Government Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1995;

Directive (95/46/EC) on the protection of individuals with regard to the processing of personal data and on the free movement of such data, implementation required by 1998.

My Department has not undertaken a comprehensive analysis of United Kingdom implementing legislation to identify where it goes beyond the minimum standards set out in each of the above directives, and could do so only at disproportionate cost. However, it is my Department's policy not to make regulations implementing European directives which add to the burdens imposed by such directives.

Electoral Registration

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department what consideration he has given to the report of the working group on electoral registration. [26975]

Mr. Sackville: After consulting the political parties and local authority associations, we concluded that there was not enough support for the major changes discussed in the report to justify pursuing them.

Prison Escapes

Mr. Cox: To ask the Secretary of State for the Home Department what was the number of escapes by prisoners in England and Wales during 1995; and how many are still at large. [26544]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Question about the number of escapes by prisoners in England and Wales during 1995 and the number still at large.

There were 122 escapes in 1995. Of these, 27 prisoners remain unlawfully at large.

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for the Home Department what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26682]

Mr. Howard: My Department has seven current contracts with Serco Ltd., as follows:

(a) Five contracts, work on which has been completed and where there has been no early termination of contracts. Contracts will end when final accounts have been paid and any retention sums returned as appropriate. This is scheduled to be by September 1996.

(b) Two contracts due to expire on 31 May 1997 and 28 November 1997 respectively. The sums payable in the event of early termination cannot be pre-ascertained. Under the conditions of contract, if the Home Office were to terminate either contract early, through no fault of the Contractor, any payment would be calculated taking into account only the losses directly attributable to and unavoidably incurred, as a result o the termination. Were the contracts to be terminated due to contractor default or breach of certain contract terms, provisions exist for the Home Office to recover any losses incurred as a result.

The value of each contract is a matter of commercial confidentiality, but the combined value of the contracts calculated over the whole contract period is approximately £7 million.

Wandsworth Prison (Drugs)

Mr. Cox: To ask the Secretary of State for the Home Department (1) what was the number of inmates put on governor's report for being in possession of unlawful drugs in Wandsworth prison in 1995; [26613]

(2) what was the number of recorded drug finds in Wandsworth prison in 1995. [26617]

Miss Widdecombe: Responsibility for these matters has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Mr. Tom Cox, dated 29 April 1996:

The Home Secretary has asked me to reply to your recent Questions about the number of prisoners placed on governor's report in Wandsworth prison for being in possession of drugs and the number of recorded drug finds at Wandsworth prison in 1995.

In 1995, 84 prisoners were placed on governor's report for being in possession of unlawful drugs and, during the same period, 208 drug finds were recorded in the prison.

Prison Service (Director General)

Mr. Redmond: To ask the Secretary of State for the Home Department if Mr. Richard Tilt was advised when he was appointed acting Director General of the Prison Service as to the likely duration of the post; and if he will make a statement. [26692]

Mr. Howard: When he was appointed acting Director General of the Prison Service, Mr. Tilt was informed that the temporary appointment would cease when a substantive appointment to director general was made.

British Greyhound Racing Fund

Mr. Sweeney: To ask the Secretary of State for the Home Department what was the income of the British Greyhound Racing Fund in the first three months of *(a)* 1995 and *(b)* 1996. [26860]

Mr. Kirkhope: The British Greyhound Racing Fund is an independent body and there are no official statistics on its income. However, the secretary to the fund advises that income in the first three months of 1995 and 1996 was £837,000 and £405,000 respectively.

AGRICULTURE, FISHERIES AND FOOD

Bovine Spongiform Encephalopathy

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food what would be the cost of slaughtering the national cattle herd. [22952]

Mrs. Browning: The national cattle herd is about 11.8 million head. Slaughtering animals alone at a cost of about £50 per head would cost around £590 million. More substantial would be the economic costs to the meat and dairy industries and compensation to farmers for loss of stock and replacement.

Mr. Redmond: To ask the Minister of Agriculture, Fisheries and Food what action is being taken to stop the use of *(a)* mammalian meat and *(b)* other waste abattoir and butchers' animal matter and bonemeal in the manufacture of non-farm animal feed. [23347]

Mrs. Browning: The inclusion of mammalian meat and bone meal is prohibited in all farm animal feed, including farmed fish and feed for horses. It can be used in pet food, but only if this is manufactured in premises not also used to manufacture feed for farm animals. Protein from specified bovine material cannot be used in any animal feed. Tallow from this material can be used for animal feed after processing by the oleochemical industry, but my Department issued a consultation document on 24 April proposing that this be prohibited.

Dr. Strang: To ask the Minister of Agriculture, Fisheries and Food which *(a)* EU and *(b)* non-EU countries have had confirmed cases of BSE; how many cases have been confirmed in each country; and in which countries BSE is now considered to be endemic. [23205]

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the disposal policy for cattle infected with BSE in *(a)* the United Kingdom, *(b)* Ireland, *(c)* France and *(d)* other EU member states. [23359]

Mrs. Browning *[holding answer 28 March 1996]:* The following number of BSE cases have been notified in the following countries up to 22 April 1996:

	Number
Great Britain	159,743
Northern Ireland	1,680
Isle of Man	405
Jersey	119
Guernsey	580
Alderney	2
Republic of Ireland	124
France	17
Portugal	34
Switzerland	210
Germany	4
Denmark	1
Italy	2
Canada	1
Oman	1
Falkland Island	1

Outside the British Isles, BSE has occurred in home bred animals in the Republic of Ireland, France, Portugal and Switzerland. All other cases in other countries have occurred in animals which were born in the UK.

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food if he will list studies evaluated by his Department on developing sub-typing on the BSE agent. [23358]

Mrs. Browning *[holding answer 28 March 1996]:* Project code SE 1403, "Strain typing of BSE pathogens in mice, comparison with strains from natural sheep scrapie", has been evaluated. Project code SE 1415, "Strain typing of BSE pathogen in mice and comparison with strains from natural sheep scrapie", has been partially evaluated since it started only last year.

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food if he will list the current penalties for infringement of BSE regulations; in what circumstances these penalties applied; and what plans he has to change these penalties. [23366]

Mrs. Browning *[holding answer 28 March 1996]:* I refer the hon. Gentleman to the answer I gave to the hon. Member for Pendle (Mr. Prentice) on 25 April 1996, *Official Report*, column *273*, which details the penalties in place for infringement of the controls on specified bovine material.

The penalties which would apply on summary conviction for a contravention of the Bovine Spongiform Encephalopathy Order 1991, as amended, are a fine of up to £5,000 and, in relation to the restrictions regarding feedingstuffs, where appropriate a further fine of up to £1,000 for each 508 kg of feedingstuffs, beyond the initial 508 kg of feedingstuffs, in respect of which the offence is committed. Furthermore, a person who has been convicted for contravening the provisions of the order is liable at the court's discretion on a further conviction for a second or subsequent offence against the order to imprisonment for a term of up to one month in lieu of the applicable fine.

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food what has been the annual expenditure on research into BSE since 1985 in 1996 prices; and if he will make a statement. [23360]

Mrs. Browning: The expenditure on research into BSE since 1991 at 1996 prices is estimated to be:

Financial year	*£ million*
1991–92	[1]5.276
1992–93	[1]6.348
1993–94	[1]6.278
1994–95	[1]5.909

Financial year	£ million
1995–96	5.7
1996–97	6.6 (estimated)

[1] Estimated using GDP deflator for November 1995.

Records prior to 1991 were not computerised; to provide a financial breakdown prior to this date could be done only at disproportionate cost.

Dr. Moonie: To ask the Minister of Agriculture, Fisheries and Food how many cases of bovine spongiform encephalopathy have occurred in cows born in *(a)* 1989, *(b)* 1990, *(c)* 1991, *(d)* 1992 and *(e)* 1993. [24001]

Mrs. Browning *[holding answer 2 April 1996]:* The following table shows the number of confirmed BSE cases at 15 April by year of birth since 1989:

Year of birth	Number of cases
1989	10,621
1990	3,346
1991	1,119
1992	76
1993	1

Mr. David Martin: To ask the Minister of Agriculture, Fisheries and Food on what date he was informed by the SEAC of new evidence as to a possible link between BSE and Creutzfeldt-Jakob disease. [25341]

Mrs. Browning: The Minister was informed on 13 March 1996 that evidence had been presented to the Spongiform Encephalopathy Advisory Committee about a new variant of CJD. SEAC presented its conclusions on this new variant and the possibility that it was linked to BSE to the Government on 20 March 1996, and statements were made to the House on that day.

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food if the European ban on british beef includes calves. [25252]

Mrs. Browning *[holding answer 16 April 1996]:* Yes.

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food what consideration has been given to *(a)* the method and *(b)* the location of slaughter of potentially BSE-infected cattle. [25253]

Mrs. Browning *[holding answer 16 April 1996]:* All BSE suspects reported and placed under restriction and subsequently slaughtered are killed by intravenous barbiturate overdose. This is done at the place where the suspect is reported, normally a farm.

Healthy cattle over 30 months of age, which are now excluded from the food chain, will be slaughtered in the normal way in approved abattoirs but separately from animals intended for human consumption.

Miss Emma Nicholson: To ask the Minister of Agriculture, Fisheries and Food what plans he has to include the animal feed industry in compensation packages arising from the current BSE situation. [26134]

Mrs. Browning: Many sectors of industry have suffered from the current market turbulence in the beef industry. My right hon. Friend the Minister of Agriculture, Fisheries and Food announced measures on 16 April, *Official Report*, columns 513–16, to support those sectors whose particular circumstances and role made such support necessary. The circumstances of other sectors that have suffered from the current crisis will be considered carefully by my right hon. Friend and ministerial colleagues, but there are no plans at present to provide financial support for the animal feed industry.

Mrs. Helen Jackson: To ask the Minister of Agriculture, Fisheries and Food what discussions he has had with European countries importing live veal calves from Britain about the possibility of contracting CJD from cattle infected with BSE. [23791]

Mrs. Browning: Colleagues in other member states have been kept fully informed of the Spongiform Encephalopathy Advisory Committee's recent advice on the possible link between BSE and CJD, in the Council of Ministers, the Standing Veterinary Committee and the EC Scientific Veterinary Committee.

Dr. Strang: To ask the Minister of Agriculture, Fisheries and Food for what reasons deboning is not required for cattle of 30 months or under. [23202]

Mrs. Browning *[holding answer 28 march 1996]:* Because the independent advisory committee, SEAC, has not recommended it.

Spongiform Encephalopathy Advisory Committee

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food what is the membership of the body advising the Government on bovine spongiform encephalopathy; and how its composition is determined. [22967]

Mrs. Browning: The members of the Spongiform Encephalopathy Advisory Committee are:

Chairman:

Professor J. R. Pattison—Professor of Medical Microbiology and Dean of the University College, London Medical School

Deputy Chairman:

Dr. R. G. Will—Consultant Neurologist and Head of the National CJD Surveillance Unit

Members:

Professor Ingrid Allen—Professor of Neuropathology at the Queen's University of Belfast

Professor J. W. Almond—A Virologist and Professor of Microbiology at the University of Reading

Mr. R. Bradley CBE—A Veterinary Pathologist and Chairman of the BSE sub-group of the EC Scientific Veterinary Committee

Professor F. Brown FRS—Deputy Director (Scientific) of the Animal Virus Research Institute, Long Island, New York, USA

Professor J. Collinge—A Clinical Neurologist and head of the Prion Diseases Group at St. Mary's Hospital, London

Dr. W. D. Hueston—Veterinary Epidemiologist, United States Department of Agriculture

Dr. R. H. Kimberlin—Independent Consultant on Scrapie and related diseases

Dr. M. Painter—A Consultant in Communicable Disease Control, City of Manchester

Dr. D. B. Pepper—Private Veterinary Surgeon

Professor P. G. Smith—An Epidemiologist from the London School of Hygiene and Tropical Medicine

Dr. W. A. Watson—Former Director of the Central Veterinary Laboratory.

The committee was set up in 1990 to advise the Ministry of Agriculture, Fisheries and Food and the Department of Health on matters relating to spongiform encephalopathies. The membership of the committee is chosen to provide expertise on a wide range of BSE-related topics.

Cattle Feed

Mr. Frank Field: To ask the Minister of Agriculture, Fisheries and Food if he will list those firms which used infected sheepmeat in cattle feed-based food; and if he will make a statement. [23435]

Mrs. Browning *[holding answer 1 April 1996]:* At the time when infected sheep material is thought to have been present in cattle feed, meat and bone meal, produced by rendering sheep material, was a quite legitimate ingredient in cattle feed. At that time, no one could reasonably have been expected to foresee that the incorporation of ovine MBM presented a risk.

It is not possible to determine which companies may inadvertently have used infected sheep material in cattle feed.

Driftnetting

Mr. Olner: To ask the Minister of Agriculture, Fisheries and Food (1) if he intends to review the current maximum lengths of driftnets in respect of the finding of the recent report "Cetacean bycatch in the UK tuna driftnet fishery in 1995"; and what proposals he has to ban the use of driftnets; [24842]

(2) what response he has made to the proposals for a ban on the use of driftnets from the European Parliament and the European Commission; and if he will make it his policy to support an EU-imposed ban on driftnetting; [24580]

(3) what assessment he has made of the scientific evidence for a ban on high seas driftnets. [24581]

Mr. Baldry *[pursuant to his answer, 16 April 1996, c. 464–65]:* The current maximum length of driftnets permitted on UK and other Community fishing vessels is set at 2.5 km in line with the precautionary approach and in response to United Nations resolutions. I am not aware of scientific evidence that justifies a different maximum length or a ban on the use of drift nets. I do not therefore support the European Commission's proposal, but I do think that means should be sought to reduce by-catches of cetaceans in high seas driftnet fisheries.

Photocopying Licence

Mr. Maclennan: To ask the Minister of Agriculture, Fisheries and Food what progress his Department has made towards obtaining a photocopying licence from the Copyright Licensing Agency to ensure compliance with copyright law. [26710]

Mr. Boswell *[holding answer 25 April 1996]:* The Department has received a draft photocopying licence from the Copyright Licensing Agency, and the terms and conditions are being studied by officials.

Beef (Food Aid)

Mr. Marlow: To ask the Minister of Agriculture, Fisheries and Food if he will investigate the possible current or future use as food aid in countries with severe food shortages of suitable beef slaughtered in accordance with EU-supported anti-bovine spongiform encephalopathy measures. [26889]

Mrs. Browning *[holding answer 26 April 1996]:* The regulations covering these measures require that the meat from animals slaughtered under them is removed from the human and animal food chain. It will not therefore be available for use as food aid. In any case, it would not be appropriate to use for food aid meat which is not deemed suitable for use in the United Kingdom.

Slaughterhouses

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food how many slaughterhouses in each MAFF region have sought derogations from EC regulations in each year since 1989. [26005]

Mrs. Browning: Under the single market provisions of Council directives 91/497/EEC and 91/498/EEC which had to be implemented by 1 January 1993, member states were permitted to grant slaughterhouses temporary derogations for a limited period from the structural requirements of directive 91/497/EEC, provided they met the necessary hygiene requirements. Prior to 1 January 1993, therefore, there were no slaughterhouses operating under a licence issued subject to a temporary derogation. Total figures for premises in England licensed subject to temporary derogations for 1993, 1994 and 1995 were provided in the reply I gave on 16 April to the hon. Member for Fife, Central (Mr. McLeish), *Official Report*, column *469*. A breakdown of the figures by MAFF region is not readily available and could be provided only at disproportionate cost.

Mr. Prentice: To ask the Minister of Agriculture, Fisheries and Food how many slaughterhouses in each MAFF region were not approved by the EC in each year since 1989. [26006]

Mrs. Browning: The total number of red meat slaughterhouses in England which were not approved for EC trade at the end of each year from 1989 to 1995 is given in the table. No breakdown of these figures by MAFF region is readily available and it could be provided only at disproportionate cost. Until 1993, local authorities were responsible for licensing slaughterhouses and the figures shown for 1989 to 1992 are derived from records of state veterinary service visits.

Total number of red meat slaughterhouses not approved for EC trade

	Number
1989	635
1990	589
1991	540
1992	487
1993	[1]373
1994	[1]346
1995	[1]292

[1] Licensed by MAFF.

Pig Exports

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food how many pigs have been exported for *(a)* further fattening, *(b)* slaughter and *(c)* breeding in each year since 1992. [26657]

Mrs. Browning *[holding answer 26 April 1996]:* The table shows recorded exports of live swine, as recorded in the overseas trade statistics of the United Kingdom. It is not possible to identify precisely whether the animals were exported for fattening or slaughter, but pure-bred animals for breeding are separately identifiable. The member may wish to refer to the business monitor MA20 and MA21 series, available in the Library of the House, which provides more detail on recorded overseas trade statistics—within which live animal trade can be found in division 00.

Thousand

	1992	*1993*	*1994*[1]	*1995*[1]
Swine, pure bred breeding animals	33	16	15	25
Swine, other than pure bred breeding animals	379	150	176	190

[1] Data provisional.

Exported Calves

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food how many calves were exported from the United Kingdom to Spain in each year since 1993. [26658]

Mrs. Browning *[holding answer 26 April 1996]:* The overseas trade statistics of the United Kingdom recorded no exports of calves to Spain in 1994 and 1995. Recorded exports in 1993 totalled 1,815 head.

Specified Bovine Offal

Mr. Key: To ask the Secretary of State for Agriculture, Fisheries and Food if he will list those European Union countries where specified bovine offal as defined in the United Kingdom is removed from cattle on slaughter; and if he will make a statement. [23558]

Mrs. Browning *[holding answer 1 April 1996]:* On 4 April 1996, France introduced measures to require the removal and destruction of specified bovine offals, as defined in the UK, but only from animals born before 31 July 1991. Portugal applies SBO controls, but only to animals culled from herds which have had a case of BSE. Belgium also has SBO controls, but is not clear whether these are the same as the controls applied in the UK. No other member states have SBO controls.

Beef Exports

Mrs. Gorman: To ask the Minister of Agriculture, Fisheries and Food what plans he has to mount a legal challenge against the EU worldwide ban on exports of United Kingdom beef. [25668]

Mrs. Browning: The Government are challenging the legality of the EU ban on the export of British beef before the European Court of Justice.

Mrs. Ann Winterton: To ask the Minister of Agriculture, Fisheries and Food (1) what has been the total value of beef exports to the European Union in each of the last four quarters; [26996]

(2) what has been the total value of exports of calves and cull cattle to the European Union in each of the last four quarters; [26997]

(3) what has been the total value of beef imports from the European Union in each of the last four quarters; [26998]

(4) what has been the total value of imports of calves and cull cattle from the European Union in each of the last four quarters. [26999]

Mrs. Browning: Overseas trade statistics for the United Kingdom record the total value of imports and exports of bovine carcase meat and live bovines with other members of the EC as follows:

£ million

	1995 *Q1*	*Q2*	*Q3*	*Q4*
Exports to the EC				
Beef	132	147	130	125
Live bovines	14	23	23	14
Imports from the EC				
Beef	46	52	71	52
Live bovines	2	1	4	6

Please note that all data are provisional and subject to amendment.

It is not possible to identify separately the figures for calves and cull cattle, but the figures for exports of live bovines are predominately made up of trade in calves.

Written Answers to Questions

Tuesday 30 April 1996

FOREIGN AND COMMONWEALTH AFFAIRS

Cyprus

Mr. John D. Taylor: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the estimated number of Turkish Cypriots in Cyprus living in the area to the south of the UN-patrolled buffer zone; what are current trends in the number; and if he will make a statement. [27152]

Mr. David Davis: The UN Secretary-General's report of 10 December 1995 on the UN operation in Cyprus states that 362 Turkish Cypriots located in the southern part of Cyprus have made themselves known to United Nations forces in Cyprus personnel. We support the call in UN Security Council resolution 789 for a Cyprus-wide census under the auspices of the United Nations.

Land Mines

Mr. Flynn: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 23 April, *Official Report*, column *84*, what is his Department's assessment of the effect of Her Majesty's Government's decision to modernise their stock of anti-personnel mines on the prospects of achieving an international agreement banning all anti-personnel mines. [27323]

Mr. David Davis: We are committed to pursuing a total ban on anti-personnel land mines. We shall as soon as possible destroy nearly half of our existing stocks of anti-personnel land mines. We intend to destroy the remainder when an international ban is agreed, or when viable alternatives become available. In the meantime, should it become necessary to replace any of the remaining mines, we shall do so only with self-destruct mines. We have taken no final decision to procure any new anti-personnel mines. We shall continue to pursue the policy which, in our view, offers the best prospect of addressing the terrible consequences for innocent civilians of the irresponsible use of anti-personnel land mines.

Mr. Flynn: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 23 April, *Official Report*, column *84*, how the Government plan to pursue an international agreement on banning all non-self-destructing anti-personnel mines. [27320]

Mr. Davis: We are committed to pursuing a total international ban on all anti-personnel mines and, as an interim measure, will also work for a ban on non-self-destructing mines. We shall consider how best to proceed, in concert with allies and partners who share our objectives, in the light of the conclusion of the UN weaponry convention review conference, which is currently in progress in Geneva.

Mr. Flynn: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 23 April, *Official Report*, column *84*, what is his Department's policy towards sharing self-destruct technology with those countries who currently export non-self-destruct anti-personnel mines to help them switch production to self-destruct anti-personnel mines. [27324]

Mr. Davis: Our aim is to bring about the elimination of all anti-personnel land mines as soon as it is practicable, and in the short term to eliminate particularly non-self-destruct mines which are the most dangerous to civilians. We have also announced a total moratorium on the export of all anti-personnel land mines to all destinations. We shall be guided by these factors in considering any sharing of mine-related technology with any country.

PRIME MINISTER

Ministerial Visit (Gosport)

Mr. Viggers: To ask the Prime Minister if he will pay an official visit to Gosport. [25708]

The Prime Minister: I have at present no plans to do so.

Department of Transport

Mr. Allen: To ask the Prime Minister if he will make a statement on the future role of the Department of Transport. [26903]

The Prime Minister: The "Transport Report 1996", Command Paper 3206, which was published on 25 March, sets out the Department of Transport's overall objectives and priorities for the immediate future.

Nuclear Safety and Security Summit

Mr. Llew Smith: To ask the Prime Minister, pursuant to his answer of 22 April to the hon. Member for Reading, West (Sir A. Durant) *Official Report*, columns *18–19*, if he will publish *(a)* the financial commitments made to the Ukraine to close down and clean up the Chernobyl reactors by (i) the United Kingdom and (ii) the G7 and *(b)* the timetable over which these commitments are made. [27348]

The Prime Minister: The memorandum of understanding signed in December 1995 between the Ukraine, the G7 countries and the European Commission provides for the closure of Chernobyl within the framework of a comprehensive assistance programme for Ukraine's energy sector. The MOU committed assistance to some $500 million in grants and to $1.8 billion in projected investments. To date, the United Kingdom has contributed over £16 million for Chernobyl-related projects and assistance with energy sector restructuring.

Mr. Smith: To ask the Prime Minister what estimates he has made of the cost to the United Kingdom of *(a)* additional health monitoring, *(b)* nuclear installations safety reviews, *(c)* compensation for loss of trade to the

United Kingdom and *(d)* other costs of the Chernobyl accident of 1986. [27386]

The Prime Minister: No central estimate has been made of the cost of the United Kingdom of additional health monitoring of the Chernobyl accident. Direct costs which can be identified amount to around some £13 million for compensation paid to sheep farmers and environmental monitoring projects. In addition, over a 10-year period, £33 million will have been invested in the Government's radioactive incident monitoring network.

Prince of Wales's Consent

Mrs. Fyfe: To ask the Prime Minister in what circumstances the Prince of Wales's consent is needed for a Bill. [26043]

The Prime Minister: Bills whose provisions affect the hereditary revenues, personal property or interests of the Duchy of Cornwall require the consent of the Prince of Wales to be signified in both Houses before they are passed. The same would apply to any Bill which affected the interest of the Prince of Wales in his capacity as Prince and Steward of Scotland.

Engagements

Sir Peter Tapsell: To ask the Prime Minister if he will list his official engagements for Tuesday 30 April. [26044]

Mr. Harry Greenway: To ask the Prime Minister if he will list his official engagements for Tuesday 30 April. [26045]

The Prime Minister: This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

LORD CHANCELLOR'S DEPARTMENT

Performance Targets

Mrs. Lait: To ask the Parliamentary Secretary, Lord Chancellor's Department what are the key performance targets for the Court Service, Her Majesty's Land Registry, the Public Record Office and Public Trust Office for 1996–97. [27708]

Mr. Jonathan Evans: The following tables set out the key performance targets that the Lord Chancellor has set for the Court Service, Her Majesty's Land Registry, the Public Record Office and the Public Trust Office for 1996–97.

Court Service
Key performance targets 1996–97

	Indicator	*Target*
Quality of service:	1. Percentage of courts and offices meeting all charter for court users standards	95 per cent.
Supreme court:	2. Percentage of administrative process dealt with within target time	95 per cent.
Crown court:	3. Percentage of defendants committed for trail waiting 16 weeks or less	75 per cent.
County courts:	4. Percentage of administrative process dealt with within target time	92 per cent.
Enforcement:	5. Number of warrants paid as a percentage of correctly directed warrants	70 per cent.
Unit costs:	6. Unit cost of a productive courtroom hour (Crown court)	£522.55
	7. Unit cost of an hour of administrative work as measured by the business management system (county courts)	£49.92
Cost recovery:	8. Percentage of the cost of civil courts recovered	86 per cent.

Fuller details of the agency's targets are given in its business plan which is available from the Court Service Headquarters.

Her Majesty's Land Registry Executive Agency Key performance targets 1996–97

Indicator	*Target*
Financial	
Return on average capital employed[1] (ROCE):	3 per cent.
External financing limit:	£0
Efficiency	
Cost per unit in real terms[2]	£27.84—a 3 per cent. reduction over the 1995–96 target of £28.70
Cost per unit in cash terms:	£30.82
Productivity	
Unit output per post (per day):	3.34 units—a 4.1 per cent. increase over the 1995–96 target of 3.202 units
Citizen's charter standards	
Percentage of pre-completion applications handled in two working days at every district land registry:	Not less than 98.5 per cent.
Average processing time for post-completion applications at every district land registry:	Where no requisitions arise, no more than 15 working days.
Percentage of registrations handled free of error at every district land registry:	Not less than 98 per cent.
Development of land registration	
Number of computerised titles:	To increase the number of registered titles in computerised format to 14 million.
Number of title plans:	To increase the number of title plans in computerised format to 0.3 million.
Number of account holders using direct computer access at end of year:	400 account holders.

[1] ROCE below 6 per cent. reflects agreement with HM Treasury to apply surplus income generated in 1993–95, when ROCE exceeded 25 per cent. in each year to fee reductions in 1996–99.

[2] The real term unit cost in the base year, of 1992–93 was £30.65.

Fuller details of the registry's performance targets are given in its business plan, which is available from Her Majesty's Land Registry.

Public Record Office Key performance targets 1996–97

Indicator	*Target*
1. Efficiency	
Unit costs of key activities:	
(a) record accessions	Reduce by 3.4 per cent. to £2.99
(b) providing record storage space per linear metre	Reduce by 14.6 per cent. to £60.70
(c) making documents available to users per document	Reduce by 0.9 per cent. to £5.99
(d) providing census reader services per reader visit	Reduce by 4.86 per cent. to £4.03
(e) providing document reader services per reader visit	Limit increase to 7.01 per cent., i.e. to £41.54
(f) providing remote user information services per contact	Reduce by 3.79 per cent. to £42.20
Backlog of records reported by Departments as being over 30 years old and awaiting review	Reduce by 1,000 metres
The timely destruction of records not worthy of preservation	Departments to have in place key features of records management, as specified in the PRO Manual of Records Administration
Provision of acceptable storage conditions, i.e. meeting the preservation and environmental standards recommended by BS 5454: 1989 Recommendations for storage and exhibition of archival documents BSI, 1989.	Increase the proportion of records stored to the standards from 87.75 per cent. to 87.85 per cent.
Management efficiency in running support services and projects	Reduce the running costs of the office's support services as a proportion of overall running costs from 11.2 per cent. to 9.8 per cent.
2. Quality of service	
Citizen's charter standards	Achieve all charter standard targets[1]
3. Effectiveness	
Performance in achieving specified milestones towards strategic objectives	(i) complete new Public Record Office project at Kew
	(ii) review operation of the public records system
	(iii) increase revenue by 10 per cent.

[1] Subject to specified modifications during period of major building works and moves of records.

Fuller details of the office's targets are given in its business plan, which is available from the Public Record Office.

Public Trust Office Executive Agency Key performance targets 1996–97

Indicator	*Target*
1. To carry out accounting transactions within target times	To bring to account at least 98 per cent. of receipts and payments transactions within turnaround targets
2. To achieve investment targets	*(a)* to pay annually not less than the rate provided by the average of a model set of comparators for special and basic rate at 75 per cent. of special rate
	(b) on an annual basis to ensure that 85 per cent. of all measured funds perform in line or better than their model based on stock market indices
	(c) on a three-year rolling basis to ensure that 80 per cent. of all measured funds perform in line or better than their model based on stock market indices
3. To achieve Charter Standards	To achieve 98 per cent. of charter standards
4. To achieve unit costs in activity areas	To reduce overall unit costs so that the target for 1996–97 will be at least 2.75 per cent. lower than the target for 1995–96 (adjusted for inflation)
5. Percentage of full costs recovered	To ensure that 100 per cent. of full costs are recovered

Fuller details of the office's performance targets are given in its business plan, which is available from the Public Trust Office.

ENVIRONMENT

Water Supplies

16. **Mr. Nigel Griffiths:** To ask the Secretary of State for the Environment what powers he has to ensure that the water companies take steps to guarantee uninterrupted water supplies this summer. [25688]

Mr. Robert B. Jones: Under the Water Industry Act 1991 the Secretary of State—or the Director General of Water Services—may make enforcement orders requiring a company to take specific actions in order to secure compliance with any statutory or other requirement enforceable under the Act. One such duty, under section 37, is that water companies must develop and maintain an efficient and economical system of water supply within their area and make supplies available to persons who demand them.

20. **Mr. Hinchliffe:** To ask the Secretary of State for the Environment what steps he is taking to monitor the future availability of water supplies. [25692]

Mr. Jones: My Department commissioned a series of reports from the National Rivers Authority on the water resource situation and prospects for supplies in England and Wales. A further report, from the Environment Agency, is expected to be published on 1 May.

Mrs. Helen Jackson: To ask the Secretary of State for the Environment (1) what voluntary leakage reduction target each water company has set over the next five and 10 years; [27164]

(2) if he will publish water company leakage rates on a quarterly basis at times of water shortage. [27165]

Mr. Clappison: The water service companies' current targets for reducing leakage are summarised in the table. The Director General of Water Services is involved in on-going discussions with companies about the adequacy and consistency of these targets. There are not plans to publish leakage rates quarterly.

Water Service Company Leakage Targets	
Anglian Water	Aim to reduce leakage to around 10 per cent. by the year 2000
Dwr Cymru	Aim to achieve a reduction of over a third by the year 2000
Northumbrian Water	Aim to reduce leakage to 15 per cent. in the coming years
North West Water	Aim to reduce leakage to 22 per cent. by the year 2000
Severn Trent Water	Aim to reduce leakage to 12 per cent. over the next five years
Southern Water	Aim to reduce levels to 10 per cent. by the year 2000
South West Water	Aim to reduce leakage to 15 per cent. by the year 2000
Thames Water	Aim to halve leakage by 2005
Wessex Water[1]	Aim to achieve 15 per cent. leakage by the 2005
Yorkshire Water	Aim to reduce leakage to 60Ml/d by 1998 and to 20 per cent. in the longer term

Source:

Water Services Association April 1996.

[1] October 1995.

Mrs. Jackson: To ask the Secretary of State for the Environment what additional investment each water company approved in the past six months to respond to the present shortage of rainfall. [27167]

Mr. Clappison: During the latter part of 1995 and the first four months of 1996, the privatised water and sewerage companies have announced additional investment of more than £400 million in developing water resources and improving the distribution network. Figures for individual companies are as follows:

	£ million
Anglian Water	10
Dwr Cymru	10
Northumbrian Water	3
North West Water	53
Severn Trent Water	100
Southern Water	32
South West Water	20
Thames Water	35
Yorkshire Water	171
Wessex Water	5

Unified Business Rate

17. **Dr. Spink:** To ask the Secretary of State for the Environment what assessment he has made of the impact on small businesses of his policy to give transitional relief on the unified business rate. [25689]

Mr. Gummer: In 1995–96, the transitional arrangements benefited 815,000 small business premises compared with 315,000 large properties. This represents a saving to small businesses of nearly £380 million. Over the period 1995 to 2000, small businesses are expected to benefit by about £1.35 billion from transition.

District Auditor Service

18. **Mr. Khabra:** To ask the Secretary of State for the Environment what discussions he has had with the Controller of the Audit Commission on the district auditor service. [25690]

Mr. Curry: No such discussions have been held, but Ministers meet the chairman and members of the commission informally from time to time.

21. **Mr. Betts:** To ask the Secretary of State for the Environment when he last met local authority leaders to discuss Government contribution to local authority spending. [25693]

Mr. Curry: I last met local authority leaders specifically to discuss the financing of local authority revenue expenditure on 15 January. My most recent meeting with chairmen of the local authority associations was on 23 April.

Local Authority Spending

Mr. Rendel: To ask the Secretary of State for the Environment what has been the percentage increase in expenditure by local authorities between 1992–93 and the 1996–97 budgeted figures. [25691]

Sir Paul Beresford: The increase in local authority budgeted expenditure from 1992–93 to 1996–97 is estimated at 9.3 per cent.

Mr. Harry Greenway: To ask the Secretary of State for the Environment what plans he has to change the basis on which local authorities are authorised to make grants to *(a)* sporting and *(b)* other bodies; and if he will make a statement. [26046]

Sir Paul Beresford: We have no plans to change the basis on which local authorities are authorised to make such grants.

Mr. Berry: To ask the Secretary of State for the Environment if he will make a statement of the rules governing the use of funds paid to a company by a local authority for the provision of services, with particular reference to the use of such funds to prepare bids to provide similar services for other local authorities. [27447]

Sir Paul Beresford: Where a company carries out work for a local authority it is for that company to determine how it uses the income from the contract.

Rural White Paper

22. **Mr. Spring:** To ask the Secretary of State for the Environment how many copies of the rural White Paper have been sold to date. [25694]

Mr. Gummer: Since the publication of the White Paper, "Rural England" in October 1995, some 7,200 copies have been sold.

Local Education Authorities

23. **Ms Coffey:** To ask the Secretary of State for the Environment what recent representations he has received concerning the allocation of funds to local education authorities. [25695]

Sir Paul Beresford: The Secretary of State received 143 written representations from local education authorities and, with ministerial colleagues, met delegations from 44 local education authorities during the formal consultation period.

Capital Challenge

24. **Mrs. Helen Jackson:** To ask the Secretary of State for the Environment what submissions he has received from local authority leaders concerning capital challenge. [25696]

Mr. Curry: Two hundred and twelve responses have been received from local authorities and local authority associations and 36 have been received from other bodies.

Good Landlord Registration Scheme

25. **Mr. Cousins:** To ask the Secretary of State for the Environment what action he is taking to promote a good landlords registration scheme. [25697]

Mr. Clappison: We believe that a compulsory national registration scheme would impose an unnecessary regulatory burden on landlords and local authorities, and unnecessary costs. Research shows that the majority of tenants have a good relationship with their landlord.

We actively encourage local authorities through the housing investment programme to work with private landlords to make the most effective use of the local housing stock and to provide good quality accommodation. We believe authorities should have the flexibility to develop initiatives which best meet local needs and problems.

Local authorities have a range of enforcement powers to take action against landlords who provide accommodation which does not meet fitness standards. Proposals in the Housing Bill will strengthen local authorities' powers to deal with the particular problems in houses in multiple occupation.

Anti-social Tenants

26. **Sir John Hannam:** To ask the Secretary of State for the Environment what plans he has to help local authorities deal with anti-social tenants. [25698]

Mr. Curry: The Government have included in the Housing Bill a substantial package of measures to help local authorities to deal more effectively with anti-social tenants. We have also issued guidance to all local authorities to help them make better use of the court system when evicting troublemakers.

Energy Efficiency

27. **Mr. Alan W. Williams:** To ask the Secretary of State for the Environment if he will make a statement on improvement in energy efficiency in the domestic, industrial and transport sectors of the economy since 1970. [25699]

Mr. Robert B. Jones: My Department actively promotes energy efficiency through a wide range of initiatives across all sectors, including information and advice, voluntary schemes, and selective use of grants, incentives and regulation. My Department's recent publication, "Sustainable Development Indicators", shows that primary energy consumption in the UK has remained fairly constant since 1970, despite the 60 per cent. rise in gross domestic product. The UK expects carbon dioxide emissions to be 4 to 8 per cent. below 1990 levels by the year 2000.

Built Environment (London)

28. **Mr. Tony Banks:** To ask the Secretary of State for the Environment what proposals he has to improve the built environment in London. [25700]

Mr. Gummer: My over-arching objective is to raise the standard of urban design in London, as elsewhere in the country. I have a number of initiatives in hand to achieve this.

I shall shortly be publishing "Strategic Guidance for London Planning Authorities", which has a chapter devoted to policies to protect and improve the quality of London's environment to ensure that the capital maintains its attractiveness and competitiveness.

Similarly, "Strategic Guidance for the Thames" will increase awareness of the importance of raising design standards in the sensitive river corridor and will contain a set of design principles which local planning authorities will be required to take account of when considering development proposals.

Earlier this year, the Government office for London published a research document on London's urban environment, "Planning for Quality", which identifies the principal components of urban quality and illustrates how they can be enhanced as planning policies are developed.

This is all part of the wider quality in town and country initiative that I launched last year, which seeks to encourage debate and action about what government and others can do to achieve quality in the built environment. Out of this grew last summer's urban design campaign to promote greater consideration of design issues at local level. Out of 21 schemes being supported by my Department nationwide, two are in London-at Borough market and Wimbledon town centre. They will feature in a major exhibition on urban design later this year and the results will help to inform the preparation of good practice on design.

My Department is also reviewing existing planning policy guidance on design in the context of a general review of planning policy guidance note No. 1.

Mine Water Discharges

Sir Cranley Onslow: To ask the Secretary of State for the Environment what steps he has taken to ensure that the criteria employed by the Environment Agency in deciding how many cases of mine water discharges in England and Wales should be selected for remediation funding are consistent with the EC limits set out in the freshwater fisheries directive. [26880]

Mr. Robert B. Jones: I am advised that some of the chemical parameters set out in the Fresh Water for Fish Directive, 78/659/EEC, are used by the Environment Agency in assessing the state of waters affected by discharges from abandoned coal mines.

Sir Cranley Onslow: To ask the Secretary of State for the Environment if he will obtain from the Environment Agency a copy of the full list of sites of mine water discharges in England and Wales which were considered for possible remediation funding, together with the criteria used in the decision as to the cases to be put forward; and if he will place the list in the Library. [26881]

Mr. Jones: So far as mine water discharges from coal mines are concerned, the Environment Agency has considered a large number of sites affected by mine water discharges, using the following criteria:

Biological impact

Area biologically affected

Area visually affected

Length visually affected

Substrate quality

Iron deposition

Total iron downstream of discharge

pH, dissolved oxygen levels and aluminium concentration.

As a result of the application of these criteria, 35 sites have been identified for further study in order to consider the practicability and cost of potential remedial work. I am arranging for a list of these sites to be placed in the Library of the House.

Out-of-town Superstores

Mrs. Helen Jackson: To ask the Secretary of State for the Environment when he will announce his decision with regard to the planning proposals for four out-of-town-centre food superstores at Daventry, Northamptonshire. [27388]

Sir Paul Beresford: I expect to be able to issue decisions shortly.

House Building

Mr. Cox: To ask the Secretary of State for the Environment when he last met representatives of the house building industry to discuss house building in England; and if he will make a statement. [26129]

Mr. Clappison: The Secretary of State met members of the volume housebuilders study group on 13 February 1996. This was followed by more detailed discussions with the chairman of the group. In addition, my hon. Friend the Minister for Planning, Construction and Energy Efficiency and I hold regular meetings with representatives of the construction industry including, where appropriate, those from the housebuilding industry.

There were 135,700 private housing starts in 1995; that is 13 per cent. higher than in 1992, which was the lowest point in the recent housebuilding cycle. In the three months to February 1996, starts rose 6 per cent. compared with the previous three months. Mortgage interest rates are now at their lowest for nearly 30 years and house purchase is unusually affordable. The Government believe that there is every reason to have confidence in the present and future health of the housing market.

Environment Agency

Mr. Llew Smith: To ask the Secretary of State for the Environment if he will make a statement on the role of the board of the Environment Agency and its regional committees. [26358]

Mr. Clappison: The board is directly responsible to Ministers for all aspects of the agency's organisation and performance. We expect the board to ensure that the agency fulfils its statutory duties and to ensure propriety, regularity, economy, efficiency and effectiveness in the operation of the organisation.

Within each of its regions, the agency is required to establish an environment protection advisory committee and a fisheries advisory committee and to consult them about the manner in which it carries out relevant functions in the regions.

Each region also has one or more flood defence committee, which are responsible for carrying out all the agency's flood defence functions other than the issuing of levies, making drainage charges or borrowing money.

Channel Tunnel Rail Link

Mr. Corbyn: To ask the Secretary of State for the Environment, pursuant to his answer to the hon. Member for Dartford (Mr. Dunn) of 18 March, *Official Report*, column 9, on the establishment of an interdepartmental working group in respect of perceived blight *(a)* what is the membership of the group, *(b)* when it is due to report to him, *(c)* when its findings will be published, *(d)* what representations will be allowed from local authorities and affected residents and *(e)* if it will take into account views expressed by any Select Committee of the House of Lords on the Channel Tunnel Rail Link Bill. [27105]

Sir Paul Beresford: The interdepartmental working group on blight is chaired by the head of the Department of the Environment planning directorate. The membership of the group is drawn from the Departments for Education and Employment, the Environment, National Heritage, Trade and Industry and Transport and the Ministries of Agriculture, Fisheries and Food, and of Defence, Her Majesty's Treasury, the Welsh and Scottish Offices, the Department of the Environment for Northern Ireland, the Highways Agency, the Prison Service, NHS Estates and the Valuation Office.

The working group will circulate a paper shortly summarising the main issues for consideration and inviting comments. A copy will be placed in the Library. Until we see what evidence is submitted and are able to analyse the options that may arise, it is premature to say when a final report will be submitted, but the working group will proceed as quickly as possible and I have already undertaken that there will be a progress report in September.

Evidence from affected residents, local authorities or other interested parties is welcome at any time through one of the professional bodies or interest groups, or direct to the working group. Representations should be sent to the secretary, room C16/08a, 2 Marsham street, London SW1P 3EB.

The working group will, of course, take full account of all views expressed by any Select Committee of the House of Lords on the Channel Tunnel Rail Link Bill, alongside

those already expressed by the Select Committee in the House of Commons and by hon. Members during the Commons Standing Committee on the Channel Tunnel Rail Link Bill.

Butterfly, Bat and Toad Habitat

Mr. Flynn: To ask the Secretary of State for the Environment what new proposals he has to improve the habitats of butterflies, bats and toads. [25682]

Mr. Clappison: The biodiversity steering group, chaired by my Department, with members drawn from all sectors, published its findings on 13 December 1995. "Biodiversity: The UK Steering Group Report", identifies some 25 butterfly, 15 bat and two toad species whose populations should be monitored where possible. The report includes costed action plans for seven of the butterflies, three of the bats and one of the toads and recommends that costed action plans for a further three butterflies, one bat and one toad be produced within three years.

In addition, many of the species concerned would benefit from the proposals for costed action plans for 14 key habitats included in the report and the recommendation that costed plans for a further 24 key habitats be produced within three years.

The Government intend to publish their response to the report shortly.

Home Energy Efficiency Scheme

Ms Ruddock: To ask the Secretary of State for the Environment how may householders are currently on a waiting list for assistance under the home energy efficiency scheme; how long he estimates it will take for these householders to have work under the scheme carried out; and if he will make a statement. [27556]

Mr. Robert B. Jones: I estimate that installers now have, on average, about 36 weeks' work from the 310,000 expressions of interest recorded by Eaga Ltd, the scheme managers. The queue will be tackled efficiently to return average waiting times to the lengths for which the scheme is rightly well regarded.

Council Tax (Kingswood)

Mr. Berry: To ask the Secretary of State for the Environment what was *(a)* the total sum, *(b)* the amount paid to Kingswood borough council, *(c)* the percentage of the total paid to Kingswood borough council and *(d)* the amount paid per dwelling in Bristol, in transitional relief in respect of the council tax in each year from 1993–94 to 1995–96. [27450]

Sir Paul Beresford: The information requested is as follows:

(a) Total amount of transitional relief

1993–94: £378,652,826

1994–95: £111,283,108

1995–96: £27,178,179[1]

(b) Amount of transitional relief paid to Kingswood borough council

1993–94: £164,456

1994–95: £28,416

1995–96: £6,125[1]

(c) Percentage of total amount of transitional relief paid to Kingswood borough council

1993–94: 0.04 per cent.

1994–95: 0.02 per cent.

1995–96: 0.02 per cent.[1]

(d) Amount paid per chargeable dwelling in Kingswood

1993–94: £4.59

1994–95: £0.78

1995–96: £0.16[1]

These figures are averages. The actual amount of transitional relief varied according to a household's council tax banding, its composition and its previous liability for community charge.

[1] Information for 1995–96 is provisional and is subject to final grant claims to be made during 1996–97.

Council Tax (Bristol)

Mr. Berry: To ask the Secretary of State for the Environment what was *(a)* the total sum, *(b)* the amount paid to Bristol city council, *(c)* the percentage of the total paid to Bristol city council, and *(d)* the amount paid per dwelling in Bristol, in transitional relief in respect of the council tax in each year from 1993–94 to 1995–96. [27449]

Sir Paul Beresford: The information requested is as follows:

(a) Total amount of transitional relief

1993–94: £378,652,826

1994–95: £111,283,108

1995–96: £27,178,179[1]

(b) Amount of transitional relief paid to Bristol city council

1993–94: £2,061,364

1994–95: £529,832

1995–96: £148,666[1]

(c) Percentage of total amount of transitional relief paid to Bristol city council

1993–94: 0.54 per cent.

1994–95: 0.48 per cent.

1995–96: 0.54 per cent.[1]

(d) Amount paid per chargeable dwelling in Bristol

1993–94: £12.94

1994–95: £3.32

1995–96: £0.93[1]

These figures are averages. The actual amount of transitional relief varied according to a household's council tax banding, its composition and its previous liability for community charge.

[1] Information for 1995–96 is provisional and is subject to final grant claims to be made during 1996–97.

Cable Companies (Access)

Mr. Nigel Jones: To ask the Secretary of State for the Environment what is his policy in respect of permitting access by cable companies *(a)* across local authority land, *(b)* to install their services to local authority builders and *(c)* to install their services to listed buildings and in conservation areas; and if he will make a statement. [27057]

Mr. Ian Taylor: I have been asked to reply.

Cable television operators are granted special powers under section 10 and schedule 2 of the Telecommunications Act 1984 to assist with the installation of their systems in the public highway and, with the appropriate consents, on private land.

A cable operator does not have the automatic right to carry out works on private land unless it has first obtained the written agreement of the owner, be it a local authority or a private individual. If a cable operator were to be refused agreement to install its apparatus in these circumstances, it could apply to the courts for the necessary rights to be granted, on terms to be decided by the court.

The powers given to cable operators, through the terms of their individual licences under the Act, do not override the obligation imposed by section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to obtain listed building consent for any works which affect the character of a listed building.

Fluoridation

Mr. Llwyd: To ask the Secretary of State for the Environment (1) what recent representations his Department has received concerning the expansion of water fluoridation; and if he will make a statement; [26994]

(2) what plans he has for legislation to require water companies to extend the provision of fluoridated water; and if he will make a statement. [26993]

Mr. Malone: I have been asked to reply.

The Department of Health regularly receives correspondence expressing opinions both for and against water fluoridation. Our professional and scientific advisers continue to advise us of the safety and effectiveness of optimal water fluoridation as a means to improving the oral health of the nation, and we therefore support fluoridation, especially in areas of poor dental health. This remains, however, a local matter for agreement between health authorities and water undertakers after local public consultation. There are no plans for changes to current legislation.

HOME DEPARTMENT

Crime (Clear-ups)

Mr. Cox: To ask the Secretary of State for the Home Department what percentage of the recorded crimes which were cleared up in each of the past five years were cleared up by secondary means. [25603]

Mr. Maclean: The information requested is given in table B of Home Office statistical bulletin 3/96, a copy of which is available in the Library.

Criminal Cases Review Commission

Mr. Mullin: To ask the Secretary of State for the Home Department when the post of chairman of the Criminal Cases Review Commission was advertised; when the interviews took place; how many candidates were interviewed; why no appointment has yet been made; and if he will make a statement. [26883]

Mr. Kirkhope: The post of chairman of the Criminal Cases Review Commission was advertised on 3, 5 and 8 September 1995. Six candidates were interviewed on 12 and 20 December 1995. It was announced on 3 April that the chairman will be Sir Frederick Crawford. He will be appointed formally when section 8 of the Criminal Appeal Act 1995 is brought into force.

Mr. Mullin: To ask the Secretary of State for the Home Department when he expects the Criminal Cases Review Commission to be established; what is the reason for the delay; when he is proposing to advertise for members of the commission; and if he will make a statement. [26884]

Mr. Kirkhope: We expect the Criminal Cases Review Commission to start work later this year. Work to establish it is proceeding as quickly as possible. Advertising for the members of the commission will begin on 5 May.

Mr. Brian Parsons

Mr. Mullin: To ask the Secretary of State for the Home Department when he first received representations on behalf of Mr. Brian Parsons; when he expects to complete his considerations; and if he will make a statement. [26886]

Mr. Kirkhope: Representations were first made between March 1991 and January 1993, but on the basis of these it was decided in May 1993 not to refer the case to the Court of Appeal. Further representations were made following television documentaries shown in 1994 and 1995. As a result of these, the entire case was re-examined by the Devon and Cornwall police. Once we have finished considering their report, we shall aim to reach a conclusion about the case as quickly as possible.

Driving Licence Fraud

Mr. Allen: To ask the Secretary of State for the Home Department on how many occasions driving licences have been used fraudulently in each of the last five years. [26902]

Mr. Maclean: The available information relates to the number of findings of guilt for fraud, forgery and similar offences associated with driving licences in England and Wales, and is as follows:

Findings of guilt in England and Wales for fraud, forgery and similar offences associated with driving licences.

1990: 1,436

1991: 1,200

1992: 1,015

1993: 944

1994: 1,344.

Figures for 1995 are not yet available.

James Hanratty

Mr. Mullin: To ask the Secretary of State for the Home Department when he expects to receive a report from Superintendent Roger Matthews on his inquiry into the James Hanratty case; and if he will make a statement. [27155]

Mr. Kirkhope: We expect to receive shortly a report from the Metropolitan police on certain matters raised in the representations in this case.

Asylum and Immigration

Mr. Bernie Grant: To ask the Secretary of State for the Home Department what plans he has to introduce measures to register and regulate individuals and organisations offering legal advice and representation to applicants for asylum and immigration. [27248]

Mr. Kirkhope: I have no plans to introduce such measures. Discussions are continuing with the Law Society and other interested parties on the question of regulation.

Immigration Complaints System

Sir Irvine Patnick: To ask the Secretary of State for the Home Department if he has received the annual report for 1995 of the complaints audit committee of the Immigration and Nationality Directorate; and if he will make a statement. [27768]

Mr. Kirkhope: A copy of the report has been placed in the Library. It is a wide-ranging, informative and encouraging document and I am grateful to the committee for its comments and recommendations. These are already receiving careful consideration.

UK Passport Agency

Sir Irvine Patnick: To ask the Secretary of State for the Home Department how the UK Passport Agency performed against its targets in 1995–96; and what performance targets he has set for the agency in 1996–97. [27769]

Mr. Kirkhope: I am pleased to say that the UK Passport Agency achieved all its targets in 1995–96. The targets for processing properly completed straightforward applications were met despite a 20 per cent. increase in demand for passport services with an average turnround time for the whole year of 6.1 working days, well within the average target of seven working days. The Passport Agency's financial target was to reduce its unit cost by 5 per cent. in real terms. The latest indications are that the agency has achieved a 7.25 per cent. real terms reduction in its unit cost. Another notable achievement was the re-award of the chartermark in December 1995.

During 1996–97, I shall expect the Passport Agency to continue to improve its standard of service to the public, while seeking further efficiency savings in its operations.

Euro 96

Mrs. Peacock: To ask the Secretary of State for the Home Department (1) if he will ensure that all police forces will have adequate equipment and manpower available to control unruly behaviour at European nations cup football matches; [27390]

(2) if he will ensure that water cannons will be available to police authorities in the United Kingdom to control unruly spectators attending the European nations cup football matches; [27392]

(3) if he will list the steps that have been and will be taken to ensure the safety of spectators at the European nations cup football matches to be held in the summer in England; and if he will make a statement. [27391]

Mr. Maclean: Decisions about the deployment of officers and the allocation of resources to police Euro 96 are the responsibility of the chief officers of the eight forces concerned. They must decide how many officers need to be deployed at matches and in surrounding public places. Chief officers are well used to policing football throughout the ordinary football season and are thus best placed to make decisions of this kind.

A joint Home Office and police working party has concluded that water cannon should not be added to the range of public order equipment available to the police This is because they are heavy and cumbersome and cannot be mobilised quickly to deal with spontaneous disorder.

The Association of Chief Police Officers has developed extensive plans for the policing of Euro 96, in conjunction with the Football Association and Government Departments. There will be police intelligence centres adjacent to the grounds with a national co-ordinating centre in central London. Police "spotters" will be used to identify troublemakers from home and abroad: very close liaison with the police forces of the participating countries is taking place and will continue throughout the period of the tournament. The latest technology is now in place and will be used to ensure that local police have up-to-date information about the movements of known and suspected hooligans.

The police strategy is aimed at ensuring the safety and well-being of the great majority of genuine and law abiding football supporters who will be coming to enjoy Euro 96. However, anyone intending to disrupt the competition and spoil the enjoyment of others can be assured they will be swiftly dealt with by the police, the prosecuting authorities and the courts.

Asylum Seekers

Mrs. Fyfe: To ask the Secretary of State for the Home Department how many Ahmadi muslims *(a)* in Pakistan and *(b)* elsewhere have sought asylum each year since 1984; and how many such applications in each year have been successful. [26042]

Mr. Kirkhope: Asylum applications are recorded on the basis of nationality rather than religious beliefs, so therefore, applications lodged by Ahmadi muslims are not separately identifiable in the statistics.

Tables 2.1 and 3.1 to 3.3 of the Home Office statistical bulletin "Asylum Statistics United Kingdom 1994", issue 15/95, give asylum application and decision figures for nationals of Pakistan and other Muslim countries, for the years 1986 to 1994. Equivalent information for 1985 is given in issue 17/94 of this publication, both of which are available in the Library.

Raghbir Singh

Mr. Alex Carlile: To ask the Secretary of State for the Home Department for how long Raghbir Singh has been detained; for what reason he has been detained; what recourse to appeal he has against his detention; and if he will make a statement. [26210]

Mr. Howard: Raghbir Singh has been detained since 29 March 1995, when he was served with a notice of intention that he should be deported on the ground that his deportation would be conducive to the public good for reasons of national security.

The lawfulness of my decision to detain Mr. Singh under Immigration Act powers and to initiate deportation action against him has been the subject of judicial review proceedings before both the High Court and the Court of Appeal. On both occasions, the courts concluded that the action was lawful.

Nigeria

Mr. Corbyn: To ask the Secretary of State for the Home Department what assessment he has made of the safety of pro-democracy supporters being returned to Nigeria; and if he will make a statement. [27136]

Mr. Kirkhope: Our assessment of the general situation in Nigeria is summarised in the December 1995 country information document which has been placed in the Library. That assessment is kept under review. Each asylum application is, however, considered in the light of its particular individual circumstances.

Chief Constables

Mr. Blunkett: To ask the Secretary of State for the Home Department (1) what direction he has given to chief constables in relation to activities not related to their duties in managing and supervising the police force in their area, and the amount of time to be spent on such activities not related to the immediate duties for which they are employed; and if he will make a statement; [26809]

(2) if he will list for all chief constables the amount of time each has spent out of force over the past 12 months; where this has exceeded one week, what clearance has been given from the Home Office for such out-of-force activities; and if he will make a statement; [26810]

(3) what guidance he has given to chief constables and police authorities in relation to the amount of leave out of force for any one chief constable in a given 12-month period; what provision has been made for cover to be provided in the light of such absence; and if he will make a statement. [26811]

Mr. Maclean *[holding answers 26 April 1996]:* These matters are for chief constables and their police authorities to manage within the provisions of the Police Regulations 1995. During periods of absence, an assistant chief constable, who is designated under the terms of section 6 of the Police Act 1964, as amended by section 6 of the Police and Magistrates Courts' Act 1994, will exercise all the powers and duties of the chief constable.

Police Officers

Mr. Hardy: To ask the Secretary of State for the Home Department (1) how many police officers there are in each member state of the Council of Europe; [26356]

(2) what is the current ratio of police officers per 1,000 population in each member state of the EU. [26357]

Mr. Maclean *[holding answer 29 April 1996]:* This information is not centrally collected.

Learmont Report

Mr. Alex Carlile: To ask the Secretary of State for the Home Department when the Home Office report on the Learmont recommendations will be published; for how long he has had the report; what are the reasons for the time taken to publish the report; and if he will make a statement. [26668]

Miss Widdecombe *[holding answer 29 April 1996]:* My right hon. and learned Friend gave his initial response to the report on 16 October 1995, when he dealt with the key recommendations. He agreed that the Prison Service should take forward the policy reviews recommended by Sir John Learmont. My right hon. and learned Friend said that he would come back to the House with a full report in due course. He will do so when he receives the findings of these major reviews.

Mr. Carlile: To ask the Secretary of State for the Home Department what extra funding is being made available to meet the cost of implementing the recommendations arising from the Learmont report; and if he will make a statement. [26669]

Miss Widdecombe *[holding answer 29 April 1996]:* The cost of implementing recommendations arising from the Learmont report is being examined as part of the preparation of my right hon. and learned Friend's response to the report.

NATIONAL HERITAGE

"The Panshangar Fra Bartolommeo"

Mr. Matthew Banks: To ask the Secretary of State for National Heritage what action she intends taking to ensure the retaining in the United Kingdom of the painting "The Panshangar Fra Bartolommeo" by Fra Bartolommeo; and if he will make a statement. [27265]

Mr. Sproat: The Secretary of State has deferred a decision on the export licence application for Fra Bartolommeo's "Holy Family" until after 8 May 1996. The purpose of the deferral is to allow time for a potential purchaser to come forward to keep the painting in the UK, and my Department is aware of the serious intention to make a purchase offer. It is for the owner of the painting to decide whether to accept any forthcoming offer. If such an offer were made and accepted, the licence application would lapse, the painting would become the property of the purchaser and would be retained in the UK. If such an offer were refused, the Secretary of State would take into account the existence of the purchase offer in making a decision on the licence application.

TREASURY

Private Finance Panel Executive

Mr. Derek Foster: To ask the Chancellor of the Exchequer if he will name the 24 seconded staff in the Private Finance Panel Executive; and if they are employed on civil service pay and conditions. [25360]

Mr. Jack: There are 25 members of the Private Finance Panel Executive: 13 are seconded; the remaining 12 are employed directly by the PFPE. Panel executive members on secondment from other organisations are:

Mr. Douglas Hogg (Chief Executive)
Mr. Rees Griffiths (Deputy Chief Executive)
Mr. Alisdair Evans
Ms Catherine Clarke
Ms Philippa Roe
Ms Nathalie Norminton
Mr. Chas Johnson
Mr. Neil Carey
Mr. David Goldstone
Mr. Andrew Neil
Mr. David Cain
Ms Angela Brewis
Mr. Alex Harris.

Secondees to the PFPE remain under contract to their employer and their pay and conditions are a matter for them and their employer. The PFPE negotiates with employer organisations an agreed level of reimbursement.

The PFPE is also subject to an overall budgetary constraint. Within this, it fulfils its remaining staffing requirement through direct employment on the basis of short-term appointments. The PFPE, as a limited company, has management responsibilities for its staff which are unconnected with civil service terms and conditions.

Private Finance Initiative

Ms Janet Anderson: To ask the Chancellor of the Exchequer if he will list the revenue spending estimated by his Department in connection with the private initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26633]

Mr. Jack: The estimated revenue spending in connection with the private finance initiative by Departments responsible to the Chancellor of the Exchequer is:

1995–96: £0 million
1996–97: £2 million
1997–98: £7 million.

Income Tax

Mr. Forman: To ask the Chancellor of the Exchequer, pursuant to his answer of 18 March, *Official Report*, column 52, what would be the estimated full-year costs at 1996–97 income levels of introducing a single positive rate of income tax at 23 per cent. assuming transferable personal allowances of £5,000 per person and the abolition of all other tax expenditures, exemptions and reliefs now allowable against income tax. [27242]

Mr. Jack: The estimated full-year cost of introducing a single 23 per cent. rate of income tax at 1996–97 income levels would be about £3 billion. This assumes a personal allowance of £5,000 transferable between spouses and the abolition of all other income tax allowances, mortgage interest relief, tax relief on employer's contributions to occupational and personal pension schemes, reliefs for TESSAs, PEPs and profit-related pay, national savings certificates, employee share schemes and charitable giving.

This estimate does not take into account the substantial behavioural effects which might result from the introduction of such a change nor do they allow for any subsequent changes to the tax system, such as changes to tax relief on employer's contributions to pension schemes or relief for investment income in pension funds.

Mr. Nigel Evans: To ask the Chancellor of the Exchequer what is his estimate of the change in revenue to the Exchequer resulting from a rise in the top rate of income tax from *(a)* 40 per cent. to 50 per cent. and *(b)* from 40 per cent. to 60 per cent. [26762]

Mr. Jack *[holding answer 25 April 1996]:* Estimated full-year yields at 1996–97 income levels are given in the table. The estimates do not take account of any behavioural effects which might result from the introduction of such changes. The figures include consequential effects on the yield of capital gains tax.

Higher rate at:	*Yield £ billion*
50 per cent.	4.7
60 per cent.	9.3

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what estimate he has made of the yield from higher rate income tax charged by direct assessment on investment income received net of lower rate income tax in the latest year for which figures are available. [27033]

Mr. Jack *[holding answer 26 April 1996]:* In 1995–96, £1.2 billion tax was collected via assessments for additional tax on investment income from which tax had already been deducted at source.

Public Expenditure

Mr. Forman: To ask the Chancellor of the Exchequer what was the *(a)* identifiable and *(b)* non-identifiable public expenditure per head in (i) England and (ii) the United Kingdom in the latest year for which figures are available. [27109]

Mr. Waldegrave: The latest available figures are for 1994–95:

£ per head

	Identifiable	*Non-identifiable*
England	3,614	n/a
Scotland	4,505	n/a
Wales	4,208	n/a
Northern Ireland	4,976	n/a
United Kingdom	3,760	688

The term "non-identifiable expenditure" is used to refer to spending which cannot be attributed to the benefit of any one part of the Union.

Landfill Tax

Mr. Sheerman: To ask the Chancellor of the Exchequer (1) what is the current estimate of the revenue to be expected from the landfill tax; [27378]

(2) what is his estimate of the revenue available for environmental trusts from the landfill tax. [27413]

Mr. Heathcoat-Amory: The estimated net revenue yield from landfill tax is £450 million in a full year. However, because precise figures about the amount of waste sent to landfill are not available centrally, the revenue estimate for the tax is open to a greater than usual margin of error. The estimate assumes that credits of tax amounting to £50 million will be given to site operators in respect of voluntary contributions they make to environmental trusts, although, on the basis of the revenue projection for the tax and the maximum credit entitlement, as much as £100 million is potentially available for trusts in a full year.

Privatisation Issues

Mr. Gordon Prentice: To ask the Chancellor of the Exchequer what reasons led him to offer shares to the market *(a)* in tranches and *(b)* in one complete issue for each privatisation since 1979. [27343]

Mr. Jack: Decisions on offer structure are matters for each vendor Department, taking account of such issues as the size of the company being sold and market conditions at the time of each sale.

International Monetary Fund

Mr. Matthew Banks: To ask the Chancellor of the Exchequer if he will make a statement about the recent spring meetings of the International Monetary Fund and the World Bank. [27709]

Mr. Kenneth Clarke: I attended meetings of the IMF's interim committee and the IMF/World Bank development committee in Washington on 22 and 23 April, where progress was made on several issues of importance for the world economy and for developing countries. As usual, the IMF and World Bank meetings were preceded by meetings of the G7 and G10 Finance Ministers and central bank governors.

The G7, the interim committee and the development committee all discussed the joint IMF/World Bank proposals on the multilateral debt of the poorest, most indebted countries which was one of my top priorities for the meetings. I first launched this initiative at Valletta 18 months ago, and good progress is now being made. In Washington, all agreed that there is a problem which must be tackled. A substantial number of countries now agree with us that, as the managing director has now proposed, the IMF should sell a small part of its gold and invest it to produce commercial returns, which could be used for contributing to the ongoing enhanced structural adjustment facility. The G7 countries all agreed that the resources of the international financial institutions themselves must be mobilised for the purpose of relieving multilateral debt.

With the support of other Ministers, I asked the IMF and World Bank last autumn to produce proposals by the spring. These were delivered in outline form and, last week, we agreed on the principles and a framework for action. We have now called on the IMF and World Bank, in co-operation with the regional development banks, swiftly to put forward more specific proposals, making the fullest use of their own resources to finance them. Our aim is to take final decisions by the time of the annual meetings which will be held from 29 September to 3 October.

At the G7 meeting, we reviewed economic and financial market developments in the world economy and assessed the outlook for the G7 economies, concluding that, despite the recent pause in growth in some countries, the underlying fundamentals in the G7 were promising, particularly in light of progress in reducing inflation. We agreed that policies should continue to be directed at sustaining non-inflationary growth and, where necessary and appropriate, at strengthening recovery. We welcomed the call from the Lille employment conference for continued reduction of structural obstacles to jobs growth. We had a useful discussion of the Russian economy with the Finance Minister and central bank chairman of Russia. We welcomed their 1996 economic reform programme and encouraged the authorities to continue with its full implementation.

We reviewed the progress achieved and the considerable work underway to implement the initiatives arising from the Halifax summit last June, and this discussion was continued in the G10 and interim committee.

The G10 commended the report of the working party on the resolution of sovereign liquidity crises, and agreed that the report should be released to the public. A copy of the executive summary containing the conclusions of the report, which has not been released, has been placed in the Library of the House. It contains some important messages about the handling of future crises of the kind that occurred in Mexico.

We discussed the work being done by the Basle committee on banking supervision, the International Organisation of Securities Commissions and other bodies to improve the soundness of financial institutions and markets, and welcomed the efforts to increase co-operation among supervision authorities which will provide a good basis for the further work to be done in this important area.

Further progress has been made in developing new financing arrangements which would double the resources currently available to the IMF under the general arrangements to borrow, and we urged the discussions to come to a successful conclusion as soon as possible. I stressed the importance in this work involving a wider range of countries, including some of the emerging market economies, recognising their interest in the stability of the international financial system.

At the IMF interim committee, I strongly supported the recent publication of the IMF's special data dissemination standard, and I am delighted to say that the UK was the first country to subscribe to this demanding standard.

In the development committee, in addition to the discussion of multilateral debt, I welcomed the good outcome of the International Development Association replenishment, which was achieved in difficult circumstances. The committee also commended the report of the task force on multilateral development banks.

Copies of my speeches to the interim and development committees, and the communiqués of those meetings and the G10 Finance Ministers' meeting, have been placed in the Library of the House. The G7 did not on this occasion issue a communiqué.

Hand Rolling Tobacco

Mr. Hardy: To ask the Chancellor of the Exchequer if he will estimate the annual revenue losses which are due to the importation of hand rolling tobacco as a consequence of *(a)* smuggling and *(b)* the implementation of the duty-free/duty-paid regulations. [26438]

Mr. Heathcoat-Amory *[holding answer 29 April 1996]:* Customs does not have any reliable estimate of the extent of revenue losses due to smuggling of hand rolling tobacco. It is working closely with the tobacco and alcoholic drinks industries with the aim of achieving an objective measurement of smuggling of excise goods.

Customs' estimate of tax revenue—excise duty and VAT—lost from legitimate personal importation of duty-paid tobacco products for the year ending 30 June 1995 is £150 million. There are no separate figures available for hand rolling tobacco, and no official estimate of the extent of duty-free sales of hand rolling tobacco.

Mr. Hardy: To ask the Chancellor of the Exchequer if he will commission a study of the sales of hand rolling tobacco and of cigarette papers with a view to establishing the extent of tobacco smuggling; and if he will make a statement. [26373]

Mr. Heathcoat-Amory *[holding answer 29 April 1996]:* No. I have already told the Treasury Committee, in response to the report on its 1995 inquiry into cross-border shopping, that Customs and Excise is having discussions with the trade to find an agreed methodology for deriving credible estimates of the level of smuggling in tobacco products. Factors such as sales of hand rolling tobacco and of cigarette papers may form part of the methodology, or may be used to validate it.

VAT Avoidance Schemes

Ms Primarolo: To ask the Chancellor of the Exchequer what action Customs and Excise has taken to counter well known, widely used and successful VAT avoidance schemes. [27271]

Mr. Heathcoat-Amory *[holding answer 29 April 1996]:* Countering successful VAT avoidance schemes normally requires changes to the law. These are proposed in the annual Finance Bill, as with the recent changes to the VAT group registration provisions, or introduced by secondary legislation.

Ms Primarolo: To ask the Chancellor of the Exchequer how Customs and Excise is proposing to counter well-known VAT avoidance schemes that use VAT place of supply rules to ensure VAT costs are avoided. [27272]

Mr. Heathcoat-Amory *[holding answer 29 April 1996]:* Customs and Excise, as part of its normal functions, is active in identifying VAT avoidance schemes, including those involving the manipulation of the rules on place of supply, and in suggesting and implementing measures to combat such avoidance. It would not be appropriate to specify in advance what any new measures might be.

Iraq (UN Special Commission)

Mrs. Clwyd: To ask the Chancellor of the Exchequer what investigations are planned in respect of suspected breaches of United Kingdom export controls following the UNSCOM report on the involvement of British companies in supplying Iraq with the components of chemical and biological weapons. [25663]

Mr. Heathcoat-Amory *[holding answer 29 April 1996]:* Any information from UNSCOM reports passed to Customs and Excise is carefully examined and given appropriate attention. It is not, however, the practice of that department to provide information on any planned investigations lest disclosure should prejudice the effectiveness of any inquiries.

Investments (Hong Kong, China and India)

Mr. Shore: To ask the Chancellor of the Exchequer what estimates he has made of United Kingdom *(a)* direct and *(b)* portfolio investment in each year since 1990 in (i) China and Hong Kong and (ii) India. [26298]

Mr. Oppenheim: I have been asked to reply.

The available information on direct investment is published by the Office for National Statistics in Business Monitor MA4, "Overseas Direct Investment". Information on portfolio investment, broken down by country, is not available.

EDUCATION AND EMPLOYMENT

Jobseeker's Allowance

Mr. Rooney: To ask the Secretary of State for Education and Employment if a claimant issued with jobseeker's direction to attend an employment or training programme will suffer benefit sanction if *(a)* he leaves the programme early and *(b)* is asked to leave by reason of misconduct. [27104]

Mr. Forth *[holding answer 29 April 1996]:* The only employment programmes and training schemes in connection with which claimants will normally receive a benefit sanction if they leave early without good cause or as a result of misconduct will be those prescribed for the purposes of section 19 of the Jobseeekers Act 1995. These are jobplan workshops, 1-2-1, workwise, restart courses and, in two pilot areas, project work. However, it may on occasion be appropriate to give an individual a jobseeker's direction to take up a place on a non-prescribed programme to which sanctions will not normally be applicable. Such a direction would be given only if it were reasonable in the jobseeker's circumstances, if it were given with a view to assisting him to find employment or improving his prospects of being employed, and if other prescribed employment programmes and training programmes were not appropriate. Whether such a claimant received a benefit sanction if he left the programme early or through misconduct, having been directed to attend, would depend on the specific terms of the direction.

Nursery Voucher Scheme

Mr. Mills: To ask the Secretary of State for Education and Employment what assessment she has made of the number of local education authorities which *(a)* will and *(b)* will not benefit in (i) financial and (ii) qualitative terms in respect of nursery education from her nursery voucher proposals. [26422]

Mr. Robin Squire: All local education authorities have the opportunity to benefit from extra funding via the nursery education voucher scheme if more four year-olds attend their schools or attend for more terms before compulsory school age; and all LEAs have the opportunity to build upon existing good practice and raise standards in the context of the desirable outcomes for children's learning developed by the School Curriculum Assessment Authority.

Postgraduate Bursary and Studentship Rates

Mr. John Greenway: To ask the Secretary of State for Education and Employment if she will announce the postgraduate bursary and studentship rates for the academic year 1996–97. [27707]

Mr. Forth: The main maintenance rates under the Department's own postgraduate awards scheme for certain professional and vocational courses in the academic year 1996–97 will be as follows (1995–96 rates are shown in brackets):

	1996–97 £
Bursaries	
London	3,460 (3,375)
Elsewhere	2,735 (2,665)
Parental home	2,065 (2,015)
Studentships	
London	5,845 (5,695)
Elsewhere	4,645 (4,525)
Parental Home	3,420 (3,335)

These represent increases of 2.6 per cent. on the current year's rates. The relevant supplementary allowances will be increased broadly in line.

Investors in People

Mrs. Roche: To ask the Secretary of State for Education and Employment how many small firms *(a)* are currently participating in investors in people and *(b)* have achieved the standard (i) in total and (ii) in each parliamentary constituency. [27008]

Mr. Paice *[holding answer 29 April 1996]:* At 29 February 1996, a total of 13,987 small firms in the UK—that is those employing fewer than 200 employees—had made a formal commitment to achieve the investors in people standard; 2,385 small firms are already recognised as having achieved the standard. This gives a total of 16,372 small firms participating in investors in people.

A breakdown of the figures by parliamentary constituency is not available and could be provided only at disproportionate cost. However, a regional breakdown is provided in the following table:

Investors in People Commitments and Recognitions in Small Firms (organisations with fewer than 200 employees)

Region	*Commitments*	*Recognitions*
East Midlands	1,315	150
Eastern	1,248	110
London	1,926	142
Merseyside	424	102
North West	1,923	246
Northern	472	126
South East	1,837	219
South West	1,280	380
West Midlands	1,305	252
Yorkshire and Humberside	1,089	217
Wales	633	145
Scotland	457	203
Northern Ireland	61	25

Dental Services

Mr. Llwyd: To ask the Secretary of State for Education and Employment what steps are being taken by her Department to develop postgraduate training and continuing medical education in dentistry; and if she will make a statement. [26992]

Mr. Malone: I have been asked to reply.

Since October 1993, it has been a requirement that all new graduates who wish to enter the general dental services take part in one year's vocational training. The continuing professional development of the 18,500 dentists who provide general dental services is organised by dental postgraduate deans and directors. Subject to certain conditions, GDS dentists who attend courses approved by postgraduate deans and directors may claim a postgraduate education allowance for up to two courses per financial year.

TRANSPORT

Shipping (English Language)

Mr. Peter Robinson: To ask the Secretary of State for Transport what factors underlay his decision not to require that passenger and freight ships operating in British waters should use English as a single designated working language. [26296]

Mr. Norris: Our legislation requires that crews on passenger ships on domestic services understand English or that there are adequate arrangements for transmitting orders in a language they understand. Further legislation is being considered, for all UK ships and all other passenger ships operating to or from the UK, requiring effective oral communication between all crew members and adequate means of communication, in the English language, between the ship and shore-based authorities. The ability of crew members to communicate effectively with each other is already monitored by the Marine Safety Agency.

Many ships which operate in UK waters do not call at UK ports, and international action is, therefore, also needed. The revised international convention on standards of training, certification and watchkeeping for seafarers, which will be implemented by 1 February 1997, builds on existing international standards and requires every master, mate and officer in charge of watchkeeping on a vessel of 500 gross tonnes and over to have an adequate knowledge of the English language to communicate with other ships and with coast stations.

Aviation Standards

Mrs. Dunwoody: To ask the Secretary of State for Transport if he will list the countries that have been visited by *(a)* his Department and *(b)* the Civil Aviation Authority to assess that country's compliance with International Civil Aviation Organisation standards; and if he will make a statement. [26753]

Mr. Norris: At the Department's request, the CAA visited Belgrade in the Federal Republic of Yugoslavia in 1995 and Bulgaria earlier this year. We have increased the Department's budget to allow for about three such visits this financial year.

Visits to assess compliance with International Civil Aviation Organisation—ICAO—standards can be arranged only with the agreement of the foreign aviation authority concerned. The need for the UK to arrange such a visit will depend on whether assessments have been, or are being, undertaken in the country concerned by other organisations, such as the Joint Aviation Authorities. In addition, ICAO, has recently launched its own assessment programme. The Department is paying for CAA inspectors to join ICAO teams to visit a number of countries later this year; the details have yet to be finalised.

Mrs. Dunwoody: To ask the Secretary of State for Transport if he will list the number of inspections which have been undertaken by the Civil Aviation Authority in *(a)* Jamaica, *(b)* Colombia, *(c)* Dominican Republic, *(d)* Gambia, *(e)* Peru, *(f)* Philippines, *(g)* Poland, *(h)* Swaziland, *(i)* Trinidad and Tobago, *(j)* Turkey, *(k)* Uruguay, *(l)* Venezuela, *(m)* Zaire and *(n)* Zimbabwe. [26752]

Mr. Norris: None.

Mrs. Dunwoody: To ask the Secretary of State for Transport if he will list the United Kingdom airports serviced by airlines flying to or from *(a)* Jamaica, *(b)* Colombia, *(c)* the Dominican Republic, *(d)* Gambia, *(e)* Peru, *(f)* the Philippines, *(g)* Poland, *(h)* Swaziland, *(i)* Trinidad and Tobago, *(j)* Turkey, *(k)* Uruguay, *(l)* Venezuela, *(m)* Zaire and *(n)* Zimbabwe. [26752]

Mr. Norris: The United Kingdom airports currently serviced by airlines flying to or from those countries are listed in the table. In addition, charter services may operate from UK airports to those countries on an ad-hoc basis, as and when applications are made.

(a) Jamaica

London Heathrow (Air Jamaica), London Gatwick (British Airways)

(b) Colombia

London Heathrow (British Airways)

(c) The Dominican Republic

None

(d) Gambia

None

(e) Peru

None

(f) the Philippines

London Heathrow (British Airways), London Gatwick (Philippine Airlines)

(g) Poland

London Heathrow (British Airways, British Midland and LOT Polish Airlines)

(h) Swaziland

None

(i) Trinidad and Tobago

London Heathrow (BWIA, British West Indies Airways)

(j) Turkey

London Heathrow (British Airways and THY Turkish Airlines), London Gatwick (British Airways), London Stansted (THY Turkish Airlines)

(k) Uruguay

None

(l) Venezuela

London Heathrow (British Airways and Viasa)

(m) Zaire

None

(n) Zimbabwe

London Gatwick (British Airways and Air Zimbabwe).

Mrs. Dunwoody: To ask the Secretary of State for Transport if he will make a statement on the consultations being undertaken by *(a)* his Department and *(b)* the CAA with (i) Jamaica, (ii) Colombia, (iii) the Dominican Republic, (iv) Gambia, (v) Peru, (vi) the Phillippines, (vii) Poland, (viii) Swaziland, (ix) Trinidad and Tobago, (x) Turkey, (xi) Uruguay, (xii) Venezuela, (xiii) Zaire and (xiv) Zimbabwe concerning the commencement or increase in flights to and from the United Kingdom. [26751]

Mr. Norris: Air service negotiations undertaken by the Department of Transport with these countries are listed in the table. A representative from the CAA is usually present at such negotiations.

(i) Jamaica

Negotiations were held on 24 to 26 January 1996 and it is expected that a further round will be held later this year.

(ii) Colombia

Negotiations were held in September 1995. No talks are currently planned.

(iii) The Dominican Republic

Negotiations were held in 1951. No talks are currently planned.

(iv) Gambia

Negotiations were held in February 1992. No talks are currently planned.

(v) Peru

Negotiations were held in 1969. No talks are currently planned.

(vi) the Philippines

Negotiations were held on 7 to 8 March 1996 and it is anticipated that a further round will be held later this year.

(vii) Poland

Negotiations were held in January 1995. No talks are currently planned.

(viii) Swaziland

We have no record of negotiations with Swaziland and none are currently planned.

(ix) Trinidad and Tobago

Negotiations were held in December 1987. No talks are currently planned.

(x) Turkey

Negotiations were held in June 1992. No talks are currently planned.

(xi) Uruguay

Negotiations were held in 1970. No talks are currently planned.

(xii) Venezuela

Negotiations were held in March 1992. No talks are currently planned.

(xiii) Zaire

Negotiations were held in 1974. No talks are currently planned.

(xiv) Zimbabwe

Negotiations were held in July 1989. No talks are currently planned.

Mrs. Dunwoody: To ask the Secretary of State for Transport what proposals he has to introduce an inspection system of auditing a country's aviation infrastructure similar to that operated by the US Federal Aviation Authority. [26759]

Mr. Norris: My reply to the hon. Lady on 7 March 1996, *Official Report*, column *309*, set out our procedures for checking that foreign aircraft operating in the UK comply with international safety standards set by the International Civil Aviation Organisation.

In addition, we are participating in the safety oversight programme established by the International Civil Aviation Organisation, and in discussions on possible actions to be taken by the European Civil Aviation Conference and the EC.

In some circumstances, the Civil Aviation Authority is prepared to audit overseas regulatory authorities outside the framework of international programmes.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Transport if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26623]

Mr. Watts: Revenue spending by my Department in connection with the private finance initiative for the years in question is estimated at roundly: *(a)* zero, *(b)* £50 million, and *(c)* £160 million.

Newbury Bypass

Mr. Allen: To ask the Secretary of State for Transport if the road-building contractors will meet the costs of security for the work carried out on the Newbury bypass; and if the Government will take into account the cost of security for road-building projects when considering other road schemes in the future. [26797]

Mr. Watts: I have asked the chief executive of the Highways Agency to write to the hon. Member.

Letter from Laurie Haynes to Mr. Graham Allen, dated 30 April 1996:

The Secretary of State for Transport has asked me to reply to your recent question asking if the road building contractors will meet the costs of security for the work carried out on the Newbury Bypass; and if the Government will take into account the cost of security for road building projects when considering other road schemes in the future.

Under the terms of the contract, the cost of security on this scheme will be borne by the Agency.

With regard to the second part of your question, the Department's standard scheme appraisal methods (principally COBA) take into account all expenditure incurred as a result of a decision to go ahead with a scheme. Thus, the costs of normal security precautions (to protect contractors' equipment for example), are already included. Where it is apparent that exceptional security measures are likely to be required, estimates of these costs will be made and taken into account in future studies.

Railway Rolling Stock

Mr. Gordon Prentice: To ask the Secretary of State for Transport what was the average age of railway rolling stock in *(a)* the United Kingdom and *(b)* France in 1993. [26972]

Mr. Watts: This information is not available.

A40 Gloucestershire

Mr. Nigel Jones: To ask the Secretary of State for Transport what plans he has to improve the bridge on the A40 trunk road in Cheltenham near the junction of Lansdown road and Gloucester road; and if he will make a statement. [27059]

Mr. Watts: The existing brickwork parapets on the Lansdown road bridge do not comply with modern standards. It is proposed that they be upgraded and at the same time the bridge be widened to accommodate a shared cycle and pedestrian facility on the south side and a segregated facility on the north side. The provision for cyclists will form part of the Tennyson road to Shelburne road facility.

The timing of construction will depend upon the availability of funds.

Mr. Jones: To ask the Secretary of State for Transport what representations he has received concerning improvements to the A40 trunk road between Cheltenham and Gloucester; what estimate he has made of the cost of each improvement scheme; in what order of priority he has placed each scheme; what plans he has to implement the improvements before detrunking this part of the A40; and if he will make a statement. [27060]

Mr. Watts: Gloucestershire county council has asked the Highways Agency to fund the following schemes on the A40 through Cheltenham before the road is detrunked. The schemes are listed in priority order.

(1) Lansdown road railway bridge—Parapet strengthening and widening to cater for pedestrians and cyclists. (Cost £860,000).

(2) Tennyson road to Shelburne road cycleway—Provision of a cycle track and footway along the northern side of the A40. The scheme has been the subject of public consultation. (Cost £120,000).

(3) Old Bath road/Sandford road—Provision of a roundabout. (Cost £44,000).

(4) Gordon lamp junction improvement—Scheme has been progressed to tender document stage. (Cost £9,000).

(5) Lansdown road/Lansdown walk junction—Closure of the side road. (Cost £5,600).

(6) West Green—Signing improvements, completed in 1995–96. (Cost £2,000).

Gloucestershire county council has also asked for certain maintenance works to be carried out on the A40.

The Highways Agency is close to finalising agreement with Gloucestershire county council on the package of works related to the detrunking of the A40, subject to satisfactory completion of the statutory procedures.

We expect to publish draft orders this summer.

Aircraft Leasing

Mrs. Dunwoody: To ask the Secretary of State for Transport if he will list, by grade, the number of staff employed *(a)* in his Department and *(b)* in the Civil Aviation Authority who have responsibility for administering the requests for leasing of aircraft. [26913]

Mr. Norris: Four administrative officers in the Department's international aviation negotiations directorate have day-to-day responsibility for processing aircraft leasing applications as part of their duties. However, more senior officers in the directorate give final approval.

The economic regulation group of the CAA advises the Department on all lease applications except for substitution flights. This accounts for a small proportion of the overall work of three staff graded JMG1, JMG4 and JMG7.

The safety regulation group of the CAA is responsible for issuing safety approval for leased aircraft. Administering lease applications involves two staff, one leasing co-ordinator and one assistant leasing co-ordinator.

Aircraft Operating Licences

Mrs. Dunwoody: To ask the Secretary of State for Transport which airlines are licensed to operate in or out of the United Kingdom, together with their country of registration. [26905]

Mr. Norris: The airlines that have seasonal permits for summer 1996 to operate scheduled and charter services to the United Kingdom are listed, by geographical region. In addition, ad hoc charters may be given permission as and when applications are made. Airlines from the European Economic Area countries are able to operate into the UK without a permit for services operated in accordance with the EC third aviation package. Therefore, only those EEA airlines with permits from the Department for services which are outside the scope of EC regulations are included in the list.

Airline	*Country of registration*
Air Canada	Canada
Canadian Airlines	Canada
Air Club International	Canada
Air Transat	Canada
Canada 3000	Canada
American Trans Air	US
DHL	US
Emery Worldwide	US
Polar Air Cargo	US
Zantop International Airways	US
American Airlines	US
Continental Airlines	US
Delta Airlines	US
Evergreen International Airlines	US
Federal Express	US
NorthWest Airlines	US
Trans World Airlines	US
United Airlines	US
United Parcel Service	US
World Airways	US
Laker Airways	US
BWIA International	Trinidad and Tobago
Cubana de Aviacion	Cuba
Air Jamaica	Jamaica
Aeroflot Russian International Airlines	Russia
Azerbaijan Airlines	Azerbaijan
Air Ukraine	Ukraine
Belavia Air Company	Belarus
Kazakhstan Airlines	Kazakhstan
Air China	China
Air Hong Kong	Hong Kong
Cathay Pacific Airways	Hong Kong
EVA Airways	Taiwan
Garuda Indonesia	Indonesia
Korean Air	South Korea
Malaysian Airline System	Malaysia
Philippine Airlines	Philippines
Royal Brunei Airlines	Brunei
All Nippon Airways	Japan
Japan Airlines	Japan
Air India	India
Air Lanka	Sri Lanka
Biman Bangladesh Airlines	Bangladesh
Pakistan International Airlines	Pakistan
Air New Zealand	New Zealand
Qantas Airways	Australia
Aerolineas Argentinas	Argentina
VARIG Brazilian Airlines	Brazil
VIASA	Paraguay
Air Seychelles	Seychelles
Air Mauritius	Mauritius
Air Algerie	Algeria

Airline	*Country of registration*
Cameroon Airlines	Cameroon
EgyptAir	Egypt
Ethiopian Airlines	Ethiopia
Ghana Airways Corporation	Ghana
Kenya Airways	Kenya
Air Namibia	Namibia
Nigeria Airways	Nigeria
Royal Air Maroc	Morocco
South African Airways	South Africa
Tunisair	Tunisia
Air Zimbabwe	Zimbabwe
Alyemen—Airlines of Yemen	Yemen
Yemen Airways	Yemen
EL AL Israel Airlines	Israel
Emirates Airlines	United Arab Emirates
Gulf Air	Designated carrier of UAE, Oman, Bahrain and Qatar
Iran Air	Iran
Royal Jordanian	Jordan
Kuwait Airways	Kuwait
Middle East Airlines Airliban S.A.L.	The Lebanon
Trans Mediterranean Airways S.A.L.	The Lebanon
Qatar Airways	Qatar
Saudia—Saudia Arabian Airlines	Saudi Arabia
Balkan Bulgarian Airlines	Bulgaria
Air Via	Bulgaria
Croatia Airlines	Croatia
Cyprus Airways	Cyprus
Eurocypria Airlines	Cyprus
CSA, Czech Airlines	Czech Republic
Estonia Air	Estonia
Finnair	Finland
Condor Flugdienst Gmbh	Germany
Lufthansa German Airlines	Germany
Deutsche BA	Germany
Eurowings Luftverkehrs	Germany
Malev Hungarian Airlines	Hungary
Aer Lingus	Ireland
Air Baltic Corporation SIA	Latvia
Riga Airlines	Latvia
Lithuanian Airlines	Lithuania
Cargolux Airlines Intl. SA	Luxembourg
Air Malta	Malta
KLM Royal Dutch Airlines	The Netherlands
Braathens SAFE	Norway
LOT Polish Airlines	Poland
Tarom Romanian Air Transport	Romania
Jaro International	Romania
Adria Airways	Slovenia
Transwede	Sweden
Swissair	Switzerland
Crossair	Switzerland
Air Engiadina AG	Switzerland
Edelweiss Air AG	Switzerland
Trans European Airways Basel AG	Switzerland
THY Turkish Airlines	Turkey
Onur Air	Turkey
Kibris Turkish Airlines	Turkey
Istanbul Airlines	Turkey
Pegasus Airlines	Turkey
Intersun Havacilik	Turkey
JAT Yugoslav Airlines	FRY (Serbia and Montenegro)

Road Congestion

Mr. Llwyd: To ask the Secretary of State for Transport if his Department will publish the report on congestion on the trunk road network. [27402]

Mr. Watts: I refer the hon. Member to my reply of 26 February, column *340*, my hon. Friend the Member for Bournemouth, West (Mr. Butterfill).

Transport Strategy (London)

Mr. Carrington: To ask the Secretary of State for Transport when he proposes to publish a statement on his transport strategy for London. [27770]

Mr. Norris: I have today placed in the Library of the House copies of "A Transport Strategy for London". In this document, we set out our overall objectives for transport in London and an integrated strategy to achieve them.

Performance Targets

Mr. John Greenway: To ask the Secretary of State for Transport what targets he has set for the executive agencies in his Department. [27767]

Sir George Young: The following key targets have been set for the Department of Transport's executive agencies. The targets are set out in the agencies' business plans, which also include management objectives, performance indicators and key tasks, where appropriate to the agencies' businesses. Copies of the business plans are placed in the Library.

The key targets for the Coastguard Agency are to:

discharge the Secretary of State's responsibility for maritime search and rescue, through its own or dedicated assets by:

maintaining a 24 hours search and rescue—SAR—co-ordinating capability within, and including the coasts and shoreline of, the UK search and rescue region;

maintaining a comprehensive radio reception and transmission coverage of the UKSAR which enables SAR co-ordination action for the duration of incidents without interruption or equipment malfunction;

testing contingency plans for major maritime SAR incidents, particularly those involving passenger carrying vessels/merchant shipping and the offshore oil/gas industry by undertaking six major live exercises and 35 seminars.

consider how the upward trend in SAR incidents might be arrested and reversed and to report to the Department by December 1996, meanwhile implementing a strategy designed to promote sea and shore safety awareness.

implement ministerial decisions following the interdepartmental review on SAR helicopter coverage.

maintain a fully operational 24 hours channel navigation information service (CNIS) covering the Dover strait traffic separation scheme (TSS), in concert with the appropriate French authorities.

discharge the Secretary of State's responsibility for dealing with marine pollution by the maintenance of a national contingency plan and in particular;

activate the plan within 30 minutes of notification of an incident; and

commence action at sea to deal with a spill of dispersible oil within four hours of notification of an incident;

testing the effectiveness of the plan by undertaking a major exercise and to report on the outcome by 31 March 1997.

carry out a minimum of 625 hours a year aerial surveillance of the sea area for which the UK has responsibility to detect or deter incidents of marine pollution, including illegal discharges from ships.

discharge the agency's functions while remaining within its 1966–97 running costs budget.

implement phase 1 of the proposed reorganisation of the HMCG operational structure "Focus for Change" by 31 March 1997.

The key targets for the Driving Standards Agency are to:

achieve unit costs not exceeding £28.30 for car practical tests, and not exceeding £15.00 for theory tests.

achieve a national average waiting time for car tests of nine weeks between April and September 1996 and six weeks between October 1996 and March 1997, and for appointments to be available within 10 weeks at 90 per cent. of permanent test centres between April and September 1996 and 99 per cent. of centres between October 1996 and March 1997.

ensure that appointments cancelled by DSA less than two days before the date of a test average 1 per cent. between April and September 1996, and average no more than 0.5 per cent. of appointments between October 1996 and March 1997.

answer 90 per cent. of telephone calls to booking offices within 60 second between April and September 1996. From October 1996 to March 1997 the target will be to ensure that:

four out of five calls will be answered on their first dialling attempt;

90 per cent. of calls which have been answered by an automatic system will then be answered by a human voice within 30 seconds; and

an average of no more than 5 per cent. of calls in the queue will be abandoned before being answered.

Ensure that the theory test contractor has created the required density of test venues and frequency of test sessions in line with the services specification by 1 July 1996, and that theory tests are available to the public from that date.

The key targets for the Driver and Vehicle Licensing Agency are to:

make an efficiency gain—on the basis of an overall efficiency index—of 2.4 per cent.

complete successfully 495,000 vehicle excise duty enforcement cases by imposition of penalties and to recover, through penalties and duty from licensing, at least £2.80 for every £1 full cost spent by DVLA on vehicle excise duty enforcement.

deliver 95 per cent. of ordinary driving licences to customers within 11 working days, 95 per cent. of vocational driving licences within 10 working days, and 95 per cent. of first provisional driving licences within nine working days.

deliver 95 per cent. of registration documents for new vehicles within 12 days, and 95 per cent. of changes to vehicle registration documents within 13 days.

deliver answers to 95 per cent. of written inquiries within eight working days, and answer 90 per cent. of telephone inquiries within 30 seconds.

ensure that at least 97 per cent. of driving licences, 98 per cent. of registration documents for new vehicles, and 96 per cent. of changes to registration documents, are issued without a DVLA-induced error.

The key targets for the Highways Agency are to:

achieve 80 per cent. of the national schemes milestones and design, build, finance and operate tender invitations and contract awards listed in annex D to the business plan, or other milestones as may be substituted or added by Ministers.

maintain the trunk road network cost effectively by undertaking a programme of capital maintenance aimed at ensuring that the percentage of the trunk road network past the critical condition remains at 7 to 8 per cent. by 2000, with the minimum disruption to traffic, and ensuring that roads are safe, reliable, and offer an acceptable quality of ride; and to ensure that from 1 January 1999, all vehicles up to and including the new 40-tonne maximum gross vehicle weight standard can use all structures supporting trunk roads and other important routes over trunk roads by completing in 1996–97:

the renewal of 50 nearside lane kilometres (nlks) of motorway and 80 nlks of all purpose trunk road; and

assessments of the structural capacity of 670 structures and completing the strengthening of 17 structures network management and maintenance division.

contribute to the Government's target of reducing road casualties by one third by 2000 (compared to the annual average for 1981–1985) by limiting accident rates between 1996 and 1998 on the motorways and all-purpose trunk road network to 21 accidents involving personal injury for every 100 million vehicle kilometres of travel.

develop and agree, with the Central Transport Group, systems for monitoring congestion on motorways and high standard all-purpose trunk roads by 31 December 1996.

publish, as part of the agency's annual report, a report covering:

environmental aspects of new schemes, and network management and maintenance activities, demonstrating that the agency has given full weight to environmental issues in carrying out its function and has struck a balance according;

the agency's contribution to the follow-up to "Transport: the Way Ahead"; and

the measures taken by the agency to contribute to the implementation of the Government's air quality strategy.

improve the effectiveness of the agency by:

developing an aggregate unit cost indicator (formula) embracing the full range of the agency's outputs, but with inputs limited initially to administration and preparation and supervision costs;

determining and agreeing with the Central Transport Group by 30 September 1996, the values of that indicator for 1995–96 (to be based on 1995–96 outturn) and for 1996–97 (to be based on 1996–97 business plan budgets and targets); and

to perform, in outturn, no worse than the agreed ratio.

Applications to the National Roads Scheme Committee in 1996–97, to increase the cost of schemes are not to exceed 2 per cent. of the total programme value.

The key targets for the Marine Safety Agency are to:

implement the international safety management code for ro-ro ferries by 1 July 1996.

report to shipping policy by 31 October 1996 with proposals to implement, for ro-ro passenger ships operating to and from UK ports, the relevant amendments to the safety of life at sea convention and the regional agreement on the application of higher stability standards.

complete all necessary work by 31 March 1997 to implement the under 12 m fishing vessel safety code.

agree with shipping policy, by 31 May 1996, a programme of implementation for the Government's initiative on reducing illegal discharge of wastes from ships and review the waste reception facility provision for marine pollutants from ships in UK ports by 31 December 1996.

make arrangements for the implementation of the revised standards of training, certification and watchkeeping convention by 1 February 1997 taking account of deregulation and the introduction of vocational qualifications.

complete the work on the consolidation of existing secondary legislation resulting from the MSA deregulation review by 30 September 1996.

inspect between 25 and 30 per cent. of foreign flagged vessels using UK ports including ro-ro ferries and fish factory ships.

achieve an average output of survey and inspection work per marine office surveyor of 3 per cent. greater than the outturn for 1995–96, while delivering the planned programme of surveys and inspections.

discharge the agency's functions while remaining within its 1996–97 running costs budget.

The key targets for the Vehicle Inspectorate are to:

meet the requirements on level and types of activity laid down in the memorandum of agreement on each scheme.

distribute its resources between each activity so as to achieve at least the minimum number of road safety/environment values laid down for the roadworthiness and MOT schemes and to increase the number of HGV designated premises.

meet the quality and general effectiveness levels as specified in the business plan measures set for 1996–97.

implement a system of annual surveys and/or structured interviews to be carried out with all principal customers and evaluated to determine score as the basis of measuring future improvement in performance.

achieve an aggregated cost efficiency index outturn of +3 per cent.

break even while achieving an average 6 per cent. real rate of return on capital, over the period 1 April 1991 to 31 March 1998.

secure the long-term development of the organisation through working for the investors in people award, achieving 70 per cent. of the assessment indicators set out in the standards of the investors in people award and through implementing the three elements of the IS strategy defined in the business plan measures for 1996–97.

The key targets for the Vehicle Certification Agency are to:

achieve a net unit cost target of £78.86.

issue at least 98 per cent. of approval certificates error free.

issue at least 97 per cent. of invoices error free.

issue corrected documents where errors do occur within three working days in 95 per cent. of cases involving certificates and in 90 per cent. of cases involving invoices.

audit at least 75 per cent. of the agency's approved quality procedures.

receive a satisfactory appraisal report from the Department's chief mechanical engineer.

Hackney Council

Ms Abbott: To ask the Secretary of State for Transport when he next plans to visit Hackney council to discuss transport policy. [25681]

Mr. Norris: My right hon. Friend has no plans to visit Hackney council.

Sea Empress Oil Spill

Mr. Ainger: To ask the Secretary of State for Transport when the chief inspector of the marine accidents investigation branch intends to interview the right hon. Members for Peterborough (Dr. Mawhinney), for South Norfolk (Mr. MacGregor) and for Ealing, Acton (Sir G. Young) and Lord Goschen in connection with his investigation into the Sea Empress disaster. [27185]

Mr. Norris: The question of who MAIB inspectors should interview, and when, in the course of any investigation is a matter for the chief inspector of marine accidents.

Esso Mersey Explosion

Mr. Ainger: To ask the Secretary of State for Transport what steps were taken by the marine accidents investigation branch to contact Mill Bay Engineering concerning the inquiry into the explosion on board the Esso Mersey on 4 September 1991. [27184]

Mr. Norris: The marine accidents investigation branch has been in correspondence with Mill Bay Engineering Co. Ltd. on a regular basis in connection with the Esso Mersey investigation since 1993. The investigation was re-opened in September 1994 after the emergence of new evidence. Mill Bay Engineering Co. Ltd. was sent an advance copy of the report of the re-opened investigation in accordance with section 9(4) of the Merchant Shipping (Accident Reporting and Investigation) Regulations 1994.

Marine Accidents Investigation Branch Reports

Mr. Ainger: To ask the Secretary of State for Transport what is the usual procedure for submitting draft reports of the marine accidents investigation branch to those individuals and organisations that are referred to or criticised in marine accidents investigation branch reports. [27186]

Mr. Norris: The procedures for submitting draft reports of inspector's inquiries undertaken by the marine accidents investigation branch to individuals and organisations which are criticised in them are governed by regulations 9(4) of the Merchant Shipping (Accident Reporting and Investigation) Regulations 1994. There is no requirement relating to those who are only referred to in reports.

The regulations require that if, in the opinion of the chief inspector of marine accidents, the reputation of any person is likely to be adversely affected by the report, that person shall be served with a copy of the draft report or that part which affects him. That person is allowed a 28-day period to make representations to the chief inspector who must then consider the representations and notify the person(s) concerned of his conclusions and any changes he intends to make to the report. A further 28-day period is then allowed for the submission of alternative text by the person(s) where passages remain in dispute. Where alternative texts have been submitted, these are to be published as an appendix to the report unless the Secretary of State considers that there is good reason not to do so.

NORTHERN IRELAND

Social Security Agency

Mr. Thomason: To ask the Secretary of State for Northern Ireland what performance targets have been set for the Social Security Agency for the current financial year. [27710]

Mr. Moss: The targets are included in the agency's 1996–97 business plan, which was published today. A copy of the plan will be placed in the Library. The targets are in line with the Government's policy of improving the service provided to customers and fully support the standards established in the Northern Ireland citizens charter. I am satisfied that the targets present a demanding challenge for the agency. They are as follows:

1. Benefit Clearance Times[1]

Social fund crisis loans

On the day the need arises[2]

Income support

71 per cent. in five days

90 per cent. in 13 days

Incapacity benefit

65 per cent. in 10 days

85 per cent. in 30 days

Child benefit

68 per cent. in 10 days

94 per cent. in 30 days

Family credit

60 per cent. in 13 days

95 per cent. in 42 days

Disability living allowance

65 per cent. in 30 days

85 per cent. in 53 days

Unemployment benefit

75 per cent. in 12 days

85 per cent. in 53 days

2. BENEFIT ACCURACY

Income support

to pay the correct amount in at least 87 per cent. of cases

Incapacity benefit

to pay the correct amount in at least 94 per cent. of cases

Child benefit

to pay the correct amount in at least 98 per cent. of cases

Family credit

to pay the correct amount in at least 93 per cent. of cases

Disability living allowance

to pay the correct amount in at least 98 per cent. of cases

Unemployment benefit

to pay the correct amount in at least 97 per cent. of cases

3. CUSTOMER SATISFACTION

[3]90 per cent. of customers to regard the agency's service as satisfactory or better

4. FINANCIAL RECOVERY

recovery of social fund loans—£23.06 million

recovery of income support overpayments—£1.80 million

recovery of centralised benefits overpayments—£0.46 million

benefit savings from detection and prevention of fraud—£14 million

sign-offs as a result of anti-fraud activity—4,000[4]

to carry out 3,000 national insurance contributions surveys, including 600 employer educational visits

identify £1.50 million class 1 arrears as a result of compliance work

recovery of social fund loans—£23.06 million

5. RESOURCE MANAGEMENT

to live within a gross allocation of £36.61 million for social fund loans and community care grants

to live within the agency's gross budget allocation

to achieve cash efficiency savings of the order of £5.5 million

Notes

[1] In all cases, clearance time is measured from the date of receipt of a claim or application in the office to the date on which the claim or application is decided. The measure, therefore, excludes the time taken to issue notification of the decision and any payment.

[2] Monitored against 95 per cent. in one day.

[3] The customer satisfaction target covers a two-year period and will be measured by independent survey in 1996–97.

[4] New target.

Free Bus Passes

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland what has been the annual cost of free bus passes in each education and library board area in each of the last five years; and if he will make a statement. [26594]

Mr. Ancram: The annual cost of concessionary tickets for use on public transport to each education and library board in the last five years is set out in the following table:

Expenditure £000

	1990–91	*1991–92*	*1992–93*	*1993–94*	*1994–95*
Belfast	598	750	851	935	984
North-eastern	4,722	4,790	5,215	5,448	5,786
South-eastern	3,727	4,340	4,736	5,095	5,454
Southern	3,360	3,761	4,005	4,221	4,510
Western	1,894	2,544	3,009	3,040	3,144
Total	14,301	16,185	17,816	18,739	19,878

Pig Feed Plant, West Belfast

Dr. Hendron: To ask the Secretary of State for Northern Ireland if he will make a statement concerning the health implications of the blockage in the pig feed plant of Andrews Mill in west Belfast in February. [26541]

Mr. Moss: The problem was investigated by the Eastern health and social services board and Belfast city council environmental health department, who are satisfied that there are no health implications.

Local Government

Mr. Nicholas Baker: To ask the Secretary of State for Northern Ireland what steps are currently being taken to revise and develop local government in Northern Ireland. [26542]

Mr. Ancram: Our aim is to strengthen democracy by returning more responsibility and accountability to locally elected representatives in Northern Ireland on a basis which is widely acceptable. The all-party negotiations commencing on 10 June offer an opportunity to move in this direction.

Prisons (Library Facilities)

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland what were the costs of providing library facilities broken down by *(a)* books and *(b)* other costs at (i) the Maze prison and (ii) Maghaberry prison, in each of the last five years. [26732]

Sir John Wheeler: Responsibility for the subject in question has been delegated to the Prison Service under its chief executive, Mr. Alan Shannon. I have asked him to arrange for a reply to be given.

Letter from Alan Shannon to Mr. Robert McCartney, dated 30 April 1996:

The Secretary of State has asked me to reply to your question about the cost of providing library facilities at HMP Maze and HMP Maghaberry in each of the last 5 years.

The information is as follows:

	1991–92 £	1992–93 £	1993–94 £	1994–95 £	1995–96 £
HMP Maghaberry					
Books	nil	nil	nil	nil	nil
Other costs	45,358	44,739	60,713	62,411	64,659
HMP Maze					
Books	nil	nil	nil	nil	3,019
Other costs	48,628	53,012	59,086	61,942	63,798

The cost of books is normally met by the South Eastern Education & Library Board. The charge of £3,019 to the Prison Service in 1995/96 was to cover the replacement cost of stock damaged during a riot at Maze in March 1995.

Royal Ulster Constabulary

Mr. Mallon: To ask the Secretary of State for Northern Ireland how many people recruited to full-time membership of the RUC during the period 1 October 1995 to 31 March 1996 had previously served as members of *(a)* the RUC reserve *(b)* Her Majesty's armed forces. [26548]

Sir John Wheeler: Records for recruitment to the RUC regular force during the period 1 October 1995 to 31 March 1996 are as follows:

	Number
Recruits with previous RUCR full-time service only	28
Recruits with previous RUCR part-time service only	13
Recruits with both RUCR full-time and RUCR part-time service	4
Recruits with previous HM forces service only	6
Recruits with both HM forces and RUCR service	5
Recruits with no previous HM forces or RUCR service	55

Mr. Mallon: To ask the Secretary of State for Northern Ireland how many people were recruited to full-time membership of the RUC during the period 1 October 1995 to 31 March 1996. [26549]

Sir John Wheeler: The total number of people recruited to full-time membership of the RUC regular force during the period 1 October to 31 March 1996 was 111.

Health and Safety Agency

Mr. Illsley: To ask the Secretary of State for Northern Ireland how much money has been spent on the Health and Safety Agency for Northern Ireland in each year since 1990–91. [26221]

Mr. Ancram *[holding answer 22 April 1996]:* The Department of Economic Development has funded the Health and Safety Agency for Northern Ireland in accordance with the following table:

Financial year	Amount of funding £
1990–91	146,000
1991–92	165,500
1992–93	173,000
1993–94	222,000
1994–95	261,000
1995–96	314,000

HOUSE OF COMMONS

Procedural Changes

Mrs. Clwyd: To ask the Lord President of the Council what representations urging procedural changes he has received since publication of the Scott report. [24703]

Mr. Newton: The Government deposited in the Library of the House on 25 March 1996 a document entitled "The Timetable for Taking Forward Recommendations of the Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions". As this document indicates, the Government are currently inviting comments on a range of the issues covered by the Scott report, and a number of representations have now been received. These will be given careful consideration and changes to current Government procedures will be made where there would be benefit in doing so. If any such changes have implications for House of Commons procedures, these too would of course be considered in the appropriate way.

Northern Ireland Legislative Committees

Mr. Robert McCartney: To ask the Lord President of the Council which hon. Members representing Northern Ireland constituencies have been appointed since January 1995 to Standing Committees on delegated legislation nominated to consider Northern Ireland Orders in Council. [25768]

Mr. Newton: The following Northern Ireland Members have been appointed to Delegated Legislation Committees relating to NI orders:

Member	Dates	
	Appointed	Attended
Beggs, Mr. Roy	7 June 1995	7 June 1995
	7 December 1995	7 December 1995
	7 January 1996	17 January 1996
Forsythe, Mr. Clifford	17 October 1995	17 October 1995
	31 October 1995	31 October 1995
Hendron, Dr. Joe	—	—
Hume, Mr. John	—	—
McCartney, Mr. Robert	—	—
McCrea, Rev. William	—	—
McGrady, Mr. Eddie	—	—
Maginnis, Mr. Ken	16 February 1995	16 February 1995
	22 February 1995	—
	18 October 1995	18 October 1995
	29 November 1995	—
	28 February 1996	28 February 1996
Mallon, Mr. Seamus	—	—
Molyneaux, Sir James	25 November 1995	25 November 1995
Paisley, Rev. Ian	—	—
Robinson, Mr. Peter	—	—
Ross, Mr. William	1 February 1995	1 February 1995
Smyth, Rev. Martin	28 February 1995	28 February 1995
Taylor, Mr. John D.	7 February 1996	7 February 1996
Trimble, Mr. David	4 July 1995	4 July 1995
Walker, Mr. A. Cecil	—	—

The right hon. Member for Lagan Valley (Sir J. Molyneaux) was appointed to the Chairmen's Panel this Session, but this has not been reflected in the table.

SCOTLAND

Machine Guns

Mr. George Robertson: To ask the Secretary of State for Scotland what is the number of exemptions under the Firearms (Amendment) Act 1994 in respect of machine guns in each of the last five years; and apart from royal ordnance, what is the total number of machine guns covered by these exemptions. [26428]

Mr. Michael Forsyth: There are no exemptions under the Firearms (Amendment) Act 1994.

Judicial Statistics

Mr. McFall: To ask the Secretary of State for Scotland if he will publish the civil judicial statistics relating to the Scottish courts for the years 1994 and 1995. [26965]

Lord James Douglas-Hamilton: The statistics for 1994 will be published shortly; those for 1995 are still in preparation.

Victoria Hospital, Glasgow

Mr. Watson: To ask the Secretary of State for Scotland if the Transfer of Undertakings (Protection of Employment) Regulations 1981 will apply in respect of staff at the Victoria hospital, Glasgow following the award of the contract in respect of support services. [27063]

Lord James Douglas-Hamilton: This is a matter for the trust and the company winning the contract to consider with their legal advisers. In most cases where employment is transferred as a result of market testing, TUPE usually applies.

Cancer

Mr. Llwyd: To ask the Secretary of State for Scotland how many registered cases of cancer there were in Scotland in *(a)* 1985, *(b)* 1989, *(c)* 1992 and *(d)* 1995; and if he will make a statement. [27030]

Lord James Douglas-Hamilton: The number of registered cases of cancer—malignant neoplasms—in each of these years is as follows:

1985: 26,161

1989: 26,657

1992: 28,827

1995[1]: 21,997.

[1]1995 data not yet complete.

National Health Service Trusts

Mr. Watson: To ask the Secretary of State for Scotland if he will list those core services which NHS trusts in Scotland may contract out through the competitive tendering process. [27048]

Lord James Douglas-Hamilton: Since 1983, the Government's policy has been for domestic, cleaning, catering, laundry and similar non-core support services to be routinely market tested. It is for NHS trusts to decide which other services would benefit from being subjected to market testing in response to local circumstances, ensuring that the best quality health care and use of resources is achieved.

Mr. Watson: To ask the Secretary of State for Scotland how many NHS trusts in Scotland have put support services out to competitive tender; and in how many of these cases an in-house tender was received. [27051]

Lord James Douglas-Hamilton: By 1991, virtually all hospital ancillary services in the NHS in Scotland had been put out to tender by health boards. As NHS trusts were established, the trust boards assumed responsibility for the management of the existing contracts and for the market testing of such other services as they considered appropriate. Comprehensive information on the number of in-house tenders received is not centrally available, but from a total of 410 contracts awarded following market testing since December 1987, 65 per cent. were won by in-house teams.

Male Rape

Mr. Llwyd: To ask the Secretary of State for Scotland how many cases of male rape were reported in Scotland in *(a)* 1985 and *(b)* 1995; and if he will make a statement. [27013]

Lord James Douglas-Hamilton: The information is not available in the form requested. The term "male rape" is not used in Scots law. The act which that term describes, namely non-consensual anal intercourse with a man, can be prosecuted in Scotland either as the common law crime of sodomy or as a statutory offence under section 13 of the Criminal Law (Consolidation) (Scotland) Act 1995, that is, commission of a homosexual act other than in private or without the consent of both parties or with a person under the age of 18.

It is not possible to identify within the statistics for the statutory offence those which would equate with the term "male rape". Figures for the number of allegations of the common law offence of sodomy reported to the police are not available, but figures for the number of prosecutions are available from 1988 onwards. In 1988 there were 11 such prosecutions and in 1994, the latest year for which such figures are available, there were 15 prosecutions.

Sheriff Court Fees Order

Mr. McFall: To ask the Secretary of State for Scotland what plans he has to amend the Sheriff Court Fees Order to provide that no sheriff court dues shall be payable under the order for a party, who would otherwise be liable to pay, who is in receipt of income support under part VII of the Social Security Contributions and Benefits Act 1992. [26966]

Lord James Douglas-Hamilton: My right hon. Friend has no plans to extend current arrangements for exemption from court dues. The vast majority of people on income support will qualify for legal aid, which would include the payment of court fees.

Scottish Arts Council

Mr. Elletson: To ask the Secretary of State for Scotland if he will make a statement on the future of the Scottish Arts Council arts collection. [27882]

Lord James Douglas-Hamilton: As part of the Scottish Arts Council's collecting initiative, one of the aims of which is to increase public access to works in its art collection, the council, with the agreement of the

Treasury, will now begin to donate works from its collection to museums, galleries and other public bodies in Scotland for display to the public.

Pensions Agency

Mr. Elletson: To ask the Secretary of State for Scotland what key performance targets he has set for the Scottish Office Pensions Agency for 1996–97. [27883]

Mr. Michael Forsyth: I have set the Scottish Office Pensions Agency the following key targets for 1996–97, which cover important areas of service delivery and steps to improve efficiency and effectiveness:-

- to ensure that awards and transfer payments are accurate to within 1 per cent. of their value in 99 per cent. of cases;
- to pay on time 99 per cent. of all pensions and lump sums where the target date for receipt of claims is met;
- to make transfer payments within four weeks of members' final instructions to transfer pension rights;
- to analyse the results of a survey to measure customer satisfaction with administration of the teachers' pension scheme and produce an action plan, by December 1996;
- to complete the development and implementation of a new pensions administration IT system, by December 1996;
- to reduce total identified operating costs per member/beneficiary by 8 per cent.;
- to amend all schemes for which SOPA is responsible to take account of the Pensions Act 1995.

Hospital Consultants

Mrs. Ewing: To ask the Secretary of State for Scotland how many vacancies for consultants there are in each NHS trust hospital in Scotland; what discussions he has had with the medical profession with respect to these vacancies; and what steps he has taken to overcome the shortage. [27239]

Lord James Douglas-Hamilton *[holding answer 29 April 1996]:* The information requested is shown at NHS trust level in the table. Data are not collected centrally for individual hospitals. My right hon. Friend met representatives of the medical profession in September 1995 and discussed medical work force issues generally. To increase the number of candidates for consultant posts, we have continued to increase the number of doctors in higher training.

Consultant vacancies in Scotland at 30 September 1995

	Number
Aberdeen Royal Hospitals NHS Trust	17
Angus NHS Trust	1
Argyll and Bute NHS Trust	0
Ayrshire and Arran Community Healthcare NHS Trust	6
Borders Community Health Services NHS Trust	1
Borders General Hospital NHS Trust	1
Caithness and Sutherland NHS Trust	0
Central Scotland Healthcare NHS Trust	6
Dumfries and Galloway Acute and Maternity Hospitals NHS Trust	2
Dumfries and Galloway Community Health NHS Trust	1
Dundee Healthcare NHS Trust	0
Dundee Teaching Hospitals NHS Trust	0
East and Midlothian NHS Trust	5
Edinburgh Healthcare NHS Trust	2
Edinburgh Sick Children's NHS Trust	5
Falkirk and District Royal Infirmary NHS Trust	0
Fife Healthcare NHS Trust	2
Glasgow Dental Hospital and School NHS Trust	1
Glasgow Royal Infirmary University NHS Trust	8
Grampian Healthcare NHS Trust	7
Greater Glasgow Community and Mental Health Services NHS Trust	6
Hairmyres and Stonehouse Hospitals NHS Trust	5
Highland Communities NHS Trust	2
Inverclyde Royal NHS Trust	8
Kirkcaldy Acute Hospitals NHS Trust	4
Lanarkshire Healthcare NHS Trust	6
Law Hospital NHS Trust	14
Lomond Healthcare NHS Trust	6
Monklands and Bellshill Hospitals NHS Trust	5
Moray Health Services NHS Trust	7
North Ayrshire and Arran NHS Trust	9
Perth and Kinross Healthcare NHS Trust	5
Queen Margaret Hospital NHS Trust	7
Raigmore Hospital NHS Trust	3
Renfrewshire Healthcare NHS Trust	2
Royal Alexander Hospital NHS Trust	5
Royal Infirmary of Edinburgh NHS Trust	0
South Ayrshire Hospitals NHS Trust	0
Southern General Hospital NHS Trust	8
Stirling Royal Infirmary NHS Trust	7
Stobhill NHS Trust	6
Victoria Infirmary NHS Trust	0
West Glasgow Hospitals University NHS Trust	0
West Lothian NHS Trust	0
Western General Hospitals NHS Trust	4
Yorkhill NHS Trust	6
Total	190

Mrs. Ewing: To ask the Secretary of State for Scotland what representations he has received on the shortage of consultants in NHS trust hospitals in Scotland; and if he will make a statement. [27238]

Lord James Douglas-Hamilton *[holding answer 29 April 1996]:* My right hon. Friend has received various representations on medical work force issues in Scotland. The number of hospital consultants in Scotland rose from 2,216 in 1990 to 2,490 in 1995, an increase of over 12 per cent.

Film Industry (Hydra Associates)

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland when and by whom the decision was made to commission Hydra Associates to report on the film industry in Scotland. [27269]

Lord James Douglas-Hamilton *[holding answer 29 April 1996]:* Hydra Associates was chosen from a short list of four consultants on 30 October 1995 by a panel consisting of representatives of Scottish Enterprise/Glasgow development agency, Highlands and Islands Enterprise and the Scottish Office.

Ms Cunningham: To ask the Secretary of State for Scotland what was the remit for the report of Hydra Associates into the film industry in Scotland; and how much it cost. [27270]

Lord James Douglas-Hamilton *[holding answer 29 April 1996]:* The Hydra Associates report "Scotland on Screen: the Development of the Film and Television Industry in Scotland", which was published on 18 April, cost £125,000. Its terms of reference are reproduced as appendix O of the report.

TRADE AND INDUSTRY

Parcelforce

Mr. Kirkwood: To ask the President of the Board of Trade if he will review the procedures adopted by Parcelforce for dealing with complaints and claims for loss or damage to parcels posted to the United Kingdom from overseas. [23404]

Mr. Oppenheim: No, these procedures are an operational matter for Parcelforce. If the hon. Member has a particular complaint, he should contact the managing director of Parcelforce.

Land Mines

Mrs. Clwyd: To ask the President of the Board of Trade (1) what plans he has to ban the manufacture, export and supply of land mines by British companies, and when; [24997]

(2) if he will make a statement on Her Majesty's Government's policy on the manufacture, supply and export of land mines. [24996]

Mr. Oppenheim: I refer the hon. Member to the answer given by my hon. Friend the Minister of State, Foreign and Commonwealth Office to the hon. Member for Caernarfon (Mr. Wigley) on 23 April 1996, *Official Report*, column *84*.

British Energy

Mrs. Beckett: To ask the President of the Board of Trade (1) if he will limit the extent to which pay for directors of British Energy can be increased after privatisation; [26621]

(2) what discussions have taken place between his Department and British Energy regarding directors' remuneration after privatisation; [26619]

(3) if he will list the share options and other bonuses available to directors of British Energy after privatisation; [26618]

(4) if he will name the top 10 paid employees of British Energy with their *(a)* pay and *(b)* other remuneration (i) currently and (ii) a year ago. [26620]

Mr. Lang: Policy on executive remuneration for the future will be given in the pathfinder prospectus for British Energy, to be published in the summer, and will include full details of current executive pay. The current basic annual salaries of the executive directors of British Energy plc are:

Dr. Robert Hawley (Chief Executive): £200,000

Mr. Michael Kirwan (Finance Director): £179,137 (inclusive of 14.1 per cent. contribution for personal pension)

Basic salaries paid to Dr. Hawley and Mr. Kirwan in 1995–96 were £190,485 and £171,496 respectively. The latter figure also includes 14.1 per cent. pension contribution. Full remuneration details in respect of 1995–96 for Dr. Hawley and Mr. Kirwan will be included in the annual report and accounts of Nuclear Electric plc.

Export Promotion

Mr. Harvey: To ask the President of the Board of Trade if he will list the revisions to his Department's objectives for export promotion since those listed in table 1.3 of "Overseas Trade Services: Assistance to Exporters a report by the Comptroller and Auditor General" (HC 293); and if he will make a statement. [26704]

Mr. Oppenheim: The revisions referred to by the Comptroller and Auditor General affect only the objectives of the Foreign and Commonwealth Office. My Department's objectives for exports remain as listed in his report. I refer the hon. Member to the annual report of the Department of Trade and Industry, which is in the Library of the House.

Current Account Outturns

Mr. Shore: To ask the President of the Board of Trade what was the current account outturn of *(a)* the United Kingdom, *(b)* Germany and *(c)* France in each year since 1990; and what is the estimate of the current account outturns for each of these countries for 1996. [26887]

Mr. Oppenheim: Information on Organisation for Economic Co-operation and Development countries' current account balances is published in "OECD Economic Outlook". The UK's current account balance for 1995 was published by the Office for National Statistics in "First Release CSO (96)68". Both of these publications are available in the Library of the House.

Coal Mining Areas Recreation Facilities

Mr. Pendry: To ask the President of the Board of Trade (1) if he will list the sites in the British Coal recreational package which were intended to be transferred to the National Playing Fields Association and the Coal Industries Social Welfare Organisation together with the parliamentary constituency in which they lie; [27258]

(2) if he will list separately how many football, cricket, rugby and hockey pitches, bowling greens, tennis courts and children's play areas stand to be preserved within British Coal's recreational package; and what area of land each of these represents. [27257]

Mr. Page: These are matters for British Coal.

Certification Fees

Mr. Gordon Prentice: To ask the President of the Board of Trade what is his reason for increasing the fee payable to the certification officer on application for approval of a proposed instrument of amalgamation or transfer of engagements. [27172]

Mr. John M. Taylor: The increase in fee is required to recover the full cost of providing a service to process applications for approval of proposed instruments.

Mr. Prentice: To ask the President of the Board of Trade what is his reason for increasing the fee payable by a trade union for a certificate of independence. [27171]

Mr. Taylor: The increase in fee is required to recover the full cost of providing a service to process applications for certificates. In 1993–94, when the fee covered just 10 per cent. of the full cost, the Government decided to

move in stages to full cost recovery. The level of fee has subsequently risen in steps and 1996–97 will be the first year in which the full cost will be recovered.

British Telecommunications

Mr. Renton: To ask the President of the Board of Trade what assessment he has made of the judgment of the Director General of Telecommunications in relation to the proposed pricing regime for British Telecommunications plc; and if he will make a statement. [27397]

Mr. Ian Taylor: The Director General of Telecommunications has not yet made final proposals relating to the future price cap to be applied to BT's prices, so I am unable to comment on the judgment displayed by the outcome. I am, however, satisfied that the director general has conducted a full and wide-ranging consultation, taking comments from those in the industry as well as users, and seeking advice from a specially convened panel of advisors. The fullness of the consultation process is a sign that the outcome will be based on all relevant considerations, and will be consistent with liberalisation and competition, which have delivered lower prices and higher quality services to consumers.

Mercury

Mr. Sheerman: To ask the President of the Board of Trade what was the total production of mercury in the United Kingdom; and how much mercury was *(a)* imported and *(b)* exported in the last year for which figures are available. [27401]

Mr. Oppenheim: There was no recorded primary or mine production of mercury within the United Kingdom in 1995. No statistics are available for secondary mercury production recovered from scrap. In 1995, 3.9 tonnes of mercury—£39,000 by value—was imported into the United Kingdom, and 224.3 tonnes of mercury—£108,000 by value—was exported from the United Kingdom.

Source: Customs and Excise trade data SITC 522.27

Lead

Mr. Sheerman: To ask the President of the Board of Trade how much lead was produced in the United Kingdom; and how much was *(a)* imported and *(b)* exported in the last year for which figures are available. [27399]

Mr. Oppenheim: Details of the quantities of production, imports and exports of unwrought lead in the United Kingdom in 1995 are given below.

United Kingdom lead production, exports and imports, 1995, (in thousand tonnes)

	Production	*Exports*	*Imports*
Ore/concentrates (lead content)	1.0	0.1	52.7
Lead bullion	38.3	55.8	121.1
Refined lead	317.7	76.2	45.8
of which—primary	150.2	—	—
—secondary	167.5	—	—

Note:
In the UK, lead bullion is produced from imported ores and concentrates. Primary refined lead is produced from imported bullion. Secondary production is refined from secondary and scrap material and domestic ores. Production and trade of semi-manufactures is excluded from the above figures.

Source:
Production—World Metal Statistics, April 1996, World Bureau of Metal Statistics.
Trade—Customs and Excise trade data.

Council for Science and Technology

Mr. Ingram: To ask the President of the Board of Trade if he will list the members who serve on the Council for Science and Technology. [27180]

Mr. Ian Taylor: My right hon. Friend the President of the Board of Trade chairs the Council for Science and Technology on behalf of the Prime Minister. The chief scientific adviser, Sir Robert May, is deputy chairman, and I also attend. There are 10 independent members of the council:

Members	
Professor S. Kumar Bhattacharyya FEng	Professor of Manufacturing Systems, University of Warwick
Professor Sir Aaron Kluge OM PRS	Director, Medical Research Council Laboratory of Molecular Biology; President of the Royal Society
Sir Robin Nicholson FRS FEng	Director, Pilkington plc
Dr. Bridget Ogilvie FIBiol FRCPath	Director, The Wellcome Trust
Sir Ralph Robins FEng FRAeS	Chairman, Rolls Royce plc
Dr. Alan Rudge CBE FRS FEng	Deputy Chief Executive, BT plc; Chairman, Engineering and Physical Sciences Research Council
Professor Sir Stewart Sutherland FBA	Principal and Vice Chancellor, University of Edinburgh
Sir Richard Sykes	Deputy Chairman and Chief Executive, Glaxo Wellcome plc
Mr. John Towers CBE	Managing Director, Rover Group Ltd.
Dr. Peter Williams CBE	Chairman and Chief Executive, Oxford Instruments plc; Chairman, Particle Physics and Astronomy Research Council

Mr. Ingram: To ask the President of the Board of Trade on what dates the Council for Science and Technology has held meetings since it was set up; and what subjects were discussed at each of those meetings. [27182]

Mr. Taylor: The Council for Science and Technology has met, and discussed subjects, as follows:

9 November 1993

Working methods of the council

1994 forward look of Government-funded science, engineering and technology

Implementation of White Paper "Realising Our Potential: A Strategy for Science, Engineering and Technology"

Technology foresight programme

Future business of the council

9 February 1994

1994 forward look of Government-funded science, engineering and technology

Government science and technology expenditure and wealth creation

Supply and quality of teachers of mathematics, science and technology

26 May 1994

The response of the Higher Education Funding Council to the White Paper on science, engineering and technology

NHS research arrangements

Women in science, engineering and technology

28 September 1994

Discussion of science, engineering and technology issues with the Prime Minister

Industry, science and technology and innovation

Defence and civil partnerships in research

Technology and foresight programme

7 December 1994

Chief Scientific Adviser's consultation on the 1995 forward look

"Transport and the Environment": report from the royal commission on environmental pollution

Scrutiny of public sector research establishments

Future business of the council

13 February 1995

Health research funding

Technology foresight programme

1995 forward look of Government-funded science, engineering and technology

5 April 1995

Technology foresight: working document

19 July 1995

Innovation and competitiveness—the DTI's role and the follow-up to technology foresight

Implementing technology foresight and the foresight challenge

18 December 1995

Education and training

Technology foresight programme: first progress report

19 February 1996

1996 forward look of Government-funded science, engineering and technology

Towards a fifth European framework programme

Programme of work for the council

22 April 1995 (informal group of members)

Higher education.

Research Establishments (Redundancies)

Mr. Ingram: To ask the President of the Board of Trade what estimate he has made of the redundancy costs associated with the future options being considered for each of the public sector research establishments. [27183]

Mr. Ian Taylor: The prior options reviews of public sector research establishments are being undertaken in accordance with the guidance placed in the Library of the House on 26 January 1996. This requires the Departments and research councils carrying out the reviews to consider a range of options, including abolition, privatisation, contractorisation, rationalisation and, implicitly, no change.

Ministers are currently considering the steering group reports of the first tranche of reviews. The overall purpose is to achieve high-quality research that represents the best value for money. Any potential redundancy costs would be taken into account in this consideration. Decisions will be announced as soon as possible.

EU Consumers Council

Mr. Waller: To ask the President of the Board of Trade if he will make a statement on the outcome of the EU Consumers Council held on 23 April. [27771]

Mr. John M. Taylor: The Council agreed on priorities for EU consumer policy. The agreement underlined the need for proper enforcement of existing legislation and, where possible, its review and simplification. Some member states also attached importance to work on consumer concerns in relation to public utilities, financial services and informative labelling of products.

The Council reached political agreement on a proposal for a directive on the indication of prices of products offered to consumers. This follows the Commission's commitment to review existing directives on subsidiarity grounds. The agreed proposal represents an important deregulatory measure which will permit member states to exempt small shops from the burden of unit pricing. It fully meets the UK objective of providing necessary protection for consumers while minimising the burden on small businesses.

There was an orientation debate on two proposals related to consumer access to justice. The first was the proposed action plan for non-legislative initiatives to enable cheaper and quicker redress for consumers involved in cross-border disputes. There was general support for the principle of this initiative, though more work would be needed on the details. Secondly, a directive was proposed to improve protection of consumers in cross-border transactions by co-ordinating national provisions relating to injunctions against unlawful practices under a list of existing directives. The proposal would secure mutual recognition of the entities qualified to bring such actions in other member states. Again, there was considerable support for the principle, though I and a number of other representatives made clear that it was based on the proviso that a method of implementation could be found which would respect national legal procedures and modalities of law enforcement.

There was an informal discussion of consumer confidence in relation to foodstuffs, particularly with regard to bovine spongiform encephalopathy—BSE. I set out the steps the United Kingdom Government had taken to protect consumers and explained why we regarded an export ban as unjustified and disproportionate.

Electricity Industry

Mr. Waller: To ask the President of the Board of Trade what plans he has to liberalise the electricity regime. [27772]

Mr. Eggar: I propose to amend the provisions governing supply licence exemptions so as to enable local generators to offer their electricity to communities and to commercial and industrial customers without the additional burdens imposed by licences. This will put combined heat and power schemes and businesses who generate their own electricity predominantly for their own use in a better position to offer customers innovative alternatives to established suppliers.

On 1 April 1998, all customers of the public electricity suppliers will be able to choose their supplier. As we prepare for that new era of competition and choice, we need to ensure that local suppliers can also play their part by offering their services to small communities and local industry and commerce.

Following extensive consultation with the Director General of Electricity Supply, electricity companies, consumer groups, and other interested parties, we have reached preliminary conclusions on the strategic objectives which will be pursued in the drafting of a new Electricity (Class Exemptions from the Requirement for a Licence) Order.

I propose, first, to allow generators to supply on-site to any commercial or industrial customers, up to a maximum limit of 100MW on each site. Secondly, I propose that exempt on-site supply to domestic customers should be permitted, up to a maximum of 1MW on each site, subject to a maximum price to be set in the new exemptions order. Discussions are under way on a voluntary code of practice for those suppliers who will benefit from the exemptions, and who want to supply electricity to domestic customers. The new exemptions would be in addition to existing exemption for on-site suppliers.

It is proposed that the current geographical definitions of a site would be retained, with an additional alternative site definition based on local electricity networks, where the wires between the supplier and the customers are owned by either party, or by both jointly.

Other changes to the current order will reflect the need to remove distinctions between electricity from the public electricity suppliers and that from second tier suppliers after 1 April 1998 for the purposes of resale. No changes are envisaged to exemptions for electricity generators or offshore generators and suppliers.

As the process of drafting the new order progresses, further consideration will be given to whether any of the provisions should be brought into force before 1998.

These principles commanded widespread support in our public consultation at the beginning of the year. I believe that they should provide a balance between the need to encourage local community and industrial suppliers by reducing the regulatory burden on them, and the need to maintain the integrity of the integrated electricity network.

Exports (Iraq)

Mr. Waller: To ask the President of the Board of Trade what conditions apply to companies wishing to supply Iraq in respect of *(a)* humanitarian goods and *(b)* services. [27810]

Mr. Nelson: Discussions about the supply of humanitarian goods to Iraq after sanctions have been relaxed require a licence from my Department before they can take place. Applications for such licences will be considered according to the circumstances of each particular case. Discussions now about the provision of services to Iraq after sanctions have been relaxed would not require a licence unless those discussions also constituted an act calculated to promote the supply of goods to or from Iraq. Such acts require a licence and applications for licences are also considered according to the circumstances of each particular case.

Coal Reserves

Mr. Hardy: To ask the President of the Board of Trade what is his present estimate of accessible and proven coal reserves in the United Kingdom; and what reduction of such reserves has been recorded following the loss of collieries over the last decade. [26359]

Mr. Page: The remaining reserves of coal at existing mines were estimated in 1994 to be around 1 billion tonnes. Comparable figures for subsequent or earlier years are not available.

Mr. Hardy: To ask the President of the Board of Trade what stocks of British coal were held by *(a)* British Coal and *(b)* the generating companies at the end of each quarter over the last five years; and what guidance he offers as to the level which should be maintained. [26374]

Mr. Page: Information on coal stocks is set out in the table.

Thousand tonnes

	Undistributed stocks[1]	*Stocks held by electricity generators*[2]
End March 1991	8,325	26,522
End June 1991	10,193	28,212
End September 1991	10,599	31,680
End December 1991	10,977	30,648
End March 1992	10,655	31,174
End June 1992	13,120	31,784
End September 1992	14,239	33,685
End December 1992	13,714	32,173
End March 1993	12,136	34,316
End June 1993	14,084	32,432
End September 1993	15,987	32,194
End December 1993	15,989	28,579
End March 1994	13,060	24,981
End June 1994	12,724	20,916
End September 1994	12,772	18,821
End December 1994	11,271	14,102
End March 1995	9,031	9,921
End June 1995	8,252	10,031
End September 1995	7,940	11,555
End December 1995	7,219	9,677

Notes:
[1] Stocks held at collieries and opencast sites.
[2] Held at coal-fired power stations belonging to major power producers.
Source:
Table 6 of Energy Trends.

I am currently reviewing the level of fossil fuel stocks to be held by generators.

Compliance Unit

Mr. Steen: To ask the President of the Board of Trade how many staff are employed in the single market compliance unit. [27073]

Mr. Oppenheim *[holding answer 29 April 1996]:* The single market compliance unit, which was relaunched as action single market on 28 March, has three full-time staff helping UK businesses overcome single market trade barriers. Action single market now incorporates work on tackling illegal state aids in other member states. It has two additional staff who spend part of their time on this, as well as dealing with more general state aids matters. Furthermore, action single market draws on a wider network of staff, including those in British embassies

overseas, in assessing and pursuing complaints, involving senior officials and Ministers where the opportunity arises.

EU Directives

Mr. Steen: To ask the President of the Board of Trade if he will list the directives which have affected his Department in each of the past three years and *(a)* the United Kingdom legislation introduced as a result of the directives, *(b)* the United Kingdom legislation which goes beyond the minimum standards set out in the directives and *(c)* the clauses within each piece of United Kingdom legislation which amplify the minimum standards set out in the directives. [27083]

Mr. Oppenheim *[holding answer 29 April 1996]:* I have placed information on the directives and their implementing regulations, for which the DTI is responsible, in the Library of the House.

Technology Foresight

Mrs. Roche: To ask the President of the Board of Trade how much money has been allocated to the technology foresight programme; and over that time period. [27007]

Mr. Ian Taylor *[holding answer 29 April 1996]:* New initiatives worth £200 million over four years from public and private funding are already in place. This figure comprises £36 million to fund research equipment in foresight priority areas during 1996–97, £60 million for the foresight challenge extending over the next four years, and £70 million for new LINK programmes responding to foresight priorities. The balance is made up of new components of mainstream research programmes in research councils and Government Departments, such as 14 new Biotechnology and Biological Sciences Research Council programmes for which £15 million of grants have been awarded, and the DTI's information society initiative—£35 million over four years—which addresses several priority areas identified in the foresight programme. I expect further initiatives to be reported.

SOCIAL SECURITY

Severe Disability Premium

Mr. Pike: To ask the Secretary of State for Social Security (1) if he will list by local authority *(a)* the number of cases where arrears of severe disability premium have now been paid and *(b)* the average amount of the arrears paid by each authority; [20272]

(2) when the hon. Member for Burnley will receive an answer to his question of 8 March on cases of arrears of severe disability premiums. [27050]

Mr. Roger Evans: The administration of income support is a matter for Peter Mathison, the chief executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mr. Peter Pike, dated 29 April 1996:

The Secretary of State for Social Security has asked me to reply to your Parliamentary Question of 8 March asking if he will list by Local Authority (LA), (a) the number of cases where arrears of severe disability premium (SDP) have now been paid; (b) the average amount of arrears paid by each authority; and your further question of 23 April.

I apologise for the delay in responding to your original question.

The information is not available in the format requested. Income Support (IS) statistics are collated by Benefit Agency (BA) Districts and not by LA areas. Statistics are not routinely collated on the number of IS awards which include premiums. This information could only be obtained at disproportionate cost.

However a statistical sampling exercise was undertaken in 26 offices within 25 BA Districts. From this it is estimated that nationally arrears of SDP amounting to £88.67 million have been paid on approximately 24,000 cases with ongoing entitlement to IS.

I hope you find this reply helpful.

Incapacity Benefit

Mr. Bradley: To ask the Secretary of State for Social Security (1) what is the average length of time for *(a)* an incapacity benefit appeal submission to be sent to the independent tribunal service and *(b)* an incapacity benefit appeal to be heard; [25794]

(2) how many appeals against the disallowance of incapacity benefit are currently outstanding; [25796]

(3) how many incapacity benefit appeals have been heard, and how many were successful. [25793]

Mr. Burt: The information is in the table.

Incapacity benefit appeals

	Figures
Average time between lodgement and submission to ITS	5 weeks
Average time between submission to ITS and hearing	12 weeks
Number outstanding	21,460
Number heard	4,906
Number of decisions in favour of appellant	2,270

1. Figures are to the end of February.
2. Figures are for all incapacity benefit appeals.

Mr. Bradley: To ask the Secretary of State for Social Security *(a)* how many medical examinations for the all-work test of capacity have been scheduled but have not taken place, *(b)* how many examinations have been performed, *(c)* how many people have failed to attend an examination without good cause and *(d)* how many people have been found capable of work for (i) February and (ii) March 1996. [26341]

Mr. Burt: The available information is in the table.

	February 1996	*March 1996*
Examinations scheduled, but which did not take place[1]	25,143	23,624
Examinations performed	56,247	59,121
Failed to attend examination without good cause	413	472
Found capable of work[2]	14,289	15,490

[1] Excludes cases in which scheduled appointments were re-allocated following advance notice from a customer that he would be unable to attend.

[2] Includes cases found capable following failure to return the questionnaire without good cause or failure to attend examination without good cause.

Severe Weather Payments

Mr. Shore: To ask the Secretary of State for Social Security how many households in the London borough of Tower Hamlets qualified for severe weather payments during the period 1 November 1995 to 1 April 1996; and on how many occasions. [26297]

Mr. Roger Evans: The administration of the social fund is a matter for Peter Mathison, the chief executive of the Benefits Agency. He will write to the right hon. Member.

Letter from Peter Mathison to Mr. Peter Shore, dated 29 April 1996:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking how many households in the London Borough of Tower Hamlets qualified for severe weather payments during the period 1st November 1995 to 1st April 1996; and on how many occasions.

The information is not available in the form you have requested and could be obtained only at disproportionate cost.

However I am able to provide you with the number of Cold Weather Payments (CWPs) made by each Benefits Agency (BA) District in your constituency, during the period 1 November 1995 and 1 April 1996. Statistics are kept for BA Districts and not for specific geographical areas. BA customers living in the London Borough of Tower Hamlets are dealt with by the City East District or Hackney and Islington District. Postal codes within the areas covered by these Districts are linked to the weather station at Heathrow Airport.

During the period 1 November 1995 to 1 April 1996, Heathrow Airport weather station identified one recorded period of cold weather from 24 December 1995 to 30 December 1995 inclusive.

The information available is shown in the attached Annex.

I hope you find this reply helpful.

Cold Weather payments 1 November 1995—31 March 1996

Period 24 to 30 December 1995	
City East District	*Hackney and Islington District*
18,076	27,615

Figures are provisional and subject to change.

Child Support Agency

Mr. Heppell: To ask the Secretary of State for Social Security if he will provide a month-by-month breakdown of the number of temporary staff employed by the CSA at its Brierly Hill centre since the CSA was set up. [26447]

Mr. Andrew Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Ann Chant to Mr. John Heppell, dated 29 April 1996:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency staffing.

The table attached shows a monthly breakdown of casual staff and also those appointed on fixed term contracts at the Agency's Brierley Hill Centre for the periodApril 1993 to March 1996 inclusive.

I hope this is helpful.

Monthly breakdown of casual and fixed term contract (FTC) staff[1] at the CSA's Brierley Hill Centre for the period 1993 to March 1996

Month	*Casuals*	*FTC*	*Total*
1993			
April	0	1	1
May	0	1	1
June	0	1	1
July	0	1	1
August	0	1	1
September	9	1	10
October	11	8	19
November	17	28	45
December	18	28	46
1994			
January	62	30	92
February	82	30	112
March	86	30	116
April	98	29	127
May	113	8	121
June	114	6	120
July	128	5	133
August	83	5	88
September	71	3	74
October	75	1	76
November	72	1	73
December	71	1	72
1995			
January	49	1	50
February	46	1	47
March	20	1	21
April	13	1	14
May	12	1	13
June	7	1	8
July	5	1	6
August	4	1	5
September	0	1	1
October	2	2	4
November	1	2	3
December	1	2	3
1996			
January	1	2	3
February	1	1	2
March	0	1	1

[1] Casuals are temporary appointments usually for a maximum of 12 months or exceptionally 24 months. Fixed term contracts are for a period between 1 and 5 years.

State Pensions

Ms Lynne: To ask the Secretary of State for Social Security if he will publish a table indicating for each of the last 17 years *(a)* the level of the basic state pension, *(b)* average weekly earnings and *(c)* the percentage of average weekly earnings as represented by the basic state pension. [26816]

Mr. Heald: The available information is in the table. The information for April 1996 earnings is not yet available.

Date of uprating	*Rate of basic retirement pension (£pw)*	*Average earnings[1] (£pw)*	*Rate as a percentage of average earnings*
November 1979	23.30	100.62	23.2
November 1980	27.15	120.24	22.6
November 1981	29.60	132.41	22.4
November 1982	32.85	142.42	23.1
November 1983	34.05	156.73	21.7
November 1984	35.80	166.98	21.4

Date of uprating	Rate of basic retirement pension (£pw)	Average earnings[1] (£pw)	Rate as a percentage of average earnings
November 1985	38.30	178.71	21.4
July 1986	38.70	189.12	20.5
April 1987	39.50	198.90	19.9
April 1988	41.15	218.40	18.8
April 1989	43.60	239.70	18.2
April 1990	46.90	263.10	17.8
April 1991	52.00	284.70	18.3
April 1992	54.15	304.60	17.8
April 1993	56.10	316.90	17.7
April 1994	57.60	325.70	17.7
April 1994	58.85	336.30	17.5

Note:
[1] Average earnings are for all full-time adult employees.
Source:
The Abstract of Statistics for Social Security and Contributions and Indices of Prices and Earnings, 1995 Edition, and the Employment Gazette.

Disability Working Allowance

Mr. Bradley: To ask the Secretary of State for Social Security, pursuant to his answer of 14 March, *Official Report*, column *760*, what assumptions underlay the answer to the hon. Member for Exeter (Sir J. Hannam) of 5 March 1991, *Official Report*, columns, *693–94*, concerning the impact of using the functional test for disability working allowance for initial claims where no qualifying benefit is in payment. [26365]

Mr. Andrew Mitchell: The written answer to which the hon. Member refers was given before the introduction of disability working allowance and, as stated, the estimates were tentative.

The estimates were based on data from the 1985 Office of Population Censuses and Suveys disability survey, which contains detailed information about individuals' disability and other characteristics. Using these data, it is possible to construct a scale of the severity of individuals' disability. The estimates assume that, in order to qualify for DWA, disabled people had to be above a certain threshold on this disability scale.

The estimates took account of two groups of potential DWA recipients: those currently in work who score above the threshold on the OPCS scale and are not in receipt of a qualifying benefit; and disabled people not currently in work or in receipt of a qualifying benefit who might be induced to go back to work. The estimates provided in 1991 also assumed, as did other estimates at the time, that the number induced to go back to work would be substantial in relation to those already in work.

It is not possible to produce revised estimates. The 1985 OPCS disability survey is still the most recent comprehensive survey of disabled peoples' characteristics, but the information about individuals' employment situation, earnings and benefit receipt is out of date and cannot now be used to produce reliable estimates of people who might qualify through a functional test but are not currently in receipt of a qualifying benefit. Any estimate of the size of a behavioural effect is speculative, and depends heavily on the state of the labour market and individuals' personal and other circumstances.

Disabled People (Incapacity for Work)

Mr. Bradley: To ask the Secretary of State for Social Security how many people who *(a)* were previously claiming invalidity benefit, *(b)* have claimed incapacity benefit since April 1995, *(c)* receive severe disablement allowance, *(d)* receive the income support disability premium on incapacity grounds and *(e)* receive incapacity credits only, have been treated as incapable of work since April 1995 by virtue of (i) receipt of the highest rate of the disability living allowance care component, (ii) being aged over 58 years on 13 April 1995 and received an incapacity benefit between 1 December 1993 and 12 April 1995, (iii) suffering from a progressive disease, (iv) being registered blind, (v) tetraplegia, (vi) persistent vegetative state, (vii) dementia, (viii) paraplegia (ix) a severe learning disability, (x) a severe and progressive muscle-wasting disease, (xi) an active and progressive form of inflammatory polyarthritis, (xii) a progressive impairment of cardio-respiratory function, (xiii) dense paralysis of upper limb, trunk and lower limb on one side of the body, (xiv) multiple effects of impairment of function of brain or nervous system, (xv) a severe and progressive immune deficiency state and (xvi) a severe mental illness. [26726]

Mr. Burt: The information is not available in the format requested. Such information as is available is in the table.

We estimate that 738,000 people are not subject to the all-work test because they were aged 58 or over on 13 April 1995 and have been continuously in receipt of invalidity benefit since 1 December 1993.

Exempt category	In receipt of incapacity benefit and previously in receipt of invalidity benefit prior to 13 April 1995	New incapacity benefit claimants since 13 April 1995	In receipt of severe disablement allowance	In receipt of incapacity benefit with income support[1]	In receipt of severe disablement allowance and income support	Credit only[2]
Receipt of higher rate care component of disability living allowance	14,380	1,580	1,140	4,880	600	Nil
Severe condition[3]	71,040	15,640	8,920	19,300	5,320	Nil
Terminally ill	20	100	Nil	80	Nil	140

Exempt category	In receipt of incapacity benefit and previously in receipt of invalidity benefit prior to 13 April 1995	New incapacity benefit claimants since 13 April 1995	In receipt of severe disablement allowance	In receipt of incapacity benefit with income support[1]	In receipt of severe disablement allowance and income support	Credit only[2]
Terminally ill and in receipt of disability living allowance higher rate care component or severe condition	420	420	Nil	200	Nil	Nil
In receipt of severe disablement allowance prior to 13 April 1995	n/a	n/a	314,560	n/a	217,340	n/a
Total	85,860	17,740	324,620	24,460	223,260	140

Notes:
[1] No data are held on the number of exempt claimants who are in receipt of the disability premium in income support.
[2] Credits-only cases are not in receipt of either incapacity benefit or severe disablement allowance but may be in receipt of other benefits.
[3] No data are available on the nature of the severe condition.
n/a = not applicable.
Source:
5 per cent. scan of the incapacity benefit computer system; all data up to 30 November 1995. Excludes a small number of cases not on the system.

Mr. Bradley: To ask the Secretary of State for Social Security how many people have been found incapable of work since April 1995 who *(a)* had previously claimed incapacity benefit since April 1995, *(b)* were receiving incapacity benefit and previously received invalidity benefit before April 1995; *(c)* previously claimed income support with a disability premium, *(d)* previously claimed severe disablement allowance and *(e)* received incapacity national insurance credits only. [26728]

Mr. Burt: The available information is in the table.

	Numbers found incapable of work
New incapacity benefit claimants since 13 April 1995	24,340
In receipt of incapacity benefit and previously in receipt of invalidity benefit prior to 13 April 1995	113,500
In receipt of incapacity benefit with income support[1]	37,940
In receipt of severe disablement allowance	7,480
Credits only[2]	44,380

Notes:
[1] No information is available on the number found incapable of work who were in receipt of the disability premium in income support.
[2] Credits only cases are not in receipt of incapacity benefit or severe disablement allowance but may be receiving other benefits.
Source:
5 per cent. scan of the incapacity benefit computer system; all data are up to 30 November 1995. Excludes a small number of cases not on the system.

Mr. Bradley: To ask the Secretary of State for Social Security how many people have been *(a)* found incapable of work since April 1995 and *(b)* disallowed benefit for failure to return the questionnaire or attend a medical examination; and how many people in both categories have (i) signed on as unemployed, (ii) received unemployment benefit, (iii) received income support and (iv) received both. [26727]

Mr. Burt: The information is not available in the format requested. Such information as is available is in the table.

	Number
Found capable of work following failure to return the questionnaire	7,710
Found capable of work following failure to attend a medical examination	2,416
Found incapable of work	561,502

Source:
100 per cent. count of cases on the incapacity benefit computer system. Excludes cases where claim related to national insurance credits only and a small number of cases not on the system. Data as at 31 March 1996.

Housing Benefit

Mr. Nigel Jones: To ask the Secretary of State for Social Security what is his policy on extending exemption from the restrictions to housing benefit from October to all young people who have been looked after by local authorities and to whom local authorities have a duty to provide a service up to the age of at least 21 years, pursuant to section 24 of the Children Act 1989; and if he will make a statement. [27047]

Mr. Roger Evans: It would be unreasonable to expect the taxpayer to subsidise rents which are above those for the sort of accommodation which single young people expect to occupy where they meet rent from their own resources merely because a social service department owes duties under the Children Act. The arrangement whereby people aged under 22, who were previously subject to a care order, will be exempt from some housing benefit changes to be introduced in October, is a concession which recognises the particular vulnerability of young people for whom a court considers it necessary

for a social service department to assume parental responsibility. Other young people will not be affected by the new arrangements if they live in exempt accommodation, including that provided by a housing association, voluntary body or registered charity where care, support or supervision is provided to the tenant by, or on behalf of, the landlord.

Mr. Jones: To ask the Secretary of State for Social Security what advice he will give on obtaining housing for young people in housing need in Gloucestershire after the introduction of restrictions to housing benefit in October 1996; and if he will make a statement. [27043]

Mr. Evans: Housing benefit will remain available to help young single people in Gloucestershire and elsewhere meet the general level of rents for the sort of accommodation which they tend to occupy if they meet rent from their own resources. It would be unreasonable to expect the taxpayer to subsidise rents above this level. Young people will have access to a pre-tenancy determination to indicate the likely level of rent which would be used to assess benefit.

Mr. Jones: To ask the Secretary of State for Social Security how many young people aged at least 15 years, who were looked after by Gloucestershire's social services department in March 1996 but who were not subject to a care order, pursuant to section 31(1) (a) of the Children Act 1989, will not be exempt from the housing benefit restrictions for young people from October 1996, if they remain in the care system through and beyond their 16th birthdays; and if he will make a statement. [27045]

Mr. Evans: The information requested is not yet available.

Mr. Jones: To ask the Secretary of State for Social Security what estimate he has made of the number of young people in Gloucestershire who will be in housing need in the county in the year following the introduction of restrictions to housing benefit in October 1996; and if he will make a statement. [27044]

Mr. Evans: The October 1996 housing benefit rules for single young people should not lead to housing need. Housing benefit will remain payable after that date based on rent levels for the sort of dwellings which young single people tend to occupy if they meet rent from their own resources. Local authorities will have discretion, and some additional funding, to pay higher levels of benefit to prevent exceptional hardship in individual cases.

Mr. Jones: To ask the Secretary of State for Social Security what is his policy on exemption from the restrictions to housing benefit from October 1996 for those young people in contact with Barnados leaving care project in Gloucestershire, while looked after by Gloucestershire's social services department *(a)* who are subject to care orders under section 31(1)(a) of the Children Act 1989, and towards whom the local authority maintains duties until at least their 21st birthday, pursuant to section 24 of the said Act and *(b)* who are not subject to such care orders, but towards whom the local authority maintains duties until at least their 21st birthday; and if he will make a statement. [27046]

Mr. Evans: Young people who are "looked after" by social services departments cannot receive housing benefit if the terms by which they are provided with accommodation under the Children Act means that they cannot be liable to pay for it. Guidance covering this area will be issued shortly.

Children who cease to be "looked after" may be entitled to housing benefit if they become liable to pay for their dwelling. It would be unreasonable to expect the taxpayer to subsidise rents for single young people which are above the level for the sort of accommodation which they expect to occupy where they meet rent from their own resources simply because they were previously looked after, or assisted by, a social services department. The concession whereby people aged under 22 who were previously subject to a care order will be exempt from some housing benefit changes to be introduced in October recognises the particular vulnerability of young people for whom a court considers it necessary for a social services department to assume parental responsibility. Other young people will not be affected by the new arrangements if they live in exempt accommodation, including that provided by a housing association, voluntary body or registered charity where care, support or supervision is provided to the tenant by, or on behalf of, the landlord.

AGRICULTURE, FISHERIES AND FOOD

Chickens and Pigs

Mr. Redmond: To ask the Minister of Agriculture, Fisheries and Food (1) what monitoring of his Department's Veterinary Laboratories Agency has carried out into the hormone residues in *(a)* pigs and *(b)* chickens with particular reference to strains of disease similar to bovine spongiform encephalopathy; what have been the results to date; and if he will make a statement; [24223]

(2) what monitoring his Department's Veterinary Laboratories Agency has carried out into the hormone residues in *(a)* chickens and *(b)* pigs which are used in the manufacture of pet foods with particular reference to strains of disease similar to bovine spongiform encephalopathy; what have been the results to date; and if he will make a statement; [24224]

Mrs. Browning: Certain residue testing has been carried out in pigs and chickens; no samples taken showed any residues above the action level. The testing for hormone residues has no relationship with BSE.

Private Finance Initiative

Ms Janet Anderson: To ask the Minister of Agriculture, Fisheries and Food if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26622]

Mr. Boswell: The revenue spending estimated in connection with the private finance initiative is estimated at up to the following amounts:

1995–96: nil

1996–97: £1 million

1997–98: £5 million.

Livestock Group Head

Mr. Redmond: To ask the Minister of Agriculture, Fisheries and Food what measures his Department took in respect of the head of his Department's livestock group to ensure there was not a conflict of interest when he was appointed as a non-executive director of Lucas Ingredients; if he is still associated with that company; and if he will make a statement. [26690]

Mr. Boswell: The position of staff holding non-executive directorships or similar appointments is safeguarded by the general requirement binding on all civil servants that they must not take part in activities which might conflict with the interests of their Department, or impair their usefulness as public servants, or be inconsistent with their position as such.

Civil servants acting as directors remain subject to the Official Secrets Acts and the need to preserve the confidentiality of departmental business and information received in confidence from others. In relation to any particular appointment, individuals and their line managers must consider whether there is a present or potential conflict of interest and, if appropriate, an appointment may not be proceeded with, or restrictions may be placed on the kinds of discussion that the individual can take part in.

Where necessary, departmental checks would also be made to ensure that the prospective director is not in possession of commercially sensitive information relating to the company's competitors which might give rise to criticism. The company concerned has a right to expect the director to preserve the confidentiality of its corporate affairs.

The appointment of the head of the livestock group was made with due regard to these principles. The appointment has now lapsed and the person concerned no longer has any association with the company.

Chernobyl

Mr. Llew Smith: To ask the Minister of Agriculture, Fisheries and Food what has been the total cost to the United Kingdom of the Chernobyl accident on 26 April 1986. [27096]

Mrs. Browning: The main economic effect to the United Kingdom of the Chernobyl accident has been on the UK sheep industry. The introduction of sheep controls on certain areas of upland grazing land contaminated by radioactive fallout from Chernobyl has been mitigated by the introduction of the sheep compensation scheme. This was introduced in July 1986 to compensate farmers whose enterprises had been disrupted as a consequence of the sheep controls. To date, more than £12 million has been paid to farmers who were affected. The compensation has been primarily to recompense farmers for the inconvenience of controls; payments for market losses have been comparatively small.

Agri-environment Schemes (Birds)

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food (1) what plans he has to initiate and fund a whole-farm project for arable farmers under the countryside stewardship scheme for the benefit of skylarks; [27158]

(2) what further plans he has to introduce measures for arable extensification as required under the EU agri-environment regulation EEC 2078/92. [27161]

Mr. Boswell: EC agri-environment regulation 2078/92 requires member states to introduce a number of different categories of schemes, including one

"to change to more extensive forms of crop, including forage, production, or to maintain extensive production methods introduced in the past, or to convert arable land into extensive grassland".

This is implemented in England through the environmentally sensitive areas, countryside stewardship and some options of the habitat scheme.

We have recently reviewed our agri-environment schemes and, in particular, the future of countryside stewardship following extensive and detailed public consultations. We relaunched the countryside stewardship scheme this month and our objectives and decisions on priorities for the scheme have been widely welcomed. We have no plans at present to alter our priorities for stewardship or to introduce any new agri-environment schemes.

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food (1) what plans he has to stem the decline of birds of the open field; [27159]

(2) what plans he has to replace the environmental benefits of set-aside by a new arable extensification scheme in the event that the percentage of land currently in set-aside is reduced. [27160]

Mr. Boswell: Following a suggestion made at the national agri-environment forum on 25 March, I agreed that officials should set up a working group to look at ways of enhancing the conservation value of cropped arable land, focusing particularly on promoting environmental benefits in the centre of fields for birds and other wildlife. This group will include representatives of key farming and conservation organisations and I expect it to commence work in the near future.

In addition, the Ministry sponsored the recent farmland bird management guidelines prepared by the Royal Society for the Protection of Birds, which I sent to all farmers in England with more than 100 hectares of arable land. These set out a number of practical ways in which farmers can encourage birds on their farms.

Specified Bovine Offals

Mr. Hendry: To ask the Minister of Agriculture, Fisheries and Food what was the outcome of the State Veterinary Service's surveillance of the handling of specified bovine offals in January, February and March 1996; and if he will make a statement. [27884]

Mr. Douglas Hogg: The controls on specified bovine offals—SBO—now termed specified bovine material—SBM—are central to the protection of public health from any risk from BSE. They require the removal of all those

tissues known potentially to harbour BSE infectivity from all cattle at slaughter. Compliance with these controls is of paramount importance, as I have made clear on a number of occasions in the House and directly to slaughterhouse operators.

The State Veterinary Service carried out regular unannounced visits to all plants handling SBM to monitor their compliance with the controls. The results of the surveillance visits in January, February and March 1996 are as follows:

	January 1996			*February 1996*			*March 1996*		
	Number of visits	*Number of unsatisfactory visits*	*Percentage unsatisfactory*	*Number of visits*	*Number of unsatisfactory visits*	*Percentage unsatisfactory*	*Number of visits*	*Number of unsatisfactory visits*	*Percentage unsatisfactory*
Slaughterhouses	321	16	5.0	274	17	6.2	264	10	3.8
Hunt kennels and knackeries	242	15	6.2	187	7	3.7	219	14	6.4
Rendering plants[1]	6	1	16.7	6	1	16.7	5	1	16.7
Incinerators[1]	28	0	0	15	2	13.3	25	1	4.0

[1] Rendering plants and incinerators have to be specifically approved to handle SBOs; only a small number of such plants are so approved.

These results show that there has been a significant and sustained improvement in the handling of SBM since the most recent intensive surveillance programme began in September 1995. It is disappointing, however, that deficiencies are still being found in a small number of slaughterhouses and hunt kennels and knackeries. I expect all plants to continue to work hard to ensure they fully comply with the controls.

It is important to note that many of the failings in SBM handling found were comparatively mild—for example, problems with staining SBM or with record keeping, which would not present a direct risk to public or animal health. There were, however, four further instances of the most serious failing, three in which small pieces of spinal cord were left attached to carcases after dressing and one in which the entire spinal cord was left attached, from mid-January to mid-March. There have been no such instances since the middle of March. A total of 25 instances in which spinal cord was left attached to carcases have now been detected since the summer of 1995. In this same period, over 2 million cattle were slaughtered.

The Meat Hygiene Service has the responsibility of enforcing the SBM controls in slaughterhouses. It does this most rigorously and we have made available extra resources to ensure that the agency can discharge its responsibilities effectively. The agency's staff are fully aware that they may face disciplinary action as a result of their failure fully to enforce the controls. Since the summer, 22 MHS officials have been subject to full disciplinary investigation as a result of their failure to ensure full compliance with the SBM controls. One officer has been dismissed, 12 have received formal disciplinary warnings, and no formal action has been taken against the other nine, although they have been issued with a written caution. In addition, two inspectors are currently under investigation. Before any of these staff have been allowed to begin their work again they have undergone retraining. In one of these cases, the MHS has referred the plant to MAFF's legal services for investigation.

Slaughterhouses face prosecution for significant breaches of the SBM controls, when sufficient evidence is available. At present, one such case is before the courts and several more are under investigation with a view to prosecution.

The SVS will continue its regular unannounced visits to all plants handling SBM. The MHS will continue to enforce rules most vigorously, and press for prosecutions where there is sufficient evidence to support a case.

Nuclear Contamination (Soviet Submarine)

Mr. Foulkes: To ask the Minister of Agriculture, Fisheries and Food (1) what assessment he has made of the effect on the food chain of contamination from the nuclear reactors and weapons on board the Soviet November class submarine which sank in the western approaches to the United Kingdom on 12 April 1970; and if he will make a statement; [26707]

(2) what action he has taken on the report by the International Atomic Energy Authority of July 1991, "Inventory of Radioactive Material into the Marine Environment", with particular respect to the sinking of a Soviet November class nuclear submarine on 12 April 1970; for what reasons the report has not been published; and if he will make a statement. [26706]

Mr. Baldry *[holding answer 25 April 1996]:* Publication of this report is a matter for the IAEA. A draft of the report was circulated to contracting parties to the convention on the prevention of marine pollution by dumping of wastes and other matter—the "London convention, 1972"—including the United Kingdom, in November 1991. Copies of this version have been placed in the Library.

The reported submarine incident on 12 April 1970 is noted in the draft report. The draft does not identify a specific location but it is given elsewhere as approximately 1,000 km south-west of Land's End, in 4,500 m of water. There is no suggestion the incident took place in the western approaches. Contemporary and subsequent results from MAFF's extensive programme of monitoring for radioactivity in fish, shellfish, sea water and sediments around the British Isles have shown no indication of contamination from this or any other confirmed or reported accidental loss. Reports of the MAFF monitoring programme are also available in the Library.

Bovine Spongiform Encephalopathy

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food what research his Department has

undertaken to assess the susceptibility of different cattle breeds to BSE *(a)* by epidemiology and *(b)* by experiment. [23368]

Mrs. Browning *[holding answer 28 March 1996]:* Epidemiological studies of the epidemic suggest that all breeds of cattle are susceptible to BSE, and that the numbers of cases confirmed by breed reflect the population of that breed in the country, and the extent to which compound feed containing meat and bone meal has been consumed. Experimental exposures of cattle to BSE have not been intended to determine breed susceptibility, but have used calves of several breeds, including cross-bred animals. Breeds involved include Friesian/Holstein and crosses, Jersey and Jersey cross, Limousin and Limousin cross, Simmental cross, Belgian blue and cross, Charolais, Hereford cross. All appear equally susceptible.

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food if the prion-related protein genes in different cattle have been sequenced in the research into BSE evaluated by his Department. [23357]

Mrs. Browning *[holding answer 28 March 1996]:* Extensive PrP gene sequencing of cattle of several breeds in Britain has revealed no polymorphisms that are associated with susceptibility to BSE. Recognised polymorphisms are five or six copies of an octapeptide repeat sequence, with PrP alleles encoding proteins of 256 and 264 amino acids respectively; a cytosine/thymine switch at base 576 which does not change the amino acid encoded; an adenine/guanine switch at base 234, also without an amino acid change.

Dr. Strang: To ask the Minister of Agriculture, Fisheries and Food what evidence he has assessed in respect of *(a)* maternal and *(b)* lateral transmission of BSE. [23200]

Mr. Hinchliffe: To ask the Minister of Agriculture, Fisheries and Food what is the most recent scientific advice evaluated by his Department concerning the likelihood of vertical transmission in cattle of the agent causing bovine spongiform encephalopathy; and if he will make a statement. [24118]

Mrs. Browning *[holding answers 28 March and 2 April 1996]:* I refer the hon. Members to the answer that I gave on 25 April 1996, *Official Report*, column 274.

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food how many transgressions of BSE regulations there have been *(a)* in Scotland, *(b)* in the rest of the United Kingdom and *(c)* in each of the regions of *(a)* and *(b)*. [23365]

Mrs. Browning *[holding answer 28 March 1996]:* Enforcement of the Bovine Spongiform Encephalopathy Order 1991, as amended, is the responsibility of local authorities. Until 1 April 1995, local authorities were also responsible for enforcement of the controls on specified bovine offals in slaughterhouses and head-boning plants. Information on enforcement before that date is not therefore held centrally. It is not possible, without disproportionate costs, to collect and collate this information from local authorities.

Since 1 April 1995 the Meat Hygiene Service has been responsible for enforcement of the controls on specified bovine materials. To date, there is one case before the court. A number of other cases are under investigation.

The State Veterinary Service regularly monitors the enforcement of the controls in slaughterhouses and elsewhere on specified bovine offals, which are required to be separated and disposed of by incineration or burial. The results of recent surveillance of slaughterhouses and head-boning plants were announced in the House on 19 July and updated on 22 November, 18 January and 30 April.

Mr. David Porter: To ask the Minister of Agriculture, Fisheries and Food what plans he has to provide for the dumping of BSE-infected carcases in the sea; what scientific studies he has *(a)* commissioned and *(b)* evaluated on the impact on the marine food chain; and if he will make a statement; [26855]

Mr. Baldry *[holding answer 29 April 1996]:* In his statement of 16 April, *Official Report*, columns 513-29, my right hon. and learned Friend the Minister of Agriculture, Fisheries and Food announced that the waste material, offals and carcase meat resulting from the over 30 months bovine cull scheme will be treated primarily by rendering with the resultant material to be disposed of by the best practicable environmental option. Dumping at sea of BSE-infected carcase or any other bovine material is not an option under consideration.

DUCHY OF LANCASTER

Serco Ltd.

Mr. Redmond: To ask the Chancellor of the Duchy of Lancaster what contracts his Department, his agencies and the Cabinet Office have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26640]

Mr. Willetts: My Department has two contracts with Serco Ltd., one for the provision of office services and another for the provision of a technical helpline. The Department also has an enabling contract for the provision of security-related maintenance of royal property with Serco Services (Scotland) Ltd. The annual cost of the contracts is some £800,000. The expiry dates for all these contracts is 31 March 1997, with the Department having the option to extend them. There are no penalties involved should the Department seek early termination.

Deregulation

Mr. Steen: To ask the Chancellor of the Duchy of Lancaster what was the outcome of the meeting on 10 April with the deregulation unit concerning the Merchant Shipping and Fishing Vessels (Medical Stores) Regulations 1995; and if he will make a statement. [27087]

Mr. Freeman: As a result of this meeting, the Parliamentary Secretary has written to Viscount Goschen reporting the concerns that have been expressed. With the Department of Transport, we propose to review the provisions of the regulations, particularly where they impact on small business, and the scope for improvements. I hope to make a further statement shortly.

Archway Tower

Mr. Corbyn: To ask the Chancellor of the Duchy of Lancaster what is the annual cost to his Department of the lease of Archway tower; who is the head lessee; who is the owner of the freehold; and what future use he plans for the building. [27135]

Mr. Freeman: As these are purely operational matters, I have asked the chief executive of Property Advisers to the Civil Estate to write directly to the hon. Member.

Letter from N. E. Borrett to Mr. Jeremy Corbyn, dated 29 April 1996:

The Chancellor of the Duchy of Lancaster has asked me to reply to your Question about Archway Tower.

PACE has responsibility for Archway Tower which is leased to the Secretary of State for the Environment and needs extensive modernisation and refurbishment.

It was formerly occupied by the Benefits Agency as a public caller office and for other purposes but was operationally unsuitable and these functions transferred to another property in March 1995. The annual rent payable is £913,400.

Letting Agents are appointed to dispose of the lease by whatever means are possible but the building is considerably over-rented and there is little serious interest. Efforts are continuing to find a Government Department to occupy. Constructed in the 1970's, the building now requires complete refurbishment prior to re-occupation but in view of the depressed rental levels in the area, the capital expenditure is unlikely to be justified in the absence of a firm demand.

The freehold is owned by London Underground Limited and the head lessees are K P & B P Shah and A M Patel.

WALES

Coal and Steel Workers

Mr. Barry Jones: To ask the Secretary of State for Wales how many persons are employed in *(a)* the steel industry and *(b)* the coal industry in Wales; and if he will make a statement. [26828]

Mr. Gwilym Jones: About 15,700 people are currently employed in steel manufacturing operations in Wales.

At 31 December 1995, approximately 2,500 people were employed in the coal industry in Wales.

I recognise the importance of both industries to the Welsh economy. In British Steel, we have one of the most efficient steel producers in the world and, in the short time since privatisation, the new coal companies have made great strides in developing their businesses.

Raytheon Corporate Jets

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has held concerning job prospects at Raytheon Corporate Jets, Broughton, Flintshire; and if he will make a statement. [26833]

Mr. Gwilym Jones: My right hon. Friend visited Raytheon Corporate Jets last September. All possible assistance has been given to the company to support the development at its facility in Broughton. The first instalment of regional selective assistance has already been paid.

Small and Medium-sized Businesses

Mr. Barry Jones: To ask the Secretary of State for Wales what is his estimate of the number of employees employed in work in small and medium-sized businesses in Wales; and if he will make a statement. [26824]

Mr. Gwilym Jones: Different definitions of small and medium-sized businesses are used in various contexts. A breakdown of business units in Wales—roughly corresponding to workplaces—by employment size bands is available from the 1993 census of employment. The data are on the NOMIS database which can be accessed by the staff of the Library of the House.

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has had with representatives of small and medium-sized businesses; and if he will make a statement. [26822]

Mr. Gwilym Jones: My right hon. Friend has, in recent months, met the Institute of Directors (Wales), the Wales Confederation of British Industry and the Cardiff chamber of commerce. Other meetings are planned. In addition, the Welsh Office has supported the recent series of "Your Business Matters" conferences attended by small firms and their representative bodies.

Road Congestion

Mr. Barry Jones: To ask the Secretary of State for Wales what measures he proposes to eliminate road congestion in north-east Wales; and if he will make a statement. [26830]

Mr. Gwilym Jones: Plans for future improvements to the trunk road network in north-east Wales and the level of local authority expenditure on major schemes supported by transport grant are included in chapter 6 of the Welsh Office's departmental report, Cm 3215, published on 25 March. Improvements to the local road network are the responsibility of the new unitary authorities.

Steel Industry

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement concerning prospects for the steel industry in Wales in respect of hot-rolled coil and coated products. [26858]

Mr. Gwilym Jones: Prospects for the steel industry in Wales are good. Companies have made significant investments to improve quality and are seeing the benefits through increased orders. The Government are working closely with the industry to improve competitiveness further.

Small Businesses (Rural Areas)

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has to stimulate small businesses in rural areas; and if he will make a statement. [26826]

Mr. Gwilym Jones: The White Paper "A Working Countryside for Wales" published in March by my right hon. Friend outlines a comprehensive programme of measures to assist small businesses in rural areas. Copies of the White Paper are available in the Library of the House.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Wales if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26635]

Mr. Gwilym Jones: There are no revenue costs for the Welsh Office resulting from the one project it has approved so far under the private finance initiative.

British Aerospace

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has held concerning job prospects at British Aerospace, Broughton, Flintshire; and if he will make a statement. [26834]

Mr. Gwilym Jones: My right hon. Friend visited British Aerospace last September and the Under-Secretary, my hon. Friend the Member for Clwyd, North-East (Mr. Richards), visited the company in March this year. During the visits the company outlined its plans for the future.

Engineering Jobs

Mr. Barry Jones: To ask the Secretary of State for Wales what is his estimate of the number of jobs in Wales provided by engineering; and if he will make a statement. [26825]

Mr. Gwilym Jones: The latest available figures are for 1993, when some 85,400 employees were employed in engineering-related industries—SIC(92) divisions 28 to 35—in Wales, according to the census of employment. This represented an increase of 0.5 per cent. on the 1991 figure.

Since 1993, the Welsh Office has introduced designated funding for training and enterprise councils to support modern apprenticeships in manufacturing. In 1994–95, some 500 people started such apprenticeships. In 1995–96 and 1996–97, starts are expected to be 1,200 and more than 1,600, respectively.

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for Wales what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26689]

Mr. Hague: The only current contract between Serco Ltd. and my Department—including the Cadw agency—relates to the M4, south Wales, communications emergency telephone systems. It was awarded in February 1995 at a cost of £384,368, and the expected completion date is August 1996. I am able to seek early termination of the contract only in the event of default by Serco Ltd., in which case I would arrange for the outstanding work to be completed by another contractor following normal tendering procedures, and seek recovery from Serco Ltd. of any excess cost incurred as a result.

Research and Development

Mr. Barry Jones: To ask the Secretary of State for Wales how much cash has been earmarked for research and development matters in Welsh industry for each of the years 1990 to 1995; and if he will make a statement. [26827]

Mr. Gwilym Jones: The following sums were allocated for small firms merit award for research and technology, support for products under research and regional enterprise grant—innovation—research and development support schemes in Wales:

1990–91: £2.53 million
1991–92: £2.935 million
1992–93: £2.422 million
1993–94: £3,186 million
1994–95: £3.751 million.

Welsh industry has also received support from Department of Trade and Industry and European Union research and development schemes.

Travelling People

Mr. Llwyd: To ask the Secretary of State for Wales what is the number and location of sites for travelling people in each county in Wales; and if he will make a statement. [26986]

Mr. Gwilym Jones: The most recent survey of gipsy sites in Wales relates to 17 January 1996. The information is on a county and district basis. I have arranged for a copy to be placed in the Library of the House.

Road Accidents

Mr. Barry Jones: To ask the Secretary of State for Wales if he will publish the latest road accident figures for Wales by county; and if he will make a statement. [26866]

Mr. Gwilym Jones: The information requested will be published in "Road Accidents: Wales No. 16 1995" on Wednesday 1 May 1996. A copy of the publication will be placed in the Library of the House.

Mr. Barry Jones: To ask the Secretary of State for Wales how many children were killed in road traffic accidents in each of the counties in Wales in the most recent year for which figures are available; and if he will make a statement. [26868]

Mr. Gwilym Jones: The information requested is shown in the following table. The figures relate to children killed in accidents recorded by the police.

Children killed in road accidents during 1995

	Number
Clwyd	2
Dyfed	1
Gwent	3
Gwynedd	2
Mid Glamorgan	3

Children killed in road accidents during 1995

	Number
Powys	1
South Glamorgan	—
West Glamorgan	1
Wales	13

River Dee Crossing

Mr. Barry Jones: To ask the Secretary of State for Wales when he expects the River Dee crossing and associated works to be completed; what is the estimated cost; and if he will make a statement. [26870]

Mr. Gwilym Jones: This scheme is the responsibility of Flintshire county council. It expects completion in July 1997 at an estimated total cost of some £63 million.

Road Schemes (Air Quality Reports)

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has to improve the reports on air quality when public inquiries are held on major road schemes; and if he will make a statement. [26862]

Mr. Gwilym Jones: I refer the hon. Member to the reply given to the hon. Member for Normanton (Mr. O'Brien) *Official Report*, column *1*, on 22 April by my right hon. Friend the Secretary of State for Transport.

Road Links

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has to improve road communications from Kelsterton, Deeside, to Point of Ayr. [26872]

Mr. Gwilym Jones: This is the responsibility of Flintshire county council.

Hawarden Airport

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on the future of Hawarden airport. [26874]

Mr. Gwilym Jones: The future development of Hawarden airport is a matter for British Aerospace, its owners.

Chernobyl

Mr. Llew Smith: To ask the Secretary of State for Wales what assessment he has made of the cost to the Welsh economy of the radioactive fallout from the Chernobyl accident of 26 April 1986. [26916]

Mr. Gwilym Jones: Estimates of the overall cost to the Welsh economy resulting from the Chernobyl accident are not currently available. However, the direct cost to farmers, measured in terms of disruption to their enterprises and for which compensation has been paid since 1986, is estimated to be just over £8 million.

Disabled People

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has to provide guidance to the franchising director in respect of train operating companies in Wales to ensure guaranteed access to services for those with disability. [26967]

Mr. Gwilym Jones: I refer the hon. Member to the answer given on 23 April by my hon. Friend the Minister for Railways and Roads to the hon. Member for Eastleigh (Mr. Chidgey), *Official Report*, columns *75–76*.

A550

Mr. Barry Jones: To ask the Secretary of State for Wales when he expects the grade interchange A550 road improvement and associated works to be completed; what is his estimate of the total costs; and if he will make a statement. [26869]

Mr. Gwilym Jones: The contract completion date of the A550 Deeside park interchange improvement is November this year. The contract sum is £10.247 million.

Bus Companies

Mr. Barry Jones: To ask the Secretary of State for Wales what is his estimate of the number of bus companies currently operative in Wales; and if he will make a statement. [26873]

Mr. Gwilym Jones: There is uncertainty about the number of bus companies operating in Wales because of the rapid rate at which smaller operators enter and leave the industry. It is estimated that there are around 600 companies currently operating in Wales.

Ambulance Service

Mr. Morgan: To ask the Secretary of State for Wales what proposals he has received in relation to the setting up of an all-Wales ambulance service. [27505]

Mr. Hague: None.

Severn and Queensferry Bridges

Mr. Barry Jones: To ask the Secretary of State for Wales how many vehicles per hour cross the current Severn bridge and the Queensferry A550 bridge; and if he will make a statement. [26876]

Mr. Gwilym Jones: The following tables show the average hourly flows calculated from all the available data from 1995.

M4 Wye Bridge Gwent

Total flow combined directions

Averaged from Sunday 1 January 1995 to Sunday 31 December 1995

Time	*Monday*	*Tuesday*	*Wednesday*	*Thursday*	*Friday*	*Saturday*	*Sunday*	*5 day average*	*7 day average*
00:00–01:00	428	340	338	374	390	488	438	374	400
01:00–02:00	262	247	246	260	280	341	287	259	273
02:00–03:00	207	230	226	241	265	278	188	234	232

M4 Wye Bridge Gwent

Total flow combined directions

Averaged from Sunday 1 January 1995 to Sunday 31 December 1995

Time	*Monday*	*Tuesday*	*Wednesday*	*Thursday*	*Friday*	*Saturday*	*Sunday*	*5 day average*	*7 day average*
03:00–04:00	254	277	277	277	298	295	190	277	266
04:00–05:00	455	424	432	427	453	374	242	438	401
05:00–06:00	909	753	740	742	752	488	280	779	666
06:00–07:00	1,929	1,669	1,646	1,656	1,578	898	479	1,695	1,407
07:00–08.00	4,093	3,947	3,882	3,880	3,623	1,577	819	3,885	3,115
08:00–09:00	4,402	4,583	4,588	4,588	4,211	2,156	1,183	4,474	3,671
09:00–10:00	3,630	3,871	3,924	3,922	3,648	2,887	1,907	3,799	3,398
10:00–11:00	3,459	3,399	3,433	3,459	3,535	3,625	2,715	3,457	3,373
11:00–12:00	3,421	3,178	3,255	3,314	3,653	3,880	3,217	3,364	3,415
12:00–13:00	3,270	3,105	3,121	3,236	3,731	3,519	2,964	3,292	3,277
13:00–14:00	3,158	3,078	3,107	3,250	3,920	3,138	2,707	3,303	3,192
14:00–15:00	3,180	3,176	3,234	3,414	4,302	2,844	2,959	3,462	3,300
15:00–16:00	3,398	3,524	3,594	3,743	4,649	2,693	3,431	3,781	3,576
16:00–17:00	3,812	4,014	4,126	4,237	4,961	2,671	3,828	4,230	3,949
17:00–18:00	4,185	4,372	4,517	4,552	4,963	2,722	3,967	4,517	4,183
18:00–19:00	3,523	3,659	3,782	3,918	4,467	2,526	3,692	3,870	3,651
19:00–20:00	2,119	2,086	2,232	2,380	3,328	1,820	3,147	2,428	2,443
20:00–21:00	1,431	1,367	1,458	1,605	2,437	1,296	2,465	1,660	1,721
21:00–22:00	1,043	992	1,091	1,262	1,730	935	1,736	1,224	1,254
22:00–23:00	764	772	827	945	1,193	733	1,085	901	902
23:00–24:00	534	518	578	623	771	588	684	605	613
12, 16, 18 and 24 hour totals									
07:00–19:00	43,531	43,906	44,563	45,513	49,663	34,238	33,389	45,435	42,114
06:00–22:00	50,053	50,020	50,990	52,416	58,736	39,187	41,216	52,443	48,944
06:00–24:00	51,351	51,310	52,395	53,984	60,700	40,508	42,985	53,948	50,461
00:00–24:00	53,866	53,581	54,654	56,305	63,138	42,772	44,610	56,309	52,703
am Peak	08:00	08:00	08:00	08:00	08:00	11:00	11:00	08:00	08:00
Peak volume	4,402	4,583	4,588	4,588	4,211	3,880	3,217	4,474	3,671
pm Peak	17:00	17:00	17:00	17:00	17:00	12:00	17:00	17:00	17:00
Peak volume	4,185	4,372	4,517	4,552	4,963	3,519	3,967	4,517	4,183

A494 Queensferry Clwyd

Total flow combined directions

Averaged from Sunday 1 January 1995 to Sunday 31 December 1995

Time	*Monday*	*Tuesday*	*Wednesday*	*Thursday*	*Friday*	*Saturday*	*Sunday*	*5 day average*	*7 day average*
00:00–01:00	385	334	378	406	460	654	706	393	474
01:00–02:00	199	200	196	215	247	374	444	212	267
02:00–03:00	140	147	149	161	204	318	356	160	210
03:00–04:00	197	232	219	226	249	275	251	224	235
04:00–05:00	251	263	265	274	278	246	169	267	249
05:00–06:00	893	915	896	890	908	632	364	900	785
06:00–07:00	1,966	1,950	1,928	1,925	1,897	1,134	749	1,933	1,649
07:00–08.00	4,880	5,083	5,070	5,016	4,807	1,867	1,043	4,971	3,966
08:00–09:00	5,122	5,446	5,513	5,372	5,233	2,374	1,185	5,338	4,320
09:00–10:00	3,453	3,523	3,559	3,549	3,526	3,075	2,021	3,522	3,243
10:00–11:00	3,439	3,290	3,393	3,331	3,527	3,975	3,110	3,404	3,443
11:00–12:00	3,621	3,317	3,375	3,332	3,790	4,491	3,845	3,487	3,681
12:00–13:00	3,589	3,307	3,363	3,302	4,271	4,498	3,992	3,567	3,760
13:00–14:00	3,877	3,667	3,718	3,656	4,229	4,391	3,932	3,830	3,924
14:00–15:00	3,706	3,565	3,651	3,602	4,532	4,075	3,892	3,811	3,860
15:00–16:00	3,780	3,705	3,865	3,815	4,916	3,672	3,966	4,016	3,959
16:00–17:00	5,066	5,195	5,331	5,286	5,520	3,680	4,197	5,280	4,896
17:00–18:00	5,315	5,513	5,636	5,528	5,367	3,691	3,833	5,472	4,983
18:00–19:00	3,931	4,151	4,234	4,156	4,330	3,224	3,376	4,160	3,914
19:00–20:00	2,475	2,537	2,623	2,741	3,529	2,443	2,924	2,781	2,752
20:00–21:00	1,726	1,780	1,852	2,033	2,473	1,772	2,283	1,973	1,988
21:00–22:00	1,499	1,549	1,639	1,720	1,768	1,355	1,802	1,635	1,618
22:00–23:00	1,047	1,135	1,237	1,169	1,231	977	1,179	1,163	1,138
23:00–24:00	615	720	784	775	930	884	761	765	780
12, 16, 18 and 24 hour totals									
07:00–19:00	49,779	49,762	50,708	49,945	54,088	43,013	38,392	50,857	47,954
06:00–22:00	57,445	57,578	58,750	58,364	63,755	49,717	46,150	59,179	55,965
06:00–24:00	59,107	59,433	60,771	60,308	65,916	51,578	48,090	61,107	57,886
00:00–24:00	61,172	61,524	62,874	62,480	68,262	54,077	50,380	63,262	60,109

A494 Queensferry Clwyd
Total flow combined directions
Averaged from Sunday 1 January 1995 to Sunday 31 December 1995

Time	*Monday*	*Tuesday*	*Wednesday*	*Thursday*	*Friday*	*Saturday*	*Sunday*	*5 day average*	*7 day average*
am Peak	08:00	08:00	08:00	08:00	08:00	11:00	11:00	08:00	08:00
Peak volume	5,122	5,446	5,513	5,372	5,233	4,491	3,845	5,338	4,320
pm Peak	17:00	17:00	17:00	17:00	16:00	12:00	16:00	17:00	17:00
Peak volume	5,315	5,513	5,636	5,528	5,520	4,498	4,197	5,472	4,983

Regional Railways

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on the levels of investment in regional railways as they affect the Wrexham-Birkenhead and Holyhead-Chester-Crewe lines; and if he will make a statement. [26863]

Mr. Gwilym Jones: The level of investment in railway lines in north Wales is a matter for Railtrack. I intend to meet the company soon to discuss its investment plans for all lines in Wales.

Mr. Barry Jones: To ask the Secretary of State for Wales what assessment he has made of the effect of privatisation on the regional railways that serve north Wales; and if he will make a statement. [26864]

Mr. Gwilym Jones: The Government's proposals for franchising the operation of regional railways are designed to improve the quality of passenger rail services. North West Regional Railways will be franchised as soon as is practicable.

Railways (Safety)

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement concerning safety on railways in Wales. [26871]

Mr. Gwilym Jones: I refer the hon. Member to the answer given on 22 April by my hon. Friend the Minister for Railways and Roads to the hon. Member for Nottingham, East (Mr. Heppell), *Official Report*, column *33*.

Speed Cameras

Mr. Barry Jones: To ask the Secretary of State for Wales what assessment he has made of the benefits of speed cameras; and if he will make a statement. [26865]

Mr. Gwilym Jones: Results from an initial trial of fixed site speed cameras in Llanidloes confirm that they can be effective in controlling excessive speeds close to camera sites.

However, speed cameras are likely to be justifiable only at sites with a history of accidents associated with excessive driving speeds.

The Welsh Office is planning a further set of trials in conjunction with Welsh police authorities using portable or semi-portable camera equipment to determine the effectiveness and benefits of such systems.

Bovine Spongiform Encephalopathy

Mr. Barry Jones: To ask the Secretary of State for Wales what recent consultations he has had with each of the farming unions in Wales concerning BSE. [26875]

Mr. Gwilym Jones: My right hon. Friend and I have met farmers' leaders to discuss this subject on a number of occasions, most recently my right hon. Friend met the Farmers Union of Wales, the National Farmers Union and the Country Landowners Association on 22 April.

Home Energy Conservation Act 1995

Mr. Dafis: To ask the Secretary of State for Wales which local authorities in Wales will be eligible during 1996–97 for grants under the Home Energy Conservation Act 1995 action scheme. [27244]

Mr. Gwilym Jones: No, the Home Energy Conservation Act does not make provision for grants.

Mr. Dafis: To ask the Secretary of State for Wales when he plans to issue guidelines in respect of the Home Energy Conservation Act 1995 in Wales. [27243]

Mr. Jones: In Wales, guidance on implementation of the Home Energy Conservation Act will be issued this summer.

M4 Relief Road

Mr. Llwyd: To ask the Secretary of State for Wales what representations he has received concerning the proposed M4 relief road; and if he will make a statement. [27420]

Mr. Gwilym Jones: Various views have been received about proposals for the M4 Magor to Castleton relief road as a result of public consultation in 1993 and 1994. My right hon. Friend announced his preferred route for this scheme in July last year.

HEALTH

Oral Contraceptives

Mr. Simon Hughes: To ask the Secretary of State for Health what meetings took place between his Department and the manufacturers of third generation oral contraceptives between July and the end of September 1995; and if concerns about the safety of their products were discussed at those meetings. [25589]

Mr. Malone: I refer the hon. Member to the reply that I gave him on 16 April at column *488*.

Mr. Hughes: To ask the Secretary of State for Health which company his Department employed in October 1995 to print, collate and post the letter to general

practitioners informing them of safety concerns about third generation oral contraceptives; and if he will make a statement. [25810]

Mr. Malone: The Medical Direct Mail Organisation.

Mr. Hughes: To ask the Secretary of State for Health which members of the Committee on Safety of Medicines subcommittee briefed on 10 October 1995 about third generation oral contraceptives were not members of the committee. [25590]

Mr. Malone: I refer the hon. Member to the reply that I gave the hon. Member for Gordon (Mr. Bruce) on 19 December 1995 at column *1151*. The ad hoc working group which met on 10 October 1995 included members of the Committee on Safety of Medicines and invited experts who were not members of the committee.

Mr. Hughes: To ask the Secretary of State for Health what assessment he has made of the safety of oral contraceptives following the most recent meeting of the Committee on Safety of Medicines; and if he will make a statement. [27332]

Mr. Malone: Ministers rely on their advisory committees for an assessment of such issues.

Mr. Hughes: To ask the Secretary of State for Health what attachments were enclosed with the letter of 11 October 1995 relating to oral contraceptives containing desogestrel or gestodene in order to inform consideration of the relevant issues by the Committee for Proprietary Medicinal Products. [27354]

Mr. Malone: I refer the hon. Member to the reply that I gave him on 2 April at column *185*.

Mr. Hughes: To ask the Secretary of State for Health who represented the United Kingdom at the three meetings of the Committee for Proprietary Medicinal Products held on *(a)* 17-18 October 1995, *(b)* 26-27 October 1995 and *(c)* 16 to 18 April 1996. [27355]

Mr. Malone: The two members of the Committee for Proprietary Medicinal Products nominated by the United Kingdom, supported as necessary by experts relevant to the items under consideration.

Mr. Hughes: To ask the Secretary of State for Health if the consideration of safety issues by the Committee for Proprietary Medicinal Products relating to oral contraceptives containing desogestrel or gestodene took place on the basis of article 8 of directive 75/319/EEC. [27357]

Mr. Malone: I refer the hon. Member to the reply that I gave him on 8 February at column *344*. The Medicines Control Agency made a written request that the Committee for Proprietary Medicinal Products include the matter for discussion at its meeting of 17-18 October 1995. The subsequent CPMP position statement dated 27 October 1995 makes reference to article 8 of directive 75/319/EEC.

Mr. Hughes: To ask the Secretary of State for Health what advice the Committee on Safety of Medicines communicated to the relevant pharmaceutical companies about the product licences relating to desogestrel or gestodene, following its meeting on 13 October 1995; [27368]

(2) what advice the Committee on Safety of medicines gave regarding action on the product licences relating to desogestrel and gestodene at its meeting on 13 October 1995. [27362]

Mr. Malone: I refer the hon. Member to the reply that I gave him on 8 February at column *343*. The advice of the Committee on Safety of Medicines to the licensing authority is confidential.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 19 December, *Official Report*, column *1153*, on what date the final report of the World Health Organisation study on oral contraceptives was produced; and if he will make a statement. [27370]

Mr. Malone: A number of reports of the World Health Organisation's findings were provided to the Medicines Control Agency between July and October 1995; the report referred to in the answer given on 19 December 1995 at column *1153* provided the final results on venous thromboembolism of the WHO study. The MCA subsequently received a copy of the manuscript which was submitted to *The Lancet* for publication, dated 13 October. This document was not different in any important way from the previous report received by the MCA.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 2 April, *Official Report*, column *185*, if clinical trials with oral contraceptives containing gestodene were terminated in October 1995. [27364]

Mr. Malone: I refer the hon. Member to the reply that I gave him on 8 February at column *346*.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 2 April, *Official Report*, column *185*, if the referral to the Committee for Proprietary Medicinal Products of 11 October 1995 was made by one of the United Kingdom's representatives on the Committee for Proprietary Medicinal Products. [27365]

Mr. Malone: Yes. The written request that the Committee for Proprietary Medicinal Products include the safety of oral contraceptives on the agenda of its meeting of 17-18 October was made by one of the United Kingdom's representatives on the committee.

Mr. Hughes: To ask the Secretary of State for Health, pursuant to his answer of 2 April, *Official Report*, column *184*, if the then Under-Secretary of State, the hon. Member for Bolton, West (Mr. Sackville), was consulted prior to the written request that the Committee for Proprietary Medicinal Products consider safety issues relating to oral contraceptives containing desogestrel or gestodene; and if he authorised the request to the CPMP. [27366]

Mr. Malone: Disclosure of information such as that requested would be in breach of the long-established convention, observed by successive Governments, protecting the confidentiality of the internal decision-making process.

Mr. Hughes: To ask the Secretary of State for Health if the chief executive of the Medicines Control Agency authorised the request of 11 October 1995 to the Committee for Proprietary Medicinal Products relating to desogestrel and gestodene. [27367]

Mr. Malone: The chief executive of the Medicines Control Agency agreed with the United Kingdom delegate to the Committee for Proprietary Medicinal Products that this would be an appropriate issue for the committee to consider at its meeting of 17–18 October 1995.

Mr. Hughes: To ask the Secretary of State for Health if the Committee on Safety of Medicines has made a re-assessment of the safety of desogestrel and gestodene in the light of evidence in December 1995 and January 1996. [27369]

Mr. Malone: I refer the hon. Member to the reply I gave him on 25 April at column *281*.

Mortality Statistics (Doncaster)

Mr. Redmond: To ask the Secretary of State for Health what were the five most common causes of death for women in the Doncaster health authority in the last year for which figures are available; and what were the figures for each of the previous four years. [26645]

Mr. Horam: The information is shown in the table.

Office for National Statistics: Top five causes of death in females in Doncaster health authority 1990–94

Cause	*Number of deaths*
1990	
Ischaemic heart disease (ICD[1] 410–414)	344
Cerebrovascular disease (ICD 430–438)	173
Malignant neoplasm of trachea, bronchus and lung (ICD 162)	76
Breast cancer (ICD 174)	67
Pneumonia (ICD 480–486)	67
1991	
Ischaemic heart disease (ICD 410–414)	362
Cerebrovascular disease (ICD 430–438)	204
Pneumonia (ICD 480–486)	98
Breast cancer (ICD 174)	77
Malignant neoplasm of trachea, bronchus and lung (ICD 162)	74
1992	
Ischaemic heart disease (ICD 410–414)	376
Cerebrovascular disease (ICD 430–438)	190
Pneumonia (ICD 480–486)	84
Breast cancer (ICD 174)	74
Malignant neoplasm of trachea, bronchus and lung (ICD 162)	70
1993	
Ischaemic heart disease (ICD 410–414)	345
Cerebrovascular disease (ICD 430–438)	210
Pneumonia (ICD 480–486)	113
Breast cancer (ICD 174)	79
Malignant neoplasm of trachea, bronchus and lung (ICD 162)	72
1994	
Ischaemic heart disease (ICD 410–414)	331
Cerebrovascular disease (ICD 430–438)	168
Pneumonia (ICD 480–486)	142
Malignant neoplasm of trachea, bronchus and lung (ICD 162)	72
Breast cancer (ICD 174)	69

[1] International Classification of Diseases, 9th revision. For 1992 and earlier years, the number of deaths represents the deaths *registered* annually. Figures from 1993 onwards are those which *occurred* annually; prior to 1993, the date on which deaths were registered and occurred differed, e.g. a death on 31 December 1991 would probably have been registered in 1992.

Non-prescription Medicines

Sir John Hannam: To ask the Secretary of State for Health what was the average cost in 1995 of medicines bought without a doctor's prescription in the United Kingdom, France, Germany, Holland, Ireland, Italy and Spain. [26792]

Mr. Malone: This information is not available.

Grant Aid Funding

Miss Lestor: To ask the Secretary of State for Health how many successful applications for section 65 grant aid funding for HIV-specific applicants were made by *(a)* non-London organisations and *(b)* new applicants in 1996–97. [27011]

Mr. Horam: Two successful grant applications were made by non-London organisations in 1996–97. There have been five new grants awarded in 1996–97.

British Dental Association

Mr. Llwyd: To ask the Secretary of State for Health what representations he has recently received from the British Dental Association; and if he will make a statement. [26995]

Mr. Malone: We are in regular contact with the British Dental Association on a wide range of current issues.

Dental Services

Mr. Llwyd: To ask the Secretary of State for Health what plans his Department has to re-introduce free dental examinations under the national health service; and if he will make a statement. [26983]

Mr. Malone: There are no plans to re-introduce free dental examinations for all. Certain groups, including all those under 18 years, are exempt from all dental charges, including those for examination. Others on a low income may get free dental treatment or help with the cost. In all, some 25 per cent. of adult courses receive full or partial relief from charges.

Mr. Llwyd: To ask the Secretary of State for Health (1) how many people in the United Kingdom currently have private dental plans; and if he will make a statement; [27021]

(2) how many people were registered with private dentists in *(a)* 1984, *(b)* 1989, *(c)* 1992 and *(d)* 1995; and if he will make a statement. [27113]

Mr. Malone: Information on the number of people with private dental plans or who receive dental treatment outside the national health service is not available centrally.

Mr. Llwyd: To ask the Secretary of State for Health what recent representations his Department has received concerning the re-introduction of free dental check-ups; and if he will make a statement. [26977]

Mr. Malone: The Department of Health has received a small number of letters concerning the re-introduction of free dental examinations.

Mr. Llwyd: To ask the Secretary of State for Health what plans his Department has to develop the role of the community dental services as a safety net; and if he will make a statement. [26981]

Mr. Malone: On 5 April 1995 the Government announced their proposals for the reform of national health service dentistry. These reforms included the Government's intention of strengthening the role of the community dental service.

Water Tower Mental Hospitals

Dr. Lynne Jones: To ask the Secretary of State for Health if he will list the location by health authority of the water tower mental hospitals in England which were open in March 1994 giving their planned date of closure; and if he will list those hospitals which were open in March 1995 and March 1996 together with the number of patients in each of those dates. [27092]

Mr. Bowis: I refer the hon. Member to the reply that I gave her on 1 April at columns *48–50*.

Abortions

Ms Harman: To ask the Secretary of State for Health if he will make a statement on the East London and City health authority's instruction to Newham Healthcare NHS trust in respect of *(a)* patients other than those deemed clinically urgent and *(b)* women requiring abortions. [27145]

Mr. Horam: Agreement has now been reached between East London and City health authority and Newham Healthcare NHS trust on a contract for services for 1996–97. The health authority's instructions concerning patients other than clinically urgent cases and women requiring termination of pregnancies ceased to apply on 25 April.

GP Fundholders

Mr. Gerrard: To ask the Secretary of State for Health if he will list the total amounts of money given to the National Association of Fundholding Practices in each year since 1990; what amounts are proposed for 1996–97 and 1997–98; and if he will list the individual amounts given and what they were given for. [27400]

Mr. Malone: The National Association of Fundholding Practices does not receive central funding to support the administration or management of its association. In 1994, the National Association of Fundholding Practices received a project grant of £50,000 in response to a bid it made to the Department to develop, on behalf of the national health service, a national mentorship scheme available to all general practitioners considering entering fundholding.

Mr. Morgan: To ask the Secretary of State for Health if he will place in the Library a copy of the NHS executive letter sent to family health services authorities in May 1990 in respect of management allowances for general practitioner fundholders; and if subsequent alterations of that letter's contents were communicated to the family health services authorities. [27509]

Mr. Malone: Yes. Health service guidelines are issued to all relevant health service authorities and copies are normally placed in the Library.

Mr. Morgan: To ask the Secretary of State for Health if he will list all representations received from family health services authorities between 1991 and 1995 in relation to the lawfulness of their payments of management allowances to general practitioner fundholders. [27506]

Mr. Malone: No such representations were received.

Mr. Morgan: To ask the Secretary of State for Health what steps he has taken to implement the recommendations of the internal inquiry into the circumstances leading to the delay in obtaining parliamentary approval for the payment of management allowances to general practitioner fundholders. [27504]

Mr. Malone: A team has been set up to produce an action plan to implement the recommendations of the inquiry.

Mr. Morgan: To ask the Secretary of State for Health what representations he received from the National Audit Office in respect of the independent inquiry into the circumstances leading to the failure to enact secondary legislation in respect of the payment of management allowances to general practitioner fundholders. [27507]

Mr. Malone: None. Officials from the Department have kept the National Audit Office informed about the independent inquiry and provided them with all relevant papers.

Mr. Morgan: To ask the Secretary of State for Health if he will place in the Library a copy of the outline clause drafted in January 1991 to provide parliamentary approval for the payment of management allowances to general practitioner fundholders; and when the decision was taken to cease progress on it. [27508]

Mr. Malone: No. I refer the hon. Member to the reply that I gave him on 25 April, *Official Report*, columns *282–83*.

Long-term Care

Mr. French: To ask the Secretary of State for Health if he is now ready to publish his consultation paper on making provision for long-term care. [27640]

Mr. Dorrell: The consultation paper will be published shortly.

Mr. Alfred Morris: To ask the Secretary of State for Health if he will meet the Alzheimer's Disease Society to discuss the Government's consultation paper on long-term care; and what other voluntary organisations he will be consulting. [27451]

Mr. Bowis: When it is published, we shall welcome comments on the consultation paper from all those who have an interest in the proposals it makes.

Drug Abuse

Mrs. Lait: To ask the Secretary of State for Health when he will publish the report of the task force to review services for drug misusers. [27840]

Mr. Bowis: The report of the task force, which was chaired by the Reverend Dr. John Polkinghorne, President of Queen's college Cambridge, will be published tomorrow. Copies will be placed in the Library.

Pre-payment Prescriptions

Ms Lynne: To ask the Secretary of State for Health what evaluation his Department has carried out of the awareness among people with severe asthma of the availability of pre-payment certificates for prescriptions; what steps are being taken to encourage general practitioners and pharmacists to promote the pre-payment scheme; and what assessment he has made of the benefits of the introduction of a weekly pre-payment stamp. [26815]

Mr. Malone: No evaluation has been made, but we are aware of the research being carried out by the National Asthma Campaign and will be interested in the results. Information about the pre-payment certificates is available in the Department's new leaflet HC11 "Help with Health Costs", which is available from general practitioners, pharmacists and national health service trusts. All prescription forms refer to the availability of pre-payment certificates, as does a poster about NHS prescription charges which has been sent to all pharmacists.

We have no plans to introduce a weekly instalment system as this would be costly to administer and would as a result increase the overall cost of the pre-payment certificate. This would defeat the object of ensuring that pre-payment certificates are good value for money for those who need regular medication.

Malcolm Hurlston Corporate Consultancy

Mr. Milburn: To ask the Secretary of State for Health how many contracts the Malcolm Hurlston Corporate Consultancy has had from his Department; and if he will provide details. [27275]

Mr. Bowis: Two. I refer the hon. Member to the reply that my hon. Friend the Parliamentary Under-Secretary of State gave him on 23 April, *Official Report*, column *104*.

Mr. Milburn: To ask the Secretary of State for Health, pursuant to his answer of 23 April, *Official Report*, column *104*, on Mr. Nigel Whittaker, what level of remuneration the Malcolm Hurlston Corporate Consultancy will receive; and for how long its services will continue to be provided. [27285]

Mr. Bowis: The level of remuneration is commercial in confidence. The contract is for a project and not a period of time.

Mr. Milburn: To ask the Secretary of State for Health, pursuant to his answer of 23 April, *Official Report*, column *104*, on Mr. Nigel Whittaker, how the Malcolm Hurlston Corporate Consultancy was employed; and if there was competition for the contract. [27284]

Mr. Bowis: The contract was placed in accordance with departmental guidance and a number of other teams were considered.

Beccles and Lowestoft Hospitals

Mr. Milburn: To ask the Secretary of State for Health what assessment he has made of the impact of eligibility criteria for NHS continuing care on the viability of Beccles and Lowestoft hospitals. [27277]

Mr. Bowis: Health authorities were required to consult key local interests in developing policies and eligibility criteria for meeting continuing health care needs. The hon. Member may wish to contact the chairman of Suffolk health authority for information relating to Beccles and Lowestoft hospitals.

"Choosing with Care"

Mr. Milburn: To ask the Secretary of State for Health how many of the recommendations of the Norman Warner report "Choosing with Care" have been carried out. [27279]

Mr. Bowis: Local authorities have reported significant progress on implementing all of the recommendations addressed to them.

All the recommendations addressed specifically to central Government and local authority associations have been implemented or are under longer-term consideration.

Nurses

Mr. Milburn: To ask the Secretary of State for Health what is his estimate of the shortfall in nurses in each specialty. [27281]

Mr. Horam: There is not a general nationwide shortage of nursing staff but there are some local nurse shortages in some specialties in some parts of the country. The national health service executive issued annual national education and training planning guidance EL(95)96 on 23 August 1995 to inform education commissioning in 1996–97. Further guidance will be issued this summer.

Mr. Milburn: To ask the Secretary of State for Health (1) how many student nurse places have been vacant in each of the last five years; [27280]

(2) if he will publish figures on the nursing student intake for each of the last five years by region. [27282]

Mr. Horam: This information is not available centrally. The hon. Member may wish to contact the English National Board for Nursing, Midwifery and Health Visiting, which records data relating to student nurse numbers.

Surplus Property

Mr. Milburn: To ask the Secretary of State for Health, pursuant to his answer of 21 March, *Official Report*, column *321*, if he will provide a regional breakdown of the number and value of surplus NHS properties. [27283]

Mr. Horam: The information is shown in the table.

Region	*Number*	*£ million*
Anglia and Oxford	71	112
Northern and Yorkshire	182	148
North Thames	113	269
North West	70	89

Region	Number	£ million
South Thames	99	255
South and West	105	104
Trent	57	80
West Midlands	179	146
Total	876	1,203

NHS Trusts (Finance)

Mr. Milburn: To ask the Secretary of State for Health which trusts were placed on a red light status in relation to their finances in each region in 1995–96. [27274]

Mr. Horam: I refer the hon. Member to the reply that I gave him on 22 March, *Official Report*, column *382*.

Social Services (Contracting Out)

Mr. Milburn: To ask the Secretary of State for Health what services provided by local authority social services departments it is his policy not to have contracted out to the independent sector. [27278]

Mr. Bowis: Social services authorities may contract out particular services if the relevant law permits it. Subject to that, our policy is that authorities should arrange for the provision of all services in the most cost-effective way.

Extra-contractual Referrals

Mr. Milburn: To ask the Secretary of State for Health, pursuant to his answer of 19 April, *Official Report*, column *640*, if he will publish figures for total expenditure on extra-contractual referrals for each year for which figures are available. [27286]

Mr. Malone: The national health service executive's estimates of outturn expenditure on extra-contractual referrals in England is shown in the table. As the data have been collected on a fast-track basis and for management purposes they are not subjected to the normal validation checks and definitions.

Year	Estimated total ECR expenditure £ million	Estimated ECR expenditure as a percentage of total health authority expenditure Percentage
1992–93	295	1.5
1993–94	350	1.7
1994–95	386	1.8

Deregulation

Mr. Milburn: To ask the Secretary of State for Health if the consultation document, "Deregulation: a Model Appeals Mechanism, Model Provisions with Regard to Appeals against Enforcement Action" applies to residential care homes and services for children under eight years. [27276]

Mr. Bowis: In "Moving Forward", the consultation document for the current review of regulation and inspection of social services, we have asked for views on what changes are necessary to current regulatory arrangements to ensure that enforcement mechanisms are fair and effective with particular reference to the principles set out in section 5 and schedule 1 of the Deregulation and Contracting Out Act 1994.

Safety of Medicines

Mr. Simon Hughes: To ask the Secretary of State for Health if the Licensing Authority, the Medicines Control Agency, the Medicines Division of the Department of Health or the Committee on Safety of Medicines have sought to prevent publication in peer-reviewed journals of information derived from yellow card data. [27351]

Mr. Malone: Yes. Permission to publish information derived from yellow card data might be refused if it were considered that inappropriate use was being made of the data.

Mr. Hughes: To ask the Secretary of State for Health if he will list all legal actions relating to the anti-depressant Mianserin in which the Licensing Authority or Committee on Safety of Medicines has been involved; and for each action if he will indicate whether the Licensing Authority or the CSM initiated the action, what was the legal basis of the action, what was the outcome and what were the legal costs incurred by the Licensing Authority or the CSM. [27352]

Mr. Malone: The Licensing Authority, the Medicines Commission and the Committee on Safety of Medicines were involved in judicial review proceedings in connection with Mianserin in 1988 and 1989. The actions were initiated by the pharmaceutical company Organon Laboratories Ltd. in 1988 under section 107 of the Medicines Act 1968 and included applications for several interim orders between 20 December 1988 and 3 January 1989, prior to judicial review proceedings which took place in February 1989. Two applications for review were sought by Organon. The Licensing Authority lost the case on appeal in January 1990. Details of the legal costs are no longer held.

Mr. Hughes: To ask the Secretary of State for Health if he will list all legal actions relating to Triazolam in which the Licensing Authority or the Committee on Safety of Medicines has been involved; and for each action if he will indicate whether the Licensing Authority or CSM initiated the action, what was the legal basis of the action, what was the outcome and what were the legal costs incurred by the Licensing Authority or CSM. [27353]

Mr. Malone: The Licensing Authority is currently involved in judicial review proceedings in connection with Triazolam. The action was initiated by Upjohn Ltd. in 1993 under section 107 of the Medicines Act 1968. The case has not yet been concluded.

Mr. Hughes: To ask the Secretary of State for Health if he will list the members of the pharmacovigilance subcommittee of the Committee on Safety of Medicines for the period from 1 January 1996. [27363]

Mr. Malone: The membership of the sub-committee on pharmacovigilance is as follows:

Professor A. Breckenridge (Chairman): professor of clinical pharmacology, Liverpool university

Professor Darbyshire OBE: head of the Medical Research Council's HIV clinical trials centre, University college London medical school

Dr. K. Beard: consultant physician in geriatric medicine, the Victoria infirmary, Glasgow

Ms A Lee: principal pharmacist, drugs and poisons information centre, regional drugs and therapeutics centre, Newcastle

Dr. T. MacDonald: senior lecturer, department of clinical pharmacology, Dundee university

Professor K. MacPherson: professor of public health epidemiology, London school of hygiene and tropical medicine

Dr. M. Pirmohamed: lecturer in clinical pharmacology and therapeutics Liverpool university

Professor L. Ramsay: consultant physician at Hallamshire hospital and professor of clinical pharmacology and therapeutics, Sheffield university.

Mr. Hughes: To ask the Secretary of State for Health if he will list those medicines whose licence has been *(a)* suspended, *(b)* revoked by the Licensing Authority or *(c)* withdrawn by the licence holder as a result of information from the yellow card system indicating the year in which the change in licence took place; who prompted the action; and what were the adverse effects identified by the yellow card system. [20505]

Mr. Malone *[holding answer 21 March 1996]:* Information about the safety of medicines is obtained from numerous sources of which the United Kingdom's yellow card scheme is only one. It is unusual for licensed medicines to be withdrawn from the market solely on the basis of information from yellow cards.

The information shown in the table lists those medicines licensed and marketed in the UK after the Medicines Act 1968 came into effect whose licence has subsequently been *(a)* suspended or *(b)* revoked by the Licensing Authority, or *(c)* withdrawn by the licence holder, as a result of information from the yellow card scheme.

The table does not include those medicines whose licence was suspended, revoked or withdrawn before the product was marketed in the UK. Nor does it include medicines which were granted a product licence of right when the Medicines Act 1968 came into force, or those with safety hazards identified primarily through other sources of information such as spontaneous adverse drug reaction schemes outside the UK.

Brand name (drug substance)	*Year action taken*[1]	*Major safety concerns*
(a) Medicines whose licence has been suspended by the Licensing Authority		
Opren (benoxaprofen)	1982	Hepatotoxicity, serious skin reactions
Flosint (indoprofen)	1983	Gastrointestinal toxicity, multi-system toxicity
(b) Medicines whose licence has been revoked by the Licensing Authority		
Zomax (zomepirac)	1983	Anaphylaxis, renal failure
(c) Medicines whose licence was withdrawn by the licence holder		
Osmosin (indomethacin— modified release)	1983	Small intestinal perforations
Zelmid (zimeldine)	1983	Neuropathy, convulsions, hepatotoxicity
Methrazone (feprazone)	1984	Serious skin reactions, multi-system toxicity
Pexid (perhexiline)	1985	Neuropathy, hepatotoxicity
Merital (nomifensine)	1986	Haemolytic anaemia, renal failure
Glauline eye drops 0.6 per cent. (metipranolol)	1990	Uveitis
Micturin (terodiline)	1991	Cardiac arrhythmias
Roxiam (remoxipride)	1994	Aplastic anaemia

[1] The year the action was taken relates to the year in which the product was removed from the market.

Medicines Control Agency

Mr. Simon Hughes: To ask the Secretary of State for Health (1) what is the scheduled retirement date for the chief executive of the Medicines Control Agency; [27356]

(2) what is the scheduled retirement date of the head of the post-licensing business of the Medicines Control Agency. [27361]

Mr. Malone: Personal information about individual members of staff is confidential.

Mr. Congdon: To ask the Secretary of State for Health if he will list the key business targets for the Medicines Control Agency for 1996–97. [27885]

Mr. Malone: I have today placed a copy of the 1996–97 key business targets of the Medicines Control Agency in the Library. The agency's business plan will be placed in the Library in the near future.

DEFENCE

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for Defence (1) what assessment he has made of the risks of a conflict of interest arising in respect of his Department's permanent secretary and his relationship with Serco Ltd.; and if he will make a statement; [26699]

(2) what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26677]

Mr. Arbuthnot: The permanent secretary has no relationship with Serco Ltd.

My Department's central contracts records show that there are about 150 current contracts with various Serco companies, including Serco Ltd. The total value is approximately £125 million. These do not include contracts placed by various defence agencies, which are the subject of separate replies from chief executives. To provide details of the values of each individual contract and to research details of the end dates could be carried out only at disproportionate cost.

Although each contract will probably contain the Ministry's standard "break" condition which enables the Ministry to terminate the contract after a given period without penalty, there may be other termination provisions tailored to the circumstances of a particular contract. Again, details of these could be researched only at disproportionate cost.

I have asked the chief executives of the Defence Evaluation and Research Agency, the Meteorological Office and the Hydrographic Office to write to the hon. Member.

Letter from J. P. Clarke to Mr. M. Redmond, dated 30 April 1996:

You recently asked the Secretary of State for Defence a Parliamentary Question relating to contracts placed by the Ministry of Defence and Defence Agencies with Serco Limited. As your question relates in part to the Hydrographic Office and such issues fall within my responsibility as Chief Executive of the Hydrographic Office, I have been asked to reply to you.

The Hydrographic Office currently does not have any contract with Serco Limited.

I hope this information has been helpful.

Letter from John Chisholm to Mr. Martin Redmond, dated 30 April 1996:

The Secretary of State for Defence has asked me as Chief Executive of the Defence Evaluation & Research Agency to reply to your question about contracts with Serco Ltd.

DERA currently has about 240 contracts and enabling arrangements with Serco Ltd at a total value to £76M. All these contracts will have an early termination clause but I am afraid that it would involve disproportionate costs to check the precise terms of each and also to list the normal end date of each contract.

I am sorry I could not be more helpful.

Letter from J. C. R. Hunt to Mr. Martin Redmond, dated 30 April 1996:

As Chief Executive of the Meteorological Office I am replying to your recent question to the Defence Secretary concerning contracts with Serco Ltd.

Currently we have no such contracts.

Marine Collisions (Liability)

Mr. Llew Smith: To ask the Secretary of State for Defence what liability for compensation under which international conventions Her Majesty's Government have in respect of accidental collisions between Royal Navy submarines and oil industry installations in *(a)* the United Kingdom and *(b)* other waters. [26915]

Mr. Soames: We are not aware of any international conventions stipulating a liability on Her Majesty's Government in the event of a Royal Navy submarine accidentally colliding with an oil industry installation. In the highly unlikely event of such an incident occurring, liability for compensation would be determined on the basis of the particular circumstances of the incident.

RAF Jets

Mr. Gordon Prentice: To ask the Secretary of State for Defence if he will list those companies with maintenance contracts to repair and service RAF fast jets. [27303]

Mr. Soames: Four fast jet types remain in service with the Royal Air Force: Hawk, Tornado, Harrier and Jaguar. Contracts for major airframe and major component maintenance including repair and overhaul on those aircraft are held by the following UK companies:

Major airframe maintenance

British Aerospace

Major components/equipments

Rolls-Royce

Lucas Aerospace

Fairey Hydraulics

Hunting Aviation

Computing Devices (Hastings)

W. Vinten

Moog Controls

Microturbo

Gas Turbine Company

GEC-Marconi

Smiths Industries

Dowty

Flight Refuelling

Pilkington Optronics

Aerospace Composite Technologies

Oxley Aviation

BP Chemicals.

In addition, a number of companies in Germany and Italy are involved in work on RAF aircraft and components under sub-contract to Panavia, the Tornado consortium company, notably Daimler-Benz Aerospace and Alenia.

Mr. Prentice: To ask the Secretary of State for Defence on how many occasions since 1992 penalties have been imposed as a result of poor quality maintenance on Royal Air Force fast jets. [27294]

Mr. Arbuthnot: None.

Infra-red Technology

Mr. Spellar: To ask the Secretary of State for Defence if infra-red technology is listed by his Department as a key defence technology. [27168]

Mr. Arbuthnot: We do not keep a detailed list of specific key technologies. Consideration is given periodically to technologies which are important in support of defence research priorities. Infra-red technology is not a separately identified technology in this context. However, it does contribute to other, more broadly defined areas of technology which are considered important.

Defence Secondary Care Agency

Mr. Robert Banks: To ask the Secretary of State for Defence if he will make a statement on the creation of the Defence Secondary Care Agency. [27628]

Mr. Soames: The Defence Secondary Care Agency will form on 30 April 1996 when secondary medical care currently provided on a single-service basis will be included within a joint service agency under the control

of a chief executive. Until a decision is taken on its final location, the headquarters of the DSCA will be based in London. The DSCA will include:

(a) The Royal hospital Haslar at Gosport;

(b) The Duchess of Kent's hospital at Catterick;

(c) Three Ministry of Defence hospital units within the NHS trust hospitals at Derriford, Plymouth, Frimley Park, Camberley, and Peterborough;

(d) The Princess Mary's hospital at Akrotiri, Cyprus;

(e) The defence service medical rehabilitation unit at RAF Headley Court in Surrey.

In addition, DSCA personnel will be stationed in smaller facilities at other locations, both at home and overseas.

Each service will continue to recruit to its own medical branch and will be responsible for issuing appointments and posting orders for personnel of their particular service into, within and out of the agency after agreement with the chief executive and for an agreed duration. It is expected that uniformed secondary care personnel will spend the major part of their career working within the agency.

The aim of the agency is to make available to commanders in chief appropriate medically trained secondary care service personnel, when required for training, exercises and deployments. In support of this aim the agency will deliver timely and effective treatments consistent with expected outcomes by providing the best possible medical care to all agency patients.

The chief executive, Mr. R. G. Smith, will be afforded greater responsibility and flexibility to build upon the professional ability and reputation for excellence of secondary care personnel from all three service medical branches. This will ensure that the MOD retains the capacity to deploy trained secondary care staff on military operations, to provide the best possible medical care to all agency patients, and at the same time maximise value for money in the delivery of secondary care for service personnel in order to maintain their operational readiness during peacetime.

The chief executive has been set the following key targets for the first year of the operation:

(1) From within available personnel resources, to meet the services' requirements for secondary care skill mix in support of operations.

(2) To maintain the most appropriate clinical environment for all staff to ensure professional recognition and accreditation by statutory bodies in the light of their continually improving standards.

(3) To meet all milestones for phase 1 of project ICE—improving clinical excellence.

(4) To assess the agency against investors in people criteria, within year one and produce an action plan for full accreditation.

(5) To develop average prices for finished consultant episodes for each specialty, and at each site.

(6) To meet an efficiency target of 4 per cent. for financial year 1996–97.

I have arranged for copies of the agency's framework document to be placed in the Library of the House.

Written Answers to Questions

Wednesday 1 May 1996

HEALTH

Northern and Yorkshire Region (Chairman's Expenses)

Mr. Bayley: To ask the Secretary of State for Health on what date a banker's card for the payment of expenses was supplied to the chairman of the Northern and Yorkshire region; how much has been charged to this card; and how much has been reimbursed by the health service. [24968]

Mr. Malone: I will write to the hon. Member on this matter.

St. George's Hospital, Tooting

Mr. Cox: To ask the Secretary of State for Health how many people were waiting for operations at St. George's hospital, Tooting, as of 14 April. [26584]

Mr. Malone: The latest published information for St. George's Healthcare National Health Service trust is that 6,404 people were waiting for in-patient or day case treatment on 30 September 1995. Of these, the vast majority—5,373—had waited less than six months and there were no patients waiting over 18 months.

Local Authority Care

Mr. Nigel Jones: To ask the Secretary of State for Health if he will list the number of young people aged 16 years and above who left local authority care *(a)* in the 12 months ending December 1994, *(b)* in the 12 months ending December 1995 and *(c)* for the last 12 month period for which statistics are available; if he will provide a breakdown by (i) the legal status of those young people immediately prior to leaving the care of the local authority and (ii) the length of time in continuous care, by legal status; and if he will make a statement. [27042]

Mr. Bowis: The latest figures available centrally are for the financial year ending 31 March 1994 and are shown in the table.

Children aged 16 or over who ceased to be looked after during the year to 31 March 1994 by length of time in continuous care[1]

England

Legal status	*All periods*	*Length of time looked after*								
		Under two weeks	*Two to eight weeks*	*Eight weeks to six months*	*Six months to one year*	*One to two years*	*Two to three years*	*Three to five years*	*Five to ten years*	*Over ten years*
All[1]	8,600	600	660	980	820	1,200	960	1,100	1,000	1,100
Care orders:	2,900	—	—	20	20	70	310	670	800	990
Full	180	—	—	10	20	40	30	20	30	30
Deemed	2,700	—	—	—	—	20	270	650	770	970
Other	30	—	—	10	10	10	—	—	—	—
Accommodated by agreement under section 20	4,900	390	440	800	730	1,100	640	470	210	150
Accommodated compulsorily:	690	210	210	150	60	40	20	—	—	—
Remanded or detained	650	200	200	140	50	30	10	—	—	—
Other	40	10	—	10	10	—	10	—	—	—
Other	50	—	10	20	10	10	—	—	—	—

Note:

[1] Figures exclude agreed series of short-term placements under section 20 of the Children Act 1989.

Mr. Jones: To ask the Secretary of State for Health for how many young people each local authority has a duty to provide advice, assistance and befriending up to the age of at least 21 years, pursuant to section 24 of the Children Act 1989, in each year for which figures are available; and if he will make a statement. [27061]

Mr. Bowis: Information is available centrally on children who in each year qualify for advice and assistance because they have ceased to be looked after by a local authority at age 16 or over. Figures for the period 14 October 1991 to 31 March 1994 will be placed in the Library.

Mr. Jones: To ask the Secretary of State for Health if he will list the numbers of young people who have been subject to care orders, pursuant to section 31(1)(a) of the Children Act 1989 on or after their 16 birthday, and for whom local authorities have a continuing duty to provide advice, assistance and befriending up to the age of at least 21 years, pursuant to section 24 of the said Act, by local authority area in each year for which figures are available; and if he will make a statement. [27062]

Mr. Bowis: The figures available centrally for the period 14 October 1991 to 31 March 1994 will be placed in the Library.

Listeria

Mr. David Nicholson: To ask the Secretary of State for Health how many *(a)* deaths and *(b)* recorded occasions of illness have resulted from listeria as a consequence of eating unpasteurised cheeses in each year since 1990;

what research he has (i) evaluated and (ii) commissioned regarding the incidence and effects of listeria; and what action under public health law he has taken. [26910]

Mr. Horam: During the period 1990–95 there have been no deaths or illness as a result of eating unpasteurised cheesees. However, because of the characteristics of human listeriosis, specified food vehicles are rerely identified.

The Department continues to monitor and evaluate the findings of United Kingdom and international research and surveillance of listeria monocytogenes. The Department has funded projects on L. monocytogenes in foods including seafoods, vegetables and various self-service salad bar foods. Other work which has been funded includes the effect of modified atmospheres on the growth of L. monocytogenes, the effect of thermisation on L. monocytogenes in milk and the carriage of and infection by L. monocytogenes during pregnancy.

The Department is currently funding a microbiological study of raw cows' milk on retail sale in England and Wales includimg surveillance for L. monocytogenes.

No action has been taken under food safety legislation concerning L. monocytogenes in unpasteurised cheeses.

Operations

Mr. Gordon Prentice: To ask the Secretary of State for Health if the consent of patients is required before non-medically qualified persons are admitted to an operating theatre. [26973]

Mr. Horam: If a patient has consented to a treatment, such as an operation, this will include the involvement of all staff, medically qualified or not,who are required to ensure that the operation is performed safely and effectively. The admission of observers not connected with treatment should be permitted only if the professional in charge of the patient's care believes that it will not be detrimental to the patient and the patient has not objected.

Mr. Prentice: To ask the Secretary of State for Health what restrictions govern the entry into operating theatres by non-medically qualified people. [26974]

Mr. Horam: Entry to an operating theatre of non-medically qualified people is permitted if those people are necessary to the safe and effective running of the theatre, the theatre equipment, or are necessary to the delivery of patient care. The admission of observers not connected with treatment should be permitted only if the professional involved in the patient's care believes that it will not be detrimental to the patient and any patient concerned has not objected.

Mental Illness (Homicides)

Mr. Cousins: To ask the Secretary of State for Health what was the number of homicides in mental illness acute hospitals or other inpatient NHS supported mental illness hostels or places in each of the last three years and in the first three months of 1996 by region of location. [27339]

Mr. Bowis: This information is not available centrally.

Operation Cancellations, Durham

Mr. Steinberg: To ask the Secretary of State for Health how many operations were cancelled at short notice throughout the Durham hospitals NHS trust over the last 18 months. [27377]

Mr. Horam: The latest information available is as follows:

North Durham Health Authority area

1994–95

Quarter 1: 47

Quarter 2: 27

Quarter 3: 14

Quarter 4: 16.

1995–96

Quarter 1: 13

Quarter 2: 30

Quarter 3: 41.

Note:

Figures represent the number of operations cancelled for non medical reasons on the day the patient is due to arrive or after they have arrived in hospital in North Durham health authority area.

Private Purchasing

Mr. Kevin Hughes: To ask the Secretary of State for Health what estimate he has made of the amount spent on purchasing health care from the private sector by *(a)* Doncaster health authority, *(b)* Doncaster royal infirmary and Mexborough Montagu trust, *(c)* Doncaster health care trust and *(d)* general practitioner fundholders in each year since 1991–92. [27433]

Mr. Horam: The information available is listed in the tables:

Expenditure on the purchase of health care from commercial (for profit) providers—1994–95

	Expenditure £000
Doncaster district health authority	874
Doncaster Healthcare NHS trust	0
Doncaster Royal and Montagu Hospital NHS trust	0

Notes:

1. The figures are provisional
2. Information is available for 1994–95 only.

Expenditure on purchase of health care from private providers by general practitioner fundholders in the Doncaster family health services area

	Expenditure £000
1991–92	77
1992–93	215
1993–94	415
1994–95	578

Dental Caries

Mr. Llwyd: To ask the Secretary of State for Health what percentage of five-year-old children in England had dental caries in *(a)* 1990, *(b)* 1992 and *(c)* 1995; and if he will make a statement. [27417]

Mr. Malone: Every two years, the British Association for the Study of Community Dentistry conducts a survey of dental caries prevalence in children aged five throughout Great Britain. It has found that the mean percentage of five-year-old children in England for whom there is evidence of caries experience in 1989–90 was 46.5 per cent. and in 1991–92 was 40.7 per cent. Figures for 1995–96 will not be available until March 1997.

Medium Secure Unit (Bradford)

Mr. Sutcliffe: To ask the Secretary of State for Health if he will review the suitability of a proposed medium secure hospital unit within the Bierley area of Bradford. [27372]

Mr. Bowis: This is a matter for Bradford Community National Health Service trust and Bradford health authority, which will organise public consultation as appropriate. The hon. Member may wish to contact the chairman of the trust for details.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for Health what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27529]

Mr. Horam: This information is not available centrally.

HOME DEPARTMENT

Kaymar Studios

Mr. Dalyell: To ask the Secretary of State for the Home Department what contracts his Department has entered into with Kaymar Studios; and if he will make a statement. [25926]

Mr. Howard: The Home Office has not entered into any contracts with Kaymar Studios.

Buckley Hall Prison (Escapes)

Ms Lynne: To ask the Secretary of State for the Home Department for what crimes the four prisoners who escaped from Buckley Hall on 23 April had been sentenced; and what was the length of their sentences. [27289]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from Richard Tilt to Ms Liz Lynne, dated 1 May 1996:

The Home Secretary has asked me to reply to your recent Question asking for what crimes the four prisoners, who escaped from Buckley Hall prison on 23 April 1995, had been sentenced; and what was the length of their sentence.

The requested information is as follows: (i) robbery, five years; (ii) handling stolen goods, five years; (iii) robbery, seven years; and (iv) burglary, one year and nine months.

Ms Lynne: To ask the Secretary of State for the Home Department what is the estimated cost to Greater Manchester police force in *(a)* staff and *(b)* use of a police helicopter in capturing the four prisoners who escaped from Buckley Hall prison on 23 April. [27290]

Mr. Maclean: I understand from Greater Manchester police that no additional costs were incurred as the resources utilised in the operation were part of the force's normal deployments and contingencies.

Prison Closures

Mr. Alex Carlile: To ask the Secretary of State for the Home Department what plans he has to close or cluster prisons during the next 12 months; which prisons will be affected; and if he will make a statement. [26663]

Miss Widdecombe *[holding answer 29 April 1996]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange a reply to be given.

Letter from Richard Tilt to Mr. Alex Carlile, dated 1 May 1996:

The Home Secretary has asked me to reply to your recent Question about what plans the Prison Service has to close or cluster prisons during the next 12 months.

The Prison Service has announced the planned closure of Finnamore Wood young offender institution in May 1996 and Oxford prison by the end of 1996. Pucklechurch remand centre closed in March. No decisions have been taken concerning any other prison closures. Consideration is being given, as part of plans for improving cost efficiency, to the possible sharing of some management and support services at prisons where operational and geographical considerations permit.

National Lottery (Medical Research)

Mr. Morgan: To ask the Secretary of State for the Home Department what representations he has received in relation to the categories of medical research which may be supported via the National Lottery Charities Board; what consultations he has had with the chairman of that board concerning the financial compensation via board grants for medical charities which lost income when the lottery introduced scratchcards and other competing fund-raising methods; and if he will make a statement. [27314]

Mr. Sackville *[holding answer 29 April 1996]:* We have received numerous representations about medical research charities receiving grants from the National Lottery Charities Board. Many of these have been concerned with specific types of research. The board announced on 23 April its latest grant round, which will focus on health, disability and care. It will be open to all categories of medical research organisation to make suitable applications.

The national lottery is a major source of new income for the voluntary sector and has had a beneficial effect in raising the profile of lotteries generally. It has led, and will lead, to hundreds of millions of pounds of additional money reaching charitable and voluntary organisations every year. The Home Office has commissioned research, in association with the voluntary sector, on the specific issue of charitable income before and after the introduction of the lottery. Once the results of this research are known, we will consider whether action is required.

From 1 May, responsibility for voluntary services passed to my right hon. Friend the Secretary of State for National Heritage.

Dunblane Inquiry

Mr. Amess: To ask the Secretary of State for the Home Department what arrangements he has made to submit evidence on firearms controls to the inquiry being conducted by Lord Cullen into the events in Dunblane. [28021]

Mr. Howard: The Government submitted their evidence on firearms controls to Lord Cullen yesterday. With Lord Cullen's agreement, I and my right hon. Friend, the Secretary of State for Scotland are today publishing the evidence. Copies have been placed in the Library. A copy of the evidence has been submitted to the Home Affairs Select Committee for its use in the separate inquiry which it is undertaking into handguns. Copies of the evidence have also been made available to the press, the police in England and Wales and Scotland, the Firearms Consultative Committee, the British Shooting Sports Council, and other shooting organisations. The Home and Scottish Offices will provide copies on request to other organisations.

ENVIRONMENT

Stray Dogs

Mr. Battle: To ask the Secretary of State for the Environment what provisions exist for local authorities to take up responsibility for stray dogs. [27300]

Mr. Clappison: Under section 149 of the Environmental Protection Act 1990, districts and London boroughs have to seize, where practicable, dogs straying in their area. Where the owner can be traced, he must be given the opportunity to reclaim his dog within seven days. If he has not done so in this period, the local authority may sell, give away or destroy it.

Under section 150 of the 1990 Act, districts and London boroughs have to deal with stray dogs taken to them by members of the public. They can allow the finder to keep the dog or they can treat it as if it had been seized.

These provisions came into force on 1 April 1992.

Eland House

Mr. Matthew Taylor: To ask the Secretary of State for the Environment what decision his Department has reached on the placing of solar PV panels on Eland House. [27124]

Sir Paul Beresford: The Department of the Environment considered installing photovoltaic cells at Eland house. The investment was not judged to be justified, given that the potential energy savings were small in relation to the capital cost. A number of other cost-effective energy saving measures were however, included in the design.

Chernobyl

Mr. Llew Smith: To ask the Secretary of State for the Environment what expertise will be made available from the British nuclear industry to help mitigate the contamination consequences of the recent fires around Chernobyl. [27095]

Mr. Clappison: The UK Government have received no requests to provide assistance in respect of the Chernobyl fires.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for the Environment what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27531]

Sir Paul Beresford: The information requested is not held centrally and is available only at disproportionate cost.

Water Supplies

Mrs. Peacock: To ask the Secretary of State for the Environment if he will make a statement on water supply arrangements in England and Wales in the light of the Environment Agency's report published on 1 May. [28062]

Mr. Robert B. Jones: The Environment Agency's report, "Review of Water Company Plans to Safeguard Summer Water Supplies", underlines the exceptional lack of rainfall and consequent impact on water resources in many parts of the country during the past 12 months. It confirms the extent of the measures which the water companies are taking to maintain supplies even if this summer is as dry as last. Over £400 million of capital expenditure has been announced in England and Wales—investment which will be financed without increasing prices to consumers.

The Environment Agency's assessment is that the companies are taking appropriate measures, and that, despite the present level of many reservoirs and aquifers, these measures should be sufficient to enable essential supplies to be maintained in all areas even through a hot, dry summer. But there is no room for complacency and, should dry weather continue into the autumn, further measures could be required.

On 1 September last year, my right hon. Friend the Secretary of State announced that he was putting in hand, with the agency, the Director General of Water Services and representatives of the water companies, a review of water resources and water supply in the longer term. This work is continuing and we expect to publish a report later in the summer.

Provided, that the costs of supply are met, the environment is properly protected, and waste is avoided, the aim should be to provide consumers with the water they want. Within the framework of sustainable development, it will, however, be necessary to make sometimes difficult choices about the extent to which supply should be guaranteed in extreme droughts for inessential as well as for essential purposes. These are matters on which there is a need for dialogue between companies and their customers, in the light of the costs and benefits of different levels of security of supply.

The work on the review so far suggests that the basic framework for making water resource and supply decisions is sound, and the water companies, the Office of Water Services and the Environment Agency, with the involvement of the Government where necessary, should be able to reach satisfactory decisions on the management of existing resources and the provision of the resources

where needed. In planning and managing water resources and supply, particular attention needs to be given to the following points:

- changing patterns and structure of demand for water use: it is essential that present and likely future requirements should be better understood.
- appropriate use should be made of the scope for influencing demand for water through tariff structures and selective metering. The high costs of meeting some water uses, particularly at times of peak demand, should be met directly and fully by those who make use of the water. It should be possible to do this without impacting on charges to meet basic household needs—whereas under present charging arrangements the costs of meeting peak demands are averaged across all consumers.
- water supply systems must be managed efficiently and economically. In particular, in the interests of customers and the environment, leakage levels should be reduced as rapidly as possible to economic levels. Methods of estimating leakage should be fully applied and improved. Ofwat has been discussing leakage reduction programmes with companies and will be publishing information on this shortly.
- increased efficiency in the use of water should continue to be sought. Immediate responsibility for this lies with domestic and industrial consumers, and manufactures of domestic equipment. The Environment Act 1995 gave water companies a new duty to promote efficient water use by consumers, and the Director General of Water Services new powers to supervise the use of the duty; further information on the subject will be published shortly.
- in the light of these factors and in consultation with the Environment Agency, water companies need to review urgently and comprehensively, if they are not already doing so, the reliable yields of each water resource system, with a view to establishing their adequacy and whether additional resources will be needed to meet properly-managed demand. These reviews should take account of the likely impact of climate change so far as it can be predicted. In some locations, new resources may well be needed and plans should be made to provide them in an environmentally-satisfactory manner.

The report will in particular seek to identify the issues on which further work is needed, the timetables for completing it, and who should be responsible for carrying each matter forward.

The director general proposes to put to my right hon. Friend shortly proposals for changes in arrangements for compensation of consumers for failures of supply.

Marsham Street Offices

Mr. Nigel Jones: To ask the Secretary of State for the Environment (1) what has been the cost to date of the scaffolding provided for the work on his Department's offices in Marsham street; what is the expected total cost; what tendering procedures applied to the contract for the supply of scaffolding; who was the successful tenderer; and if he will make a statement; [27053]

(2) when he expects work to be completed on his Department's offices in Marsham street; and if he will make a statement; [27055]

(3) if he will give an annual breakdown of costs for the work on his Department's offices in Marsham street; and if he will make a statement; [27054]

(4) what has been the cost to date of the work on his Department's offices in Marsham street; what is the expected total cost; and if he will make a statement. [27056]

Mr. Freeman: I have been asked to reply.

As these are purely operational matters, I have asked the chief executive of the Property Advisers Civil Estate to write directly to the hon. Member.

Letter from N. E. Borrett to Mr. Nigel Jones, dated 30 April 1996:

The Chancellor of the Duchy of Lancaster has asked me to write to you providing information in answer to the points raised in your Ordinary Written Questions which appeared in the House of Commons Order Paper on 25 April numbered 13, 17, 18 and 21.

The main scaffolding to the building was erected in 1991 to provide a means of access to survey the end walls, to enable pieces of concrete debris made loose during freezing weather to be removed safely and to provide protection to those passing beneath the building. This remedy was adopted as the result of a review of the building conducted during 1990 and 1991 which led to the conclusion that it was beyond economical repair and refurbishment.

The cost of the scaffolding for the end walls to the towers of 2 Marsham Street to the end of 1995/96 was £763,000 and the cost by the end of the current financial year will have risen by £134,000 to £895,000. The scaffolding was procured by competitive tender from specialist scaffolding contractors. The successful contractor was Coventry Scaffolding Co. (London) from whom the scaffolding is hired. They are also responsible for conducting fortnightly statutory safety and maintenance inspections, the cost of which is subsumed within the above figures.

The cost of the work for the bi-annual inspection and removal loose concrete debris varies according to the amount of removal required, but the readily available information shows that the costs in 1994/95 and 1995/96 were £14,800 and £13,000 respectively. This service was obtained by competitive tender from specialist contractors. The successful contractor was Rope Technology Ltd.

In addition there have been from time to time, smaller scale requirements for repairs to other parts of the building which have been provided by general contractors whose services have also been procured by competitive tendering and the annual hire and repair costs amount to some £30,000.

All the scaffolding will be removed as part of the planned demolition of the building following the departure of the last of the occupants into their new accommodation in Victoria in the early part of 1997.

TRANSPORT

Ashley Health Underpass

Mrs. Maddock: To ask the Secretary of State for Transport when work on the Ashley Health underpass on the A31 in Dorset began; when it was originally scheduled to be completed; when it is currently scheduled to be completed; and if he will make a statement. [27454]

Mr. Watts: I have asked the Chief Executive of the Highways Agency to write to the hon. Member.

Letter from Lawrie Haynes to Ms Diana Maddock, dated 1 May 1996:

As you know the Secretary of State for Transport has asked me to reply to your Parliamentary Question about the Ashley Health Bypass.

Work on the scheme started on 1 November 1993. It was originally scheduled for completion on 21 July 1995. The road opened in two stages, the westbound carriageway on 21 July 1995 and the eastbound carriageway on 20 September 1995. The official opening ceremony was on 20 September 1995.

We issued a certificate of substantial completion on 5 November to say that the road was fit for its purpose but the contractor is allowed one year from that date to carry out routine maintenance and remedial works required under the contract. Most of that work is now complete but there will be occasions when further work is needed and when that happens, it will be done at off peak times.

LTS Rail Franchise

Dr. Spink: To ask the Secretary of State for Transport what progress has been made with the re-tendering of the LTS rail franchise. [27894]

Mr. Watts: On 26 April 1996, the Franchising Director announced that he had selected Prism Rail plc as preferred bidder for the LTS rail franchise. Prism plans to bring new rolling stock, lower levels of subsidy and other significant passenger benefits to the line. A formal announcement on the award of the franchise is expected to be made soon.

Airlines

Mrs. Dunwoody: To ask the Secretary of State for Transport if he will list, by airline, the number of requests made for *(a)* dry leasing and *(b)* wet leasing of aircraft over the last 12 months and the name of the operator providing the leased aircraft together with its country of registration. [26832]

Mr. Norris: Applications from UK Airlines to lease foreign registered aircraft, other than substitution flights, for the period 1 April 1995–31 March 1996, not all of which have been approved.

UK airline	*Number of aircraft*	*Type of lease D–dry W–wet*	*Lessor*	*Country of registration*
Heavylift airlines	1	W	Volga-Dnepr	Russia
	1	W	Balkan	Bulgaria
	[1] 1	W	Pelita Air Services	Indonesia
	1	W	Volga-Dnepr	Russia
	[1] 1	W	Volga-Dnepr	Russia
	1	W	Pelita Air Services	Indonesia
	[6] 6	W	Volga-Dnepr	Russia
Air Foyle	2	W	Souther Air	USA
	1	W	Safair	South Africa
	[1] 1	W	Khors Air	Russia
	1	W	Khors Air	Russia
	1	W	Cargolux	Luxembourg
Airtours International	1	W	Centennial	Spain
	1	D	Transwede	Sweden
	[1] 1	D	Transwede	Sweden
	1	W	AV Atlantic	USA
	[1] 1	W	AV Atlantic	USA
	1	W	Spanair	Spain
	1	W	Sky Service	Canada
	1	W	Transwede	Sweden
Atlantic Air Cargo	1	W	Safair	South Africa
	1	W	Aer Atlantic	Ireland
	1	W	Renown	USA
British Airways	[1] 1	W	Evergreen	USA
	[3] 3	W	USAir	USA
	2	W	Cargo Lion	Luxembourg
	5	W	MK Cargo	Nigeria
	[1] 1	W	Southern Air	USA
	1	W	Atlas Air Cargo	USA
	1	W	Atlas Air Cargo	Luxembourg[2]
	[2] 2	W	Cargo Lion	Luxembourg
	[1] 1	W	USAir	USA
	[1] 1	W	Atlas Air Cargo	USA
	1	W	Atlas Air Cargo	USA
	1	W	Gemini	USA
	1	W	European Air Cargo	Spain
	1	W	Atlas Air Cargo	USA
	1	W	Atlas Air Cargo	USA
	[1] 1	W	Gemini	USA
Virgin Atlantic Airways	1	W	Translift	Ireland
	[1] 1	W	Translift	Ireland
Business Air	1	W	Crossair	Switzerland
Channel Express	2	W	Zantop	USA
	1	W	Farner	Switzerland
Air Foyle Charter	1	W	Transwede	Sweden
	1	D	Alter Baeri	France
Dollar Helicopters	1	W	Petroleum Helicopters	USA
Macair	2	D	Sun Air	Denmark
	1	W	Sun Air	Denmark
Maersk Air	1	W	Maersk Air Denmark	Denmark
Titan Airways	1	D	Aer Tara	Ireland
	[1] 1	D	Aer Tara	Ireland
	[1] 1	D	Aer Tara	Ireland
KLM Era Helicopters	3	D	KLM Era BV	Netherlands
	3	D	KLM Era BV	Netherlands
	2	D	KLM Era BV	Netherlands
	4	W	KLM Era BV	Netherlands
Suckling Aviation	[1] 1	D	Aerocondor	Portugal
	1	D	Dornier	Germany
	[1] 1	D	Dornier	Germany
	[2] 1	D	Dornier	Germany
All Leisure Airlines	1	W	Translift	Ireland
	1	W	Canair	Canada
Flightline	1	W	Balair	Switzerland
Air UK Leisure	1	D	Malaysian Airlines	Malaysia
European Air Charter	1	W	Safair Canadair	South Africa
Air 2000	[1] 1	W	3000	Canada
Cityflyer Express	1	D	TAT	France
	[1] 1	D	TAT	France
	1	W	Transwede	Sweden
	1	D	Britair	France
GB Airways	1	W	Ryanair	Ireland
Brymon Airways	1	D	Bombardier	Canada
	[1] 1	D	Bombardier	Canada
Caledonian Airways	1	W	Adria Airways	Slovenia
	1	W	Challengair	Belgium
	1	W	AOM	France
	[1] 1	W	AOM	France
	1	W	Sun Country	USA
	1	W	Sun Country	USA
	1	W	Air Ops of Europe	Sweden
	2	W	Transwede	Sweden
	1	W	Air Atlanta	Iceland
Britannia Airways	1	W	Air Ops of Europe	Sweden
	1	W	American Trans Air	USA
Emerald Airways	1	W	Heliglobe Finet	France
Hunting Cargo Airways	1	W	Safair	South Africa
British Midland Airways	2	D	Aircraft Finance and Trading	Netherlands

[1] Extensions of previously approved leases.

[2] Aircraft dry leased by Atlas from Cargolux of Luxembourg, then leased on to British Airways.

London Underground

Mr. Spearing: To ask the Secretary of State for Transport if he will place a copy in the Library of the report from London Regional Transport on the electrical failure on the London underground on 6 April. [27414]

Mr. Norris: A report about the electrical failure on the London underground on 6 April will be placed in the Library once the investigation has been completed and a report for publication has been approved by London Underground Ltd.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for Transport what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27520]

Mr. Norris: This information is not held centrally.

Railtrack

Mr. Gordon Prentice: To ask the Secretary of State for Transport what reasons led him *(a)* to sell Railtrack in its entirety and *(b)* not to sell shares in tranches. [27341]

Mr. Watts: The decision to sell substantially all of the Government's shareholding in Railtrack in a single tranche is in line with the Secretary of State's objectives in the Railways Act 1993.

Highways Agencies

Ms Walley: To ask the Secretary of State for Transport what assistance is available to local authority highways agencies to meet additional redundancy costs; and if he will make a statement. [25474]

Mr. Watts: I have asked the Chief Executive of the Highways Agency to write to the hon. Member.

Letter from Lawrie Haynes to Ms Joan Walley, dated 1 May 1996:

As you know, the Minister for Railways and Roads, Mr. John Watts, has asked me to reply to you Parliamentary Question asking what assistance was available to local authority highways agencies to meet additional redundancy costs and if a statement could be made.

I take this question to be referring to the work carried out by local authorities under their agency agreements with the Highways Agency for managing and maintaining the trunk road network. The current arrangements do not provide for a guaranteed level of work to be carried out by agents. Furthermore, how this work is procured and the management of staff, including redundancies, are issues which we believe are the responsibility of local authority agents. The Agency will of course meet its contractual obligations in relations to these agencies.

We are optimistic that the new agency arrangements will not in themselves give rise to significant redundancies. Although tenders for the first tranche of new-style agencies have not yet been invited, potential bidders have shown considerable interest in employing existing knowledgeable local authority staff.

We have already acquired the statutory powers to enable local authorities to compete for the new agencies and we are keen for them to do so. We are now seeking the necessary powers to enable local authority Direct Labour Organisations to compete for the term and works contracts in the new agencies. We believe that such competition will allow the road user to benefit from the best that the public and private sectors have to offer.

DUCHY OF LANCASTER

Small and Medium Businesses

Mrs. Roche: To ask the Deputy Prime Minister what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27533]

Mr. Willetts: The information is not held centrally and is available only at disproportionate cost.

Mrs. Roche: To ask the Chancellor of the Duchy of Lancaster what guidance has been issued to his Department's purchasing staff regarding the implications of dealing with small and medium enterprises. [27513]

Mr. Willetts: The Office of Public Service and its agencies, HMSO and the Central Office of Information have issued guidance to purchasing staff based on guidelines produced by the Treasury and the Department of Trade and Industry. In addition, copies of the new edition of the "Think Big Buy Small" booklet will be made available to purchasing staff.

Serco Ltd.

Mr. Redmond: To ask the Deputy Prime Minister what contracts his Department has with Serco Ltd; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26642]

The Deputy Prime Minister: I refer the hon. Member to the reply given yesterday by my hon. Friend the Parliamentary Secretary, Office of Public Service.

NATIONAL HERITAGE

Television Licences (Blind People)

Ms Lynne: To ask the Secretary of State for National Heritage what is the estimated number of blind people who receive a discount for their television licence; what is the level of discount; how long it has remained at this amount; and if he will make it his policy to increase the discount for blind people financed by the extra revenue raised through ending the exemption for a television licence on second homes. [26817]

Mr. Sproat: It is estimated that some 27,000 registered blind people receive the available £1.25 reduction in the television licence fee. The last increase was in 1965 and the Government have no plans to increase the level of this concession. Any such increase would inevitably lead to demands for similar concessions from other groups of people. These demands could not be satisfied without an increase for those who pay the full licence fee, irrespective of their means.

Heritage Sites (Canals)

Mr. Gordon Prentice: To ask the Secretary of State for National Heritage what estimate he has made of the number of heritage sites which are located alongside or in close proximity to canals. [27337]

Mr. Sproat: No such estimates are possible because information held on listed buildings, scheduled monuments and other heritage sites does not necessarily indicate their relationship to canals.

Voluntary Sector (Ministerial Responsibility)

Mr. Nigel Evans: To ask the Secretary of State for National Heritage when she will assume ministerial responsibility for volunteering, the voluntary sector and charity matters; and if she will make a statement. [28030]

Mrs. Virginia Bottomley: My right hon. Friend the Prime Minister announced on 1 April, *Official Report*, column *1*, that these responsibilities would be transferred to me from my right hon. and learned Friend the Secretary of State for the Home Department as soon as the necessary financial and other arrangements could be made. I have agreed with my right hon. and learned Friend that I shall take over ministerial responsibility from 1 May 1996. At the same date, the staff who currently perform these functions in the Home Office will transfer to the Department of National Heritage.

I have decided that, following the transfer, my hon. Friend the Minister of State will become responsible for the work of the National Lottery Charities Board alongside his existing responsibility for lottery matters; and my noble Friend the Under-Secretary of State will become responsible for work on the voluntary sector, volunteering, charities and community development.

My Department will be seeking parliamentary authority in the summer supplementary estimates to enable it to make payments of grants and for the transfer of resources currently in the Home Office. Until such time as approval is given, the Home Office will remain accountable for the actual physical payment of these grants.

EU Directives

Mr. Steen: To ask the Secretary of State for National Heritage if she will list the directives which have affected her Department in each of the past three years and *(a)* the United Kingdom legislation introduced as a result of the directives, *(b)* the United Kingdom legislation which goes beyond the minimum standards set out in the directives and *(c)* the clauses within each piece of United Kingdom legislation which amplify the minimum standards set out in the directives. [27079]

Mr. Sproat *[holding answer 29 April 1996]:* My Department has implemented only one directive in the last three years in an area for which it has lead policy responsibility. This is directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a member state. Implementation was made by means of a statutory instrument, SI 1994/501, The Return of Cultural Objects Regulations 1994, which came into force on 2 March 1994. The regulations do not go beyond the absolute minimum required to comply with the directive.

Playing Fields

Mr. Pendry: To ask the Secretary of State for National Heritage when the Government will announce the results of their consultation process about giving the Sports Council statutory consultee status on the sale of playing fields. [27262]

Mr. Robert B. Jones: I have been asked to reply.

The Government's consultation on the possibility that the Sports Council should become a statutory consultee for development affecting playing fields ended on 15 March. The responses have been analysed and indicate broad support for this proposal. Subject to further consideration of some technical and legal points, we expect to lay the necessary statutory instrument before Parliament in June.

TREASURY

EDS Ltd.

Mr. MacShane: To ask the Chancellor of the Exchequer if the Inland Revenue contract with EDS mentioned in his answer of 19 July 1995, *Official Report*, column *1264*, precluded open tendering for software development for self-assessment of taxpayers; what is the estimated cost of EDS's trial development of self-assessment software; and what is the expected cost over the next five years of full development of the software including delivery and technical support to the public. [27249]

Mr. Jack: As stated in my answer of 19 July 1995, *Official Report*, column *1264*, the contract between the Inland Revenue and the computer company EDS Ltd. was awarded as a result of an open competition to provide all information technology services to the Inland Revenue for the contract period of 10 years. Software development for the self assessment programme falls within that contract.

Information concerning the cost to the Inland Revenue of producing an electronic version of the return which will be distributed to taxpayers is commercial confidential.

Summer Economic Forecast

Mr. Andrew Smith: To ask the Chancellor of the Exchequer when the summer economic forecast 1996 will be published. [27330]

Mr. Kenneth Clarke: The summer economic forecast will be published on Tuesday 9 July.

Small and Medium Businesses

Mrs. Roche: To ask the Chancellor of the Exchequer what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27519]

Mrs. Angela Knight: The Treasury does not distinguish between different sizes of supplier. The Department's aim is to award contracts which offer the best value for money, irrespective of supplier size. This follows advice on good procurement practice issued by the central unit of procurement. Small and medium enterprises are encouraged to bid for Government contracts as detailed in the video and booklet package "Think Big Buy Small" which was published in April.

Ministerial Residences

Mr. Hall: To ask the Chancellor of the Exchequer which Ministers currently pay tax on their official residences as a benefit in kind. [27515]

Mr. Kenneth Clarke: Several Ministers do so, but for reasons of confidentiality details of individual Ministers' tax affairs are not disclosed.

Late Payments

Mrs. Roche: To ask the Chancellor of the Exchequer if he will publish the amount of money paid late to the private sector for goods and services in 1995–96 by each Government department. [27511]

Mrs. Angela Knight: This information is not held centrally.

Trustee Investments Act 1961

Mr. Matthew Banks: To ask the Chancellor of the Exchequer when he plans to publish the consultation document on reform of the Trustee Investments Act 1961. [28031]

Mrs. Angela Knight: The consultation document has been published today. It proposes replacement of the Trustee Investments Act by an order under the Deregulation and Contracting Out Act 1994. The proposed order would contain provisions designed to achieve the necessary level of continuing protection for beneficiaries of trusts and for trustees. The consultation period will end on 31 August. Copies of the document are available in the Libraries of the House.

Retirement Pension

Ms Corston: To ask the Chancellor of the Exchequer if he will list (i) average annual earnings and (ii) the annual value of the flat-rate retirement pension for a single person, for *(a)* the latest year for which both figures are available, *(b)* 2000–01, *(c)* 2010–11, *(d)* 2020–21 and *(e)* 2030–31, assuming that earnings grow at (1) 1½ per cent., (2) 2 per cent. and (3) 2½ per cent. per annum, and *(A)* that pensions remain price-related and *(B)* grow at the same rate as earnings. [26444]

Mr. Heald: I have been asked to reply.

The information is not available in the format requested. Such information as is available is in the table.

£ per annum 1995–96 prices

	Average earnings			*Single person's basic retirement pension*			
Real terms growth per annum	*1.5 per cent.*	*2 per cent.*	*2.5 per cent.*	*0 per cent.*	*1.5 per cent.*	*2 per cent.*	*2.5 per cent.*
1995–96	17,490	17,490	17,940	3,060.20	3,060.20	3,060.20	3,060.20
2000–01	18,840	19,310	19,790	3,-6-.20	3,296.80	3,382.60	3,460.60
2010–11	21,860	23,540	25,330	3,060.20	3,824.60	4,126.20	4,435.60

£ per annum 1995–96 prices

Real terms growth per annum	Average earnings			Single person's basic retirement pension			
	1.5 per cent.	2 per cent.	2.5 per cent.	0 per cent.	1.5 per cent.	2 per cent.	2.5 per cent.
2020–21	25,370	28,690	32,420	3,060.20	4,435.60	5,028.40	5,678.40
2030–31	29,450	34,970	41,500	3,060.20	5,148.00	6,128.20	7,269.60

Notes:

1. The latest year for which information is available on both earnings and basic retirement pension is 1995–96. A single person's basic retirement pension was £3,060.20 per annum, or £58,85 per week. Average earnings for all full-time adult employees in April 1995 were estimated at £17,490 per annum, or £336.30 per week (*Source*: new earnings survey).

2. The uprating convention for retirement pension has been followed, i.e. the weekly amount of uprated retirement pension is rounded to the nearest 5p and it is this rounded figure that forms the basis of the following year's uprating. Annual average earnings figures have been rounded to the nearest £10.

LORD CHANCELLOR'S DEPARTMENT

Legal Aid Board (Payments)

Mr. William Powell: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the 20 solicitors' companies in rank order which have received the most money from the Legal Aid Board and the amount paid to them in each of the last five years. [26742]

Mr. Jonathan Evans: The 20 solicitors' firms receiving the most money from the Legal Aid Board in 1993–94 and 1994–95 are listed. Figures for the previous three years can be obtained only at disproportionate cost.

Fee payments to solicitors' firms 1993–94

Rank	Firm	Amount paid £
1	Robinsons	3,243,614
2	The Smith Partnership	2,502,581
3	Brendan Fleming	2,427,040
4	Irwin Mitchell	2,135,450
5	Pictons	2,108,801
6	Hugh James Jones and Jenkins	1,904,482
7	Nelson Johnson and Hastings	1,851,869
8	Hodge Jones and Allen	1,833,646
9	Stephensons	1,736,863
10	Russell and Russell	1,683,591
11	TV Edwards	1,651,832
12	Powell Spencer and Partners	1,542,569
13	John Howell and Co	1,520,285
14	Iliffes Booth Bennett	1,502,287
15	Forbes and Partners	1,502,251
16	Hart Brown	1,478,979
17	McGrath and Co	1,455,032
18	Tyndallwoods and Millichip	1,422,874
19	R. Gwynne and Sons	1,416,620
20	Goldsmith Williams	1,408,409

Fee payments to solicitors' firms 1994–95

Rank	Firm	Amount paid £
1	Leigh Day and Co.	8,331,586
2	Robinsons	2,806,424
3	Brendan Fleming	2,685,721
4	Irwin Mitchell	2,419,950
5	The Smith Partnership	2,388,512
6	Pictons	2,202,127
7	Hugh James Jones and Jenkins	2,007,195
8	Nelson Johnson and Hastings	1,977,206
9	Hodge Jones and Allen	1,857,077
10	Stephensons	1,847,252
11	John Howell and Co.	1,832,717
12	Hart Brown	1,811,452
13	Iliffees Booth Bennett	1,677,068
14	Russell and Russell	1,667,759
15	Tyndallwoods	1,664,141
16	T V Edwards	1,652,947
17	Powell Spender and Partners	1,615,022
18	Forbes and Partners	1,602,053
19	McGrath and Co.	1,599,705
20	Fisher Meredith	1,589,059

The figures shown are based on the main final bills received from solicitors, inclusive of VAT and disbursements, in respect of civil legal aid, criminal legal aid in the magistrates courts, legal advice and assistance, assistance by way of representation and duty solicitors schemes. They do not include counsels' fees, payments on account which would have been paid or recouped, nor adjustment purposes only cases, where the costs are met by the other side and ultimately no payment is made out of the fund. Neither do they take account of amounts received or recovered by way of contributions, costs or damages awarded.

Law on Mishap or Accident

Mr. Marlow: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will take action to review the law with a view to reforms such that the potential for litigation is reduced, in particular with regard to mishap or accident. [26757]

Mr. Jonathan Evans: I have no present plans to do so.

Adoption Minutes

Mr. Donald Anderson: To ask the Parliamentary Secretary, Lord Chancellor's Department what assessment he has made of the case for updating the requirement in Home Office Circular No. 37/1968 relating to the destruction, save for a random sample, after 21 years, of adoption minutes or minutes books in the records of magistrates courts so as to respond to subsequent changes in disclosure possibilities to adopted children. [26756]

Mr. Jonathan Evans: The Lord Chancellor's Department, in consultation with various interested parties, is currently undertaking a review which will address this requirement and wider related issues.

Correspondence (Immigration Appellate Authorities)

Mr. Pawsey: To ask the Parliamentary Secretary, Lord Chancellor's Department when the hon. Member for Rugby and Kenilworth can expect replies to his correspondence of 23 February and 4 April addressed to the immigration appellate authorities referring to Mr. Babar Shahzada of Rawalpindi, Pakistan; and what are the reasons for the delay which has so far occurred. [26754]

Mr. Jonathan Evans: The immigration appellate authorities replied on 4 March to the hon. Member's letter of 23 February and on 19 April to his letter of 4 April; both within the target of 10 working days. Copies of these replies have been made available to him.

External Legal Advice

Mr. Boateng: To ask the Parliamentary Secretary, Lord Chancellor's Department what was the total cost of the external legal advice received by his Department in relation to transfers of civilian enforcement staff from the police to magistrates courts committees; and when and in what form the contents of that advice will be made available to magistrates courts committees. [26729]

Mr. Jonathan Evans: No external legal advice has been obtained relating to the transfer of civilian enforcement staff from the police to magistrates courts committees. MCCs were again reminded in circular MCD(96)1 on 3 April that whether the Transfer of Undertakings (Protection of Employment) Regulations 1981 apply in a particular situation depends on the facts of the case. Each MCC must determine for itself whether, given its particular circumstances, TUPE will apply, and obtain its own legal advice if necessary.

Office Space (Doncaster)

Mr. Redmond: To ask the Parliamentary Secretary, Lord Chancellor's Department what plans he has to buy or rent office space in the Doncaster metropolitan borough council area. [26695]

Mr. Jonathan Evans: The Lord Chancellor's Department, including its executive agencies, has no plans to buy or rent office space in the Doncaster metropolitan borough council area.

Private Finance Initiative

Ms Janet Anderson: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26634]

Mr. Jonathan Evans: For the Lord Chancellor's Department, including the Court Service and the Public Trust Office, no revenue payments were made to the private sector in respect of private finance initiative projects in 1995–96. Current estimates suggest that such payments to the private sector will be £20,000 in 1996–97 and £6.52 million in 1997–98.

Court Service (Conflict of Interest)

Mr. Redmond: To ask the Parliamentary Secretary, Lord Chancellor's Department what safeguards his Department took in respect of the last head of the civil business branch of the court Service, in relation to a possible conflict of interest when he took up employment as a consultant with the Drakes Group Ltd.; and if he will make a statement. [26696]

Mr. Jonathan Evans: The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

Letter from Michael Huebner to Mr. Martin Redmond, dated 1 May 1996:

PQ 96/467: Former Head of Civil and Family Business

The Parliamentary Secretary, Lord Chancellor's Department has asked me to reply to your Question about the former Head of Civil and Family Business in the Court Service.

The Court Service is satisfied that the last Head of Civil and Family Business has complied with the requirements of the Business Appointments Rules in every relevant respect.

Before his departure he applied for permission to seek post retirement consultancy work. Permission was given, subject to the completion of a further application in the event of accepting a commission with a firm with whom he had had previous dealings. This requirement applies for a period of two years following the date of his retirement. Advice on the application was taken from the Cabinet Office.

The former Head of Civil Business had no dealings with Drakes Group Limited during his employment, although he was aware of their existence. His involvement in policy work on the collection of parking fines ended over two ago.

Mr. Redmond: To ask the Parliamentary Secretary, Lord Chancellor's Department what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26639]

Mr. Evans: The Lord Chancellor's Department holds no contracts with Serco Ltd. I have asked the chief executives of its executive agencies, the Court Service, the Land Registry, the Public Records Office and the Public Trust Office to reply direct, as the question concerns operational matters.

Letter from Michael Huebner to Martin Redmond, dated 1 May 1996:

PQ 96/468: Contracts with Serco Ltd

The Parliamentary Secretary, Lord Chancellor's Department has asked me to reply to your Question about Serco Ltd.

The Court Service can find no record of having any current contracts with Serco Ltd.

Letter from Julia C. Lomas to Mr. Martin Redmond, dated 1 May 1996:

The Parliamentary Secretary has asked me to reply to you as part of the Lord Chancellor's Department's response to your Parliamentary Question, listed on 23rd April 1996, regarding details of contracts made with Serco Ltd.

The Public Trust Office has not entered into any contracts with Serco Ltd.

Letter from Sarah Tyacke to Mr. Martin Redmond dated, 1 May 1996:

I have been asked by the Lord Chancellor's Parliamentary Secretary to reply for the Public Record Office to your question about contracts with Serco Ltd.

The Public Record Office has no contracts with Serco Ltd.

Letter from John Manthorpe to Mr. Martin Redmond, dated 1 May 1996:

I have been asked by the Parliamentary Secretary, Lord Chancellor's Department, to reply to your recent question concerning contracts with Serco Ltd. I can inform you that H M Land Registry has granted no contracts to this company.

Small Firms (Access to Government)

Mrs. Roche: To ask the Parliamentary Secretary, Lord Chancellor's Department what was the outcome of his Department's review of how to facilitate small firms' access to appropriate areas to Government procurement in the light of good practice. [27512]

Mr. Jonathan Evans: Action has been taken in a number of areas to facilitate small firms' access to the Department's procurement procedures. Our contribution to the DTI's booklet "Tendering for Government Contracts", which provides small firms with contact points has resulted in an increase in the number of enquiries. Information provided by suppliers has been distributed to purchasing staff around the Department. It is also practice for all tenders to contain a contact point for dealing with inquiries relating to the contract. An exercise to identify which of the Department's suppliers are small or medium enterprises will be completed shortly as part of the development of a national purchasing system. This will allow trends in the use of small firms to be measured in the future. I have asked my officials to keep the question of access for small firms under review and to introduce further measures where the scope for improvements can be identified.

Small and Medium Businesses

Mrs. Roche: To ask the Parliamentary Secretary, Lord Chancellor's Department what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27527]

Mr. Jonathan Evans: The information requested is not held centrally and could be provided only at disproportionate cost.

PRIME MINISTER

Small and Medium Businesses

Mrs. Roche: To ask the Prime Minister what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27524]

The Prime Minister: For these purposes my office is part of the Cabinet Office. I refer the hon. Member to the reply given today by my hon. Friend, the Parliamentary Secretary, Office of Public Service.

Civil Servants (Party Policies)

Mr. Simon Hughes: To ask the Prime Minister what representations he has received in the last six months from individual civil servants or their representative bodies expressing concern that civil servants have been asked to cost policies of opposition political parties; and if he will make a statement. [27359]

The Prime Minister *[holding answer Tuesday 30 April]:* As far as I am aware, none.

Mr. Hughes: To ask the Prime Minister if (i) he and (ii) his Departmental colleagues have in the last six months asked civil servants to cost policies of opposition political parties; and if he will make a statement. [27360]

The Prime Minister *[holding answer Tuesday 30 April]:* Civil servants have, from time to time, been asked to cost Opposition policies, insofar as they can be identified. The guidelines on costing policies of Opposition parties, were submitted as a memorandum to the Treasury and Civil Service Select Committee in 1990, and were published in its fifth report, HC260, Session 1989-90.

WALES

Departmental Staff

Mr. Llwyd: To ask the Secretary of State for Wales what was the number of staff employed at the Welsh Office in *(a)* 1979, *(b)* 1985, *(c)* 1990, *(d)* 1994 and *(e)* 1995; and if he will make a statement. [26989]

Mr. Hague: The full-time equivalent number of staff employed in my Department was:

Year	*Number of staff*
1979[1]	2,680
1985	2,402
1990	2,406
1994	2,586
1995	2,480

[1] Nearest available, December 1978.

The figures relate to April for each year except 1979.

The current figure is 2,295, a reduction of 185 since April 1995.

Departmental Advertising

Mr. Llwyd: To ask the Secretary of State for Wales what proportion of his Department's advertising budget was allocated to local weekly newspapers in Wales in *(a)* 1993–94 and *(b)* 1994–95; and if he will make a statement. [26990]

Mr. Hague: Of the total which was spent on advertising in 1993–94, some 28 per cent. was spent with local weekly newspapers in Wales, and the corresponding figure for 1994–95 was some 21 per cent.

Community Care

Mr. Barry Jones: To ask the Secretary of State for Wales what consultations he has had with the new directors of social services in each of the new counties of Wales on community care; and if he will make a statement. [26970]

Mr. Richards: The social services inspectorate Wales has met all the new directors of social services to monitor their progress on delivering community care as part of their overall responsibilities.

Drug Abuse

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has to meet the chief constable of North Wales to discuss measures to limit drug abuse; and if he will make a statement. [26971]

Mr. Richards: My right hon. Friend and I met the chief constables of all Welsh forces on 16 January this year to discuss amongst other things, drug and alcohol misuse. He has no plans to do so again in the near future.

Disability

Mr. Barry Jones: To ask the Secretary of State for Wales what he has made of the number of disabled people, by category, in each of the local authorities in Wales. [26969]

Mr. Richards: No estimates have been made of the numbers of disabled people by category in each local authority. Information currently available relating to the number of disabled persons registered under section 29 of the National Assistance Act 1948 in each of the former county councils is given in the following table. Similar information has been requested from each local authority and will be available later in 1996.

Number of persons on the handicap register at 31 March 1995

	Clwyd	*Dyfed*	*Gwent*	*Gwynedd*	*Mid Glamorgan*	*Powys*	*South Glamorgan*	*West Glamorgan*	*Wales*
Disability									
Deaf with speech	29	109	246	52	252	49	206	170	1,113
Deaf without speech	114	75	241	49	213	32	116	109	949
Hard of hearing	784	429	214	94	940	400	617	549	4,027
Blind	950	1,370	1,797	1,046	2,068	290	1,017	935	9,473
Partially sighted	1,243	1,055	1,421	719	1,660	252	670	1,421	8,441
General[1]	46,117	9,144	14,562	4,459	40,414	7,268	3,689	11,081	136,734
Number on register	49,237	12,182	18,481	6,419	45,547	8,291	6,315	14,256	160,737

[1] The number shown for Clwyd relates to 31 March 1993.

Press Inquiries and Interviews

Mr. Wigley: To ask the Secretary of State for Wales which Welsh Office Ministers will respond to press inquiries or requests for interviews on each portfolio subject in the Welsh Office responsibilities; and what changes or restrictions have been placed on the granting of interviews during recent weeks. [27156]

Mr. Hague: Ministers respond on the basis of their own portfolio of responsibilities. There have been no changes or restrictions placed on granting interviews in recent weeks.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for Wales what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27518]

Mr. Hague: The information requested is not held centrally.

EDUCATION AND EMPLOYMENT

Ethnic Minorities

Mr. Steinberg: To ask the Secretary of State for Education and Employment what percentage of people entering higher education are from ethnic minority groups. [27383]

Mr. Forth: The available information is given in the following table:

Home entrants to higher education in higher education institutions in the UK 1995–96 (provisional)

Ethnic group	*Percentage*[1]
White	87.4
Black Caribbean	1.4
Black African	1.9
Black other	0.6
Indian	3.0
Pakistani	1.6
Bangladeshi	0.4
Chinese	0.8
Asian other	1.2
Other	1.6
All students	100.0

[1] Based on those students for whom ethnicity information was collected/provided.

Training and Enterprise Councils

Mrs. Roche: To ask the Secretary of State for Education and Employment what plans she has to set *(a)* commitment and *(b)* recognition targets for TECS for Investors in People with firms of under 50 employees. [27188]

Mr. Paice: I expect training and enterprise councils to offer support to all firms, including those with under 50 employees. I have no plans to set TECs Investors in People targets for firms with fewer than 50 employees.

Government offices agree targets with TECs for Investors in People. The targets are linked directly with the achievement of the national targets for education and training. Lifetime target 3 calls for 70 per cent. of all

organisations employing 200 or more employees, and 35 per cent. of these employing 50 or more, to be recognised as Investors in People.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for Education and Employment what proportion of her Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27532]

Mr. Robin Squire: The information requested could be provided only at disproportionate cost.

Student Loans Company

Mr. Redmond: To ask the Secretary of State for Education and Employment what are the terms of contract the Student Loans Company has with the SHL Systemhouse Europe software computer system; and if she will make a statement. [27637]

Mr. Forth: This is a matter for the Student Loans Company. I have asked the chief executive to write to the hon. Member with the information requested.

FOREIGN AND COMMONWEALTH AFFAIRS

Diplomats (Fines and Offences)

Mr. Merchant: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish figures recording the number of parking fines incurred by diplomatic missions in London during 1995. [26740]

Sir Nicholas Bonsor: During 1995, the London diplomatic missions incurred a total of 1,586 unpaid parking fines, which is less than half the 1994 figure of 3,613. In February this year, the Foreign and Commonwealth Office wrote to all diplomatic missions to give them the opportunity to pay off all outstanding parking tickets, or appeal to have the ticket cancelled. Since then, payments totalling £11,600 have been received. The biggest offender is the Nigerian mission, which has appeared at or near the top of the list for the third year running. The attached table shows only missions which have 11 or more fines outstanding.

Unpaid parking fines

Position	*Diplomatic mission*	*1995*	*1994*
1	Nigeria	117	118
2	India	83	79
3	Ghana	66	76
4	Sudan	45	56
5	Malaysia	32	37
6	Philippines	31	19
7	Romania	27	30
8	Burma	26	7
9	Lesotho	22	14
9	Oman	22	63
9	Pakistan	22	61
12	Egypt	20	50
12	Greece	20	32
12	Qatar	20	353
12	Thailand	20	32
16	Algeria	19	24
16	Bangladesh	19	49
18	Uganda	18	24
19	Turkey	17	27
20	Cyprus	16	29
20	Jordan	16	52
22	Iran	15	12
22	Russian Federation	15	31
22	Zimbabwe	15	21
25	Tanzania	14	28
25	Albania	14	1
25	USA	14	22
28	Azerbaijan	13	5
28	Cameroon	13	20
30	Israel	12	33
30	Poland	12	35
32	Brazil	11	10
32	Ivory Coast	11	40
32	Hungary	11	49
32	Zaire	11	18
		859	1,557

Mr. Merchant: To ask the Secretary of State for Foreign and Commonwealth Affairs how many serious offences were allegedly committed in 1995 by persons entitled to diplomatic immunity; and how many foreign diplomats or members of their families were withdrawn from their posts in Britain in the past year as a result of alleged offences. [26741]

Sir Nicholas Bonsor: Twenty-eight alleged serious offences by persons entitled to diplomatic immunity were drawn to the attention of the Foreign and Commonwealth Office in 1995. "Serious offences" are defined in accordance with the report to the Foreign Affairs Committee "The Abuse of Diplomatic Immunities and Privileges (1985)" as offences which fall into the category which in certain circumstances attract a maximum penalty of six months' imprisonment or more: the majority involved drinking and driving and shoplifting.

Five diplomats or members of their families were withdrawn at our request from post in Britain as a result of alleged offences, compared with six the previous year.

North Korea

Mr. Parry: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the economic assistance given by Her Majesty's Government to North Korea. [27138]

Mr. Hanley: We have not offered any economic assistance, nor have the North Korean authorities requested any from us.

Mr. Parry: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps Her Majesty's Government are planning to take to assist the peaceful and democratic reunification of the Korean eninsula; and if he will make a statement. [27139]

Mr. Hanley: The reunification of the Korean peninsula can be achieved only through meaningful dialogue between South and North Korea. We encourage such dialogue at every opportunity and have welcomed the proposal, announced on 16 April by the Presidents of the USA and South Korea, that a four-party meeting be convened to discuss the future of the Korean peninsula. We hope that North Korea will respond positively.

China

Mr. Parry: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on Her Majesty's Government's policy in respect of China's policy on peace in south-east Asia and human rights. [27326]

Mr. Hanley: We continue to monitor carefully developments in south-east Asia, and to urge all sides involved in disputes in the area to pursue settlement of their differences by peaceful means.

We remain deeply concerned about human rights in China. We express our concerns on this subject to the Chinese authorities at every suitable opportunity.

Land Mines

Mr. Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs how many countries have announced their support to date for an international ban on the production, stockpiling, sale and use of anti-personnel mines. [27550]

Mr. David Davis: To our knowledge, some 32 countries, including the United Kingdom, have announced their support for a total international ban on anti-personnel landmines.

Mr. Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the effect of the upgrading of the Ranger landmines delivery system on his policy of working towards the eventual elimination of anti-personnel mines. [27551]

Mr. Davis: We intend as soon as possible to destroy nearly half of our existing stocks of anti-personnel landmines. We intend to destroy the remainder when an international ban is agreed, or when viable alternatives become available. In the meantime, should it become necessary to replace any of the remaining mines, we shall do so only with self-destruct systems. One possible option to achieve this objective would be to upgrade the existing Ranger landmine delivery system, but not final decisions have been taken. We shall continue to pursue the policy which, in our view, offers the best prospect of addressing the terrible consequences for innocent civilians of the irresponsible use of anti-personnel landmines.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for Foreign and Commonwealth Affairs what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96 in respect of *(a)* the diplomatic wing and *(b)* the ODA. [27530]

Mr. Hanley: These figures are not yet available. I shall write to the hon. lady with the information as soon as possible.

ATTORNEY-GENERAL

Serco Ltd.

Mr. Redmond: To ask the Attorney-General what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26638]

The Attorney-General: The Departments and agencies for which I am responsible have no contracts with Serco Ltd.

Small and Medium Businesses

Mrs. Roche: To ask the Attorney-General what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27535]

The Attorney-General: The information is not held in the form requested and could be provided only at disproportionate cost.

TRADE AND INDUSTRY

Patent Office

Mr. Luff: To ask the President of the Board of Trade what contractorisation of Patent Office functions has been achieved to date; and if he will make a statement. [28032]

Mr. Ian Taylor: Two contracts have been awarded as a result of the Patent Office's drive to improve quality and efficiency where this is compatible with the office's role and good value for money. These awards were made after two competitive tenders in line with EC procurement rules; they are

(i) for the facilities management of Patent Office accommodation, reception, messenger, post room, porterage and warehouse services. A contract was awarded to WS Atkins Building Management Ltd. and commenced on 1 April 1996 and

(ii) for the facilities management of the Patent Office London front office, including document reception and public search room facilities. A contract has been awarded to Hays Information Management and will begin on 1 June 1996.

Both contracts are for three years with an option to extend for a further two years at the sole discretion of the Patent Office. The bidders were required to demonstrate against a number of predetermined criteria that their bids were the most economically advantageous. The contracts contain provisions to ensure that the appropriate levels of confidentiality and quality are maintained.

Coal Reserves

Mr. Hardy: To ask the President of the Board of Trade what is his estimate of the volume of coal reserves which will be lost if the collieries owned by the Coal Investments Company were to close. [26360]

Mr. Page *[holding answer 30 April 1996]:* Reports by John T. Boyd, mining engineers, published in 1993, include the following reserves estimates:

Silverdale: 21.9 million tonnes

Annesley Bentinck: 6.4 million tonnes

Markham Main: 23.2 million tonnes

Trentham (now Hem Heath): 31.9 million tonnes

No comparable figures are available for Coventry or Cwmgwilli.

Council for Science and Technology

Mr. Ingram: To ask the President of the Board of Trade if he will place in the Library all submissions made by the Council for Science and Technology. [27181]

Mr. Ian Taylor *[holding answer 30 April 1996]:* The Council for Science and Technology gives its advice to Ministers direct across the table. It has made no separate written submissions.

South West Industrial Development Board

Mr. Jamieson: To ask the President of the Board of Trade between what dates Mr. Roger Harris was a member of the industrial development board in the south-west regional office; what was the nature of his work; and what other positions he held in connection with the Department. [24715]

Mr. Oppenheim *[holding answer 16 April 1996]:* Roger Harris joined the South West industrial development board in January 1983 and became chairman in February 1991. The board advises my right hon. Friend the President of the Board of Trade on applications for selective financial assistance and on industrial opportunities in the south west. Mr. Harris has also been deputy chairman of the Government office for the South-West's competitiveness advisory board since November 1994.

Working Hours

Mr. McAvoy: To ask the President of the Board of Trade what measures he has taken to protect employees from being forced to work for unreasonably long hours. [27444]

Mr. John M. Taylor: Hours of work are best agreed between employers and their employees, or their representatives, in the light of their own particular circumstances.

Employees who work long hours are protected under the general duties of the Health and Safety at Work etc., Act 1974. Under the Management of Health and Safety at Work Regulations 1992, employers are required to carry out a risk assessment to identify hazards, such as fatigue, and to evaluate the extent of the risks involved, so that measures can be taken to comply with the general duties of the Health and Safety at Work etc., Act 1974.

Financial Assistance

Mr. Jamieson: To ask the President of the Board of Trade what financial assistance has been given by his Department since 1980 to *(a)* Bowring (South West) Ltd., *(b)* Cablechief Ltd., *(c)* Cornish Stairways Ltd., *(d)* Fivebeat Ltd., *(e)* Prawn Farm Investments Ltd. and *(f)* Conosil Ltd. [24713]

Mr. Oppenheim *[holding answer 16 April 1996]:* Two of the companies have received assistance under the Department's principal regional, enterprise and technology schemes since 1980:

Company	*Scheme*	*Payment £*	*Date*
Cornish Stairways Ltd.	Regional development grant	47,377	1986–88
	Enterprise initiative	1,265	1990
	Regional enterprise grant	25,000	1992
Conosil Systems Ltd.	Microprocessor application project	28,776	1995

Loans to Conosil Systems Ltd., were guaranteed under the loan guarantee scheme in 1983 and 1985.

Mr. Jamieson: To ask the President of the Board of Trade what financial assistance has been given by his Department since 1980 to *(a)* M. Squared Technology Ltd., *(b)* Match Sportswear Ltd., *(c)* Smart Shape Ltd., *(d)* Havenfire Ltd., *(e)* Beares Highland Ltd., *(f)* Beares Engineering Ltd. and *(g)* H. Beare and Sons Ltd.

Mr. Oppenheim *[holding answer 25 March 1996]:* Only one of the companies has received assistance under the Department's principal regional, enterprise and technology schemes since 1980:

Company	*Scheme*	*Payment £*	*Year*
M Squared Technology Ltd.	Consultancy Initiative	3,000	1992
	Eureka	261,525	1993–96
	General Industrial Collaborative Project	58,843	1993
	Small Firms Merit Award for Research and Technology (SMART)	57,898	1994–95
	Regional Enterprise Grant	25,000	1985

A loan to Smart Shape Ltd. (later trading as South West Leisure Products Ltd.) was guaranteed under the Loan Guarantee Scheme in 1985.

Mr. Jamieson: To ask the President of the Board of Trade what role was played by *(a)* Mr. Kenneth Holmes, *(b)* Mr. Roger Harris and *(c)* Mr. Michael Jordan in the granting of DTI financial assistance to (i) Pendennis Shipyard Ltd., in 1993 and 1995, (ii) Queensbury International Ltd., (iii) South West Leisure Products, (iv) ModernTask Ltd. and (v) Thimbles Ltd; and which of these individuals (1) were at the time or (2) subsequently became directors of these companies. [24714]

Mr. Oppenheim *[holding answer 16 April 1996]:* Mr. Kenneth Holmes, acting as an external accountancy adviser, advised the Department on the regional selective assistance application from Pendennis Shipyard Ltd.

Mr. Roger Harris was chairman of the South West industrial development board when it considered the application by Pendennis Shipyard Ltd. but, because of a potential conflict of interest, absented himself from the board meeting in February 1993 which decided to recommend a grant.

In respect of Mr. Michael Jordan's involvement in advising the Department on these cases, I refer the hon. Gentlemen to my answers of 22 March, *Official Report*, column *373* and 29 April, *Official Report*, column *364*. As well as holding the directorship of Pendennis Shipyard Ltd., Michael Jordan has also been a director of Queensbury International Ltd. since August 1993. No other directorships of the five companies listed have been held by Messrs. Holmes, Harris and Jordan.

Coal Mining

Mr. Llwyd: To ask the President of the Board of Trade how much coal was produced from deep mines in *(a)* England, *(b)* Wales, *(c)* Scotland and *(d)* the United Kingdom in each year since 1980; and if he will make statement. [27500]

Mr. Page: British Coal deep-mined production was as follows:

Thousand tonnes

	England	*Wales*	*Scotland*	*United Kingdom*
1980–81	94,161	8,280	7,846	110,287
1981–82	93,411	8,140	7,320	108,871
1982–83	90,677	7,580	6,681	104,938
1983–84	78,179	6,560	5,323	90,062
1984–85	[2]—	[2]—	304	27,664
1985–86	76,932	7,210	4,276	88,418
1986–87	77,531	6,980	3,442	87,953
1987–88	74,336	5,460	2,603	82,399
1988–89	77,578	5,530	1,927	85,035
1989–90	69,538	4,040	1,994	75,572
1990–91	66,353	3,740	2,207	72,300
1991–92	66,444	2,320	2,246	71,010
1992–93	57,877	1,900	2,028	61,085
1993–94	[2]—	1,430	[2]—	42,700
1994–95[1]	[2]—	[2]—	[2]—	21,500

[1] April to December 1994 only.
[2] Not available.
Source:
British Coal and Digest of Welsh Statistics.

United Kingdom deep-mined production in 1995 from the privatised coal industry totalled 35,103 thousand tonnes in 1995 compared with 31,854 thousand tonnes in 1994. Separate figures for England, Wales, and Scotland are not available.

Mr. Llwyd: To ask the President of the Board of Trade how many miners were employed in *(a)* England, and *(b)* Wales, *(c)* Scotland and *(d)* the United Kingdom as a whole in each year since 1980; and if he will make a statement. [27439]

Mr. Page: The number of underground wage earners[1] on British Coal colliery books was as follows:

Thousands

Month ending	*England*	*Wales*	*Scotland*	*United Kingdom*
March 1981	185	20	20	225
March 1982	137	20	15	172
March 1983	132	18	14	164
March 1984	120	17	11	148
March 1985	[2]—	[2]—	10	139
March 1986	93	14	7	114
March 1987	77	10	4	91
March 1988	64	8	3	75
March 1989	61	6	2	69
March 1990	50	4	1	56
March 1991	45	3	1	49
March 1992	36	1	1	38
March 1993	25	1	1	28
March 1994	[2]—	1	[2]—	10
December 1994	[2]—	[2]—	[2]—	7

[1] Figures for 1994 include all industrial colliery workers, not just underground workers.
[2] Not available.
Source:
British Coal and Digest of Welsh Statistics.

At the end of 1995 about 10,000 mineworkers were employed in the large deep mines in operation in the private sector.

Working Time Directive

Mr. Gordon Prentice: To ask the President of the Board of Trade what representations he has received from the Confederation of British Industry and the Institute of Directors about the working time directive. [27338]

Mr. John M. Taylor: The CBI and the Institute of Directors have consistently made clear that regulation of working time through the working time directive will damage competitiveness and undermine flexible ways of working.

Prompt Payments

Mrs. Roche: To ask the President of the Board of Trade on what date he plans to publish figures showing the percentage of bills paid promptly by Government Departments in 1995–96. [27510]

Mr. Page: Government Departments and their agencies are required to monitor their payment performance and publish the results in their annual or departmental reports. In addition, my Department is producing a table of results of all Departments and their agencies for 1995–96. This will be available, in line with previous years, before the summer recess.

Small and Medium Businesses

Mrs. Roche: To ask the President of the Board of Trade what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27521]

Mr. John M. taylor: This information is not held centrally and could be provided only at disproportionate cost.

OVERSEAS DEVELOPMENT ADMINISTRATION

North Korea

Mr. Parry: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent aid was given to the Democratic People's Republic of Korea by the European Union; and if he will make a statement. [27137]

Mr. Hanley: The European Community Humanitarian Office has contributed 290,000 ecu—approximately £228,346—in late 1995 to North Korea following the flood.

United Kingdom assistance is described in my answer to the hon. Member for Fife, North-East, Mr. Campbell, on 7 February 1996, *Official Report*, column *192*. We will consider a further contribution to the IFRC appeal depending on the findings of the nutritionist's report which is expected shortly.

Natural Resources Institute

Mr. Elletson: To ask the Secretary of State for Foreign and Commonwealth Affairs when the Natural Resources Institute will transfer to new ownership. [28061]

Mr. Hanley: We have now completed negotiations for the transfer of the Natural Resources Institute to the University of Greenwich and for associated arrangements with the other members of the Consortium—the University of Edinburgh, Imperial college and Wye college. Contracts were signed on 30 April and became effective on 1 May.

This is a very satisfactory outcome. It achieves the objectives set by my right hon. Friend the Minister for Overseas Development, namely maintenance of a multi-disciplinary centre of natural resources expertise, on which ODA and others can draw in order to help meet our aims for the overseas aid programme; value-for-money for the taxpayer; and a positive future for the staff. It also marks the first privatisation of a pubic sector research establishment by transfer to the university sector.

DEFENCE

Land Mines

Mr. Menzies Campbell: To ask the Secretary of State for Defence what plans he has to acquire Italian anti-personnel mines which *(a)* self-destruct and *(b)* self-deactivate. [27544]

Mr. Arbuthnot: As my hon. Friend the Minister of State for Foreign and Commonwealth Affairs stated in his announcement on 23 April 1996, *Official Report*, column *84*, the UK will work actively towards a total world-wide ban on anti-personnel mines. If we need to replace our remaining anti-personnel mines before an international ban is agreed, we will procure only those with a self-destruct capability. No final decisions on the procurement of these mines, including a source, have been taken and any decision will take account of all relevant factors, including progress towards a total worldwide ban.

Mr. Flynn: To ask the Secretary of State for Defence, pursuant to his answer of 23 April, *Official Report*, column *84*, what plans he has to ensure that future British self-destruct anti-personnel mines will be used only in marked, fenced or monitored areas, will be cleared as soon as feasible and will be used strictly in accordance with the laws of armed conflict. [27322]

Mr. Arbuthnot *[holding answer 30 April 1996]:* Instructions have been issued that current non-self-destruct anti-personnel mines must be placed in a marked or fenced or monitored area and that every effort must be made to avoid civilian casualties. No decision has been made on procurement or deployment of self-destruct anti-personnel mines, but instructions will be issued to ensure that use will be in accordance with the international laws of war.

Mr. Flynn: To ask the Secretary of State for Defence, pursuant to his answer of 23 April, *Official Report*, column *84*, if the new restriction that British non-self-destruct anti-personnel mines will be used only in exceptional circumstances will apply equally to future self-destruct anti-personnel mines deployed by British forces. [27321]

Mr. Arbuthnot *[holding answer 30 April 1996]:* No decision has been taken on the procurement or use of self-destruct anti-personnel mines.

Mr. Flynn: To ask the Secretary of State for Defence, pursuant to his answer of 23 April, *Official Report*, column *84*, what assessment has been made of whether the military utility of Britain's anti-personnel mines is affected by whether such weapons are also deployed by an adversary. [27325]

Mr. Arbuthnot *[holding answer 30 April 1996]:* We believe that, in exceptional circumstances, where there are no alternatives available, it may be necessary for British forces to use anti-personnel mines in order to ensure that they are properly protected. Such circumstances may obtain whether or not such weapons are deployed by an adversary.

Mr. Flynn: To ask the Secretary of State for Defence, pursuant to his answer of 23 April, *Official Report*, column *84*, which makes of anti-personnel mines will be destroyed; and which makes will be destroyed completely. [27317]

Mr. Arbuthnot *[holding answer 30 April 1996]:* No final decision has been made on which types of anti-personnel mines will be destroyed. However, a number of Ranger and Elsie mines will probably be destroyed.

Mr. Flynn: To ask the Secretary of State for Defence, pursuant to his answer of 23 April, *Official Report*, column *84*, when he expects to reach a decision on the replacement of existing non-self-destructing anti-personnel mines with self-destructing ones; and when is the planned in service date. [27318]

Mr. Arbuthnot *[holding answer 30 April 1996]:* We are currently considering our future requirement for anti-personnel land mines, but have reached no decisions. Any new mines introduced into service would have a self-destruct capability and would fully meet the requirements of international laws of armed conflict. Such a decision will take account of all relevant factors, including progress towards an international ban and whether a suitable alternative is found.

Mr. Menzies Campbell: To ask the Secretary of State for Defence what discussions he *(a)* has had and *(b)* plans to have with the US Department of Defense concerning the review of US policy on anti-personnel mines; and if he will make a statement. [27549]

Mr. Arbuthnot: We keep in close touch with the US and other allies on this issue.

Mr. Campbell: To ask the Secretary of State for Defence if in the formulation of military policy regarding the use of anti-personnel mines he will take account of the recent statements by General John Shalikashvili and General Norman Schwarzkopf. [27548]

Mr. Arbuthnot: We have noted the open letter to President Clinton, signed by General Schwarzkopf and others, about anti-personnel mines; and the views on these weapons attributed to the chairman of the Joint Chiefs of Staff, General Shalikashvili. Our policy on anti-personnel mines reflects our national judgment of the balance to be struck between humanitarian goals and the continuing needs of our armed forces until there is international agreement on a total ban on such mines, or viable alternatives are developed.

Mr. Campbell: To ask the Secretary of State for Defence what discussions his Department is engaged in regarding the upgrading of the Ranger land mine delivery system; which United Kingdom companies are involved in these discussions; and what plans he has for part of the work connected with the upgrading to be carried out in Britain. [27546]

Mr. Arbuthnot: No decision has been taken to upgrade the Ranger land mine delivery system. If we need to replace our remaining anti-personnel mines, upgrading the Ranger system is one option which would be considered. The manufacturer of this system is aware of this. As no decisions have been taken, potential work to be undertaken in Britain cannot be determined. Any new or upgraded land mines would have a self-destruct capability. Final decisions on future procurement would take account of all relevant factors, including progress towards a total world-wide ban.

Mr. Campbell: To ask the Secretary of State for Defence what assessment he has made of the recent report of the International Committee of the Red Cross regarding anti-personnel mines. [27547]

Mr. Arbuthnot: We have noted this report, but do not share its conclusions.

Mr. Campbell: To ask the Secretary of State for Defence what military criteria will determine the use by British forces of anti-personnel mines. [27545]

Mr. Arbuthnot: Ministers must be satisfied that the use of anti-personnel mines is essential to ensure that British troops are properly protected and that there are no practicable alternative ways of achieving that end.

Mr. Flynn: To ask the Secretary of State for Defence, pursuant to his answer of 23 April, *Official Report*, column *84*, how many anti-personnel mines will be destroyed as a result of his announcement on 23 April. [27319]

Mr. Arbuthnot *[holding answer 30 April 1996]:* I refer the hon. Member to the answer I gave the hon. Member for South Shields (Dr. Clark) on 29 April 1996, *Official Report*, column *394*.

Equipment Upgrades

Mr. Bill Walker: To ask the Secretary of State for Defence what major equipment upgrades the RAF is planned to receive over the next three years. [27028]

Mr. Arbuthnot: This information is given in table 9, pages 63–64, of the "Statement on the Defence Estimates 1996", Cm3223, which has been published today and a copy of which is in the Library of the House.

Kaymar Studios

Mr. Dalyell: To ask the Secretary of State for Defence what contracts his Department has entered into with Kaymar Studios; and if he will make a statement. [25927]

Mr. Soames: My Department maintains central records of contracts which are valued at over £5,000 and which are let centrally by contracts branches within the Ministry of Defence head office, the Procurement Executive and service command headquarters. These records cover the last six years. Low-value contracts issued under local purchase powers and Defence agency contracts are not recorded centrally.

No record has been found of any contract with a business called Kaymar Studios having been let centrally over the last six years. It would not be possible, without disproportionate cost, to establish whether any contracts have been placed with a business of that name under local purchase powers or at an earlier date.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for Defence what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27534]

Mr. Arbuthnot: The information is not available in the form requested and could be provided only at disproportionate cost.

NORTHERN IRELAND

Farmers (Compensation Payments)

Mr. Illsley: To ask the Secretary of State for Northern Ireland how much money was spent on compensation payments for price cuts to farmers in Northern Ireland in 1995. [26219]

Mr. Ancram *[holding answer 22 April 1996]:* I understand that the hon. Member is seeking information on the effects of increased payments made to farmers under the 1992 common agricultural policy reform measures which shifted the balance of CAP expenditure away from market support to schemes aimed at supporting production at the level of individual farms. It is not possible precisely to identify the elements of these payments which would have been compensatory but the total amount paid in 1995 was £102 million. The equivalent amount paid to farmers in 1992, which was the last year in which market support measures were predominant, was £25.45 million.

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Northern Ireland if he will list the revenue spending estimated by his Department in connection with the private finance initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26628]

Sir John Wheeler: No specific PFI contracts have as yet been agreed and signed but the procurement process has begun across a range of projects including water and sewerage, roads, transport, health, education, accommodation and information technology schemes. As a consequence, it is too early to estimate the revenue spending in connection with these projects.

The private investment levered in to date in Northern Ireland relates mainly to the Laganside development, housing and urban regeneration. The public sector contribution associated with these projects is as follows:

1995–96: £70 million

1996–97: £61 million

1997–98: £60 million.

Teachers (Qualifications)

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland what is his assessment of the Irish Government's continued Irish language requirement for secondary school teachers with United Kingdom qualifications; and if he will test this requirement at the European Court of Justice. [26734]

Mr. Ancram: The Irish Government's Irish language requirement for secondary school teachers with United Kingdom qualifications corresponds with the teaching qualifications it requires of its own nationals. I will accordingly not be referring this matter to the European Court of Justice.

Mr. McCartney: To ask the Secretary of State for Northern Ireland how many Irish schoolteachers had their qualifications recognised under EU rules in 1993–94 in *(a)* Northern Ireland and *(b)* Great Britain; and how many United Kingdom school teachers had their qualifications recognised in the Irish Republic. [26733]

Mr. Ancram: Forty-five Irish schoolteachers in Northern Ireland and 198 in Great Britain. The number of United Kingdom schoolteachers in the Irish Republic is a matter for the Irish Government.

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for Northern Ireland what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26684]

Sir John Wheeler: The Northern Ireland Office, Northern Ireland Departments and their agencies have the following four contracts:

1. Roads Service: Maintenance of electronic works. Finishing in 2000.
2. Roads Service: Maintenance of variable message signs. Finishing in 2000.
3. Roads Service: Supply of motorway control system for the M2/M3, Belfast cross-harbour bridge. Finishing in 1996–97.
4. Water Service: Collection and transportation of water quality samples (western division). Finishing 31 March 1998.

In all of these contracts, the penalty for seeking early termination is "reasonable costs". The costs of the contracts have not been given on grounds of commercial confidentiality.

Law Reform Advisory Committee

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland which *(a)* bodies and *(b)* individuals the Law Reform Advisory Committee has consulted on judicial review; and when it will issue its report. [26736]

Sir John Wheeler: The Law Reform Advisory Committee has held consultations with the following individuals and bodies:

The Northern Ireland Prison Service

The Crown Solicitors Office

Crown Counsel, Mr. Patrick Coghlin Q.C

Mr. Ronald Weatherup Q.C

Mr. Bernard McCluskey B.L

Mr. John Larkin B.L

Mr. Kevin Winter, Solicitor

Mr. Justice Kerr

Mr. Jack Burton

Professor Brigid Hadfield.

The first draft of a report on judicial review is still at an early stage; it is too early yet to judge when it will be issued.

Mr. McCartney: To ask the Secretary of State for Northern Ireland what research has been commissioned by the Law Reform Advisory Committee for Northern Ireland on a consultancy basis; what fees have been paid for such research; and what consideration has been given to the appointment of a full-time researcher. [26735]

Sir John Wheeler: Since its inception in 1989, the Law Reform Advisory Committee has used consultants on certain topics. Mrs. Norma Dawson, Mr. John Jackson and Mrs. Eithne Harkness, from the school of law at Queen's university, Belfast, have conducted research in the areas of business tenancies, civil evidence and actions arising from insidious diseases respectively.

The fees paid for research commissioned by the committee to date amounts to the sum of £4.300.00.

Consideration has been given to the appointment of a full-time researcher, but it is the presently held view that the use of an expert consultant in particular areas is a more constructive deployment of committee fund.

Fair Employment Tribunal

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland how many of the 410 applications registered with the Northern Ireland fair employment tribunal during 1995 resulted in judgments in favour of the applicant; of those how many *(a)* were in favour of (i) Catholics and (ii) Protestants, and *(b)* concerned (1) promotions, (2) hiring and dismissals and (3) unfair treatment at work. [26648]

Mr. Ancram: Of the complaints registered in 1995, one complaint to date has been determined in favour of the applicant. The applicant was a Protestant and the complaint concerned unfair treatment at work.

Higher Education (Irish Nationals)

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland what is the current annual cost to the

Government of educating citizens of the Irish Republic in institutes of higher education in Northern Ireland; and if he will make a statement. [26731]

Mr. Ancram: I am not yet in a position to answer the hon. Gentleman's question, but I will write to him in due course and place a copy in the Library in the House.

Male Rape

Mr. Llwyd: To ask the Secretary of State for Northern Ireland how many cases of male rape were reported in Northern Ireland in *(a)* 1985 and *(b)* 1995; and if he will make a statement. [27018]

Sir John Wheeler: There is no offence of "male rape" recorded by the Royal Ulster Constabulary. For recording purposes, the offence of "buggery with a male person without his consent" is grouped with other buggery offences including those with consent and those with females. It is not therefore possible to provide figures for any one of these offences in isolation.

Schools Expenditure

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland what has been the capital expenditure for each of the past five years in *(a)* primary schools and *(b)* secondary and grammar schools in (i) Northern Ireland and (ii) Strangford constituency. [26963]

Mr. Ancram: Capital expenditure by education and library boards on controlled schools and grants paid by the Department of Education on approved capital expenditure incurred by voluntary and grant-maintained integrated schools for each of the financial years 1989–90 to 1993–94 is set out as follows.

Year	*Primary schools*	*Secondary and grammar schools*
Northern Ireland		
1989–90	9.517	27.494
1990–91	11.689	41.317
1991–92	11.534	44.043
1992–93	15.635	45.754
1993–94	17.585	42.786
Strangford constituency		
1989–90	0.491	1.482
1990–91	0.360	3.670
1991–92	0.484	4.101
1992–93	0.512	0.914
1993–94	0.589	1.130

Belfast Gazette

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland what is the circulation of the *Belfast Gazette*; and if this figure is confirmed by the Audit Bureau of Circulations. [26861]

Sir John Wheeler: The weekly subscription to the *Belfast Gazette* is 208. It is also available from HMSO Northern Ireland.

The circulation figure is not confirmed by the Audit Bureau of Circulations.

Ballywalter Primary School

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland what was the enrolment in each of the past five years at Ballywalter primary school; what is the expected enrolment of the school in each of the next five years; what proposals there are to provide additional accommodation at the school; how many places in primary one will be available in the next academic year; how many applicants there are for places in primary one at the school for the next academic year; how many pupils there have been per teacher for each of the past five years; and if he will make a statement. [26964]

Mr. Ancram: The enrolments in each of the past five years are as follows:

Year	*Number of pupils enrolled*
1991–92	138 (at January 1991)
1992–93	135 (at October 1992)
1993–94	141 (at October 1993)
1994–95	141 (at October 1994)
1995–96	153 (at October 1995)

It is not possible to project accurately an enrolment figure for each of the next five years. However, the Department has approved a temporary variation to increase the enrolment number of the school to 161 for the 1996–97 school year.

Provision of controlled primary schools places in Ballywalter is the responsibility of the South-Eastern education and library board. The provision of a temporary classroom at Ballywalter primary school is currently under consideration by the South-Eastern education and library board.

The Department has approved a temporary variation to the school's admissions number from 21 to 25 for the 1996–97 school year. The school has received 27 applications.

The number of pupils per teacher—the pupil: teacher ratio—over the last five years are:

Year	*Pupil: teacher ratio*
1991–92	23.0
1992–93	19.9
1993–94	21.2
1994–95	20.9
1995–96	21.0

Police White Paper

Mr. Maginnis: To ask the Secretary of State for Northern Ireland when he intends to publish the White Paper on policing structures. [27629]

Sir Patrick Mayhew: Following wide consultation, I have today published a White Paper setting out proposals for the reform of the tripartite structure for policing governance in Northern Ireland.

The proposals seek to build on the consensus which has been shown to exist for a police service which upholds and is seen to uphold the law fairly with rigorous impartiality, efficiency and effectiveness, which:

is accountable both to the law, and through a strong and independent Police Authority, to the community; and

is responsive to the community,

accordingly commanding widespread confidence and support.

To this end, the proposals would:

enhance and render transparent the accountability of the police to the community through the Police Authority;

safeguard the operational independence of the police, so ensuring that the law is enforced impartially without partisan political interference;

enable the community, through the Police Authority, to engage meaningfully in shaping the future direction of policing through the provision of statutory objective setting and police planning processes; and

achieve greater efficiency in the use of resources devoted to policing by removal of bureaucracy and duplication of effort.

The White paper offers proposals for the basis of future legislation. Such legislation would, however, be informed by the forthcoming discussions on policing in the all-party political talks that are due to take place on an open agenda, and it would be shaped to reflect any agreements which emerge.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for Northern Ireland what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27525]

Sir John Wheeler: Within the Northern Ireland Office and Northern Ireland Departments, the information requested is not available and could be obtained only at disproportionate cost.

Police Complaints Report

Mr. Hargreaves: To ask the Secretary of State for Northern Ireland when he will lay before parliament the 1995 annual report of the Independent Commission for Police Complaints for Northern Ireland; and if he will make a statement. [28060]

Sir Patrick Mayhew: I have today arranged for the 1995 annual report of the Independent Commission for Police Complaints to be laid before Parliament.

The report, which follows the format of last year's, comments on the work of the commission in 1995 including the supervision of the investigation of complaints against the police and the commission's role in disciplinary procedures arising from those complaints. It also contains details from a public attitudes survey conducted for the commission on the extent of public awareness of its work and confidence in its procedures.

For the first time, the report covers a year under conditions of declared terrorist ceasefires. This has led to some interesting changes in the number of complaints in certain categories and also to the way in which complaints arise. We will have to see whether or not the Provisional IRA's actions on 9 February alter these new trends.

The number of complaints fell overall by 12 per cent. from the 1994 level; a greater reduction in the number of complaints in the early part of 1995 was offset by a significant rise in August and September. The commission supervised its highest-ever proportion of complaints—15.7 per cent. The percentage of cases informally resolved continued to rise, with 18.3 per cent. in 1995 compared to 15.7 per cent., 10 per cent. and 7.6 per cent. in the previous three years.

The report shows that the commission and its staff had another busy year. I would like to record by my thanks to them for their continued dedication and commitment.

SOCIAL SECURITY

Upper Earnings Limit

Mr. Steinberg: To ask the Secretary of State for Social Security what plans there are to index link the upper earnings limit. [27385]

Mr. Heald: The upper earnings limit for class 1 national insurance contributions is, in effect, already index linked. Section 5(3) of the Social Security Contributions and Benefits Act 1992 links it to the weekly rate of the basic category A retirement pension, which is increased each year as part of the annual uprating of benefits. We have no plans to change these arrangements.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for Social Security what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27522]

Mr. Burt: I refer the hon. Member to the reply that I gave her on 27 November 1995, *Official Report*, column *512*.

Pensions

Ms Corston: To ask the Secretary of State for Social Security, pursuant to his answer of 14 March, *Official Report*, column *757*, what is the Government Actuary's assumption of the numbers of pensioners receiving and likely to receive a state earnings-related pension in 1994–95, 1995–96, 2000–01, 2010–11, 2020–21 and 2030–31. [26449]

Mr. Heald: The estimated number of recipients of the state-earnings-related pension was 4.2 million in 1994–95 rising to 4.6 million in 1995–96.

Estimates of the number of future recipients are not available.

Note: Figures are rounded to the nearest 0.1 million.

Source: The Government Actuary's Department.

Ms Corston: To ask the Secretary of State for Social Security, pursuant to his answer of 14 March, *Official Report*, column *757*, what was the estimated total cost of *(a)* flat rate retirement pensions and *(b)* state earnings-related pensions for the United Kingdom in 1995–96, in pounds sterling and as a percentage of gross domestic product; and what is the Government Actuary's estimate of these costs, allowing for the provisions of the Pensions Act 1995 in respect of pensionable ages for women, at 1995–96 prices, assuming (i) price uprating and (ii) earnings uprating of flat-rate benefits and the earnings limits in (1) 2000–1, (2) 2010–11, (3) 2020–21 and (4) 2030–31. [26452]

Mr. Heald: The information is not available in the format requested. The information given in the table is for Great Britain, but includes the cost of pensions paid to persons residing overseas.

The tables give the expenditure figures and the Government Actuary's estimates of future costs allowing for all the provisions of the 1995 Pensions Act.

Table 1: 1995–96 expenditure

	Total cost £ billion	*Percentage of GDP*
Basic pension	27.9	3.9
State earnings-related pension (SERPS)	2.3	0.3

Notes:
1. Expenditure figures are rounded to the nearest £0.1 billion and percentages are rounded to the nearest 0.1 per cent.
2. The underlying GDP figure is that shown for 1995–96 in table 6A.1 of the Financial Statement and Budget Report 1996-97.
Source:
Social Security Departmental Report, March 1996–Cm 3213.

Table 2: Basic pension: estimated future expenditure at 1995–96 prices

£ billion

	2000–1	*2010–11*	*2020–21*	*2030–31*
(i) Prices uprating	30.4	34.3	36.0	42.8
(ii) Earnings uprating	33.3	43.5	52.9	73.2

1. Costs are based on the assumptions underlying the Government Actuary's report on the effects of the Pensions Bill 1994 on the national insurance fund, Cm 2714.
2. Figures are rounded to the nearest £0.1 billion.

Table 3: SERPS: estimated future expenditure at 1995–96 prices

£ billion

	2000–1	*2010–11*	*2020–21*	*2030–31*
(i) prices uprating	4.3	8.6	11.1	12.3
(ii) earnings uprating of lower and upper earnings limits for SERPS accrual	4.2	8.5	10.9	11.8

1. Costs are based on the assumptions underlying the Government Actuary's report on the effects of the Pensions Bill 1994 on the national insurance fund, Cm 2714.
2. Figures are rounded to the nearest £0.1 billion.

SCOTLAND

Health Service Standards

2. **Dr. Reid:** To ask the Secretary of State for Scotland when he last met the chief executive of the Scottish national health service management executive to discuss standards of service; and if he will make a statement. [26050]

Lord James Douglas-Hamilton: I meet the Chief Executive of the NHS in Scotland regularly to discuss with him how further to improve health care for the people of Scotland.

16. **Mr. Chisholm:** To ask the Secretary of State for Scotland when he last met the chairmen of health boards to discuss NHS services. [26068]

Lord James Douglas-Hamilton: My right hon. Friend and I meet health board chairmen regularly to discuss matters of current interest.

Children (Safety)

17. **Mrs. Fyfe:** To ask the Secretary of State for Scotland what recent discussions he has held relating to the safety of children in organised groups. [26069]

Lord James Douglas-Hamilton: My hon. Friend the Minister for Education recently hosted an informal discussion with representatives of voluntary youth organisations and heard views about many topics, including child safety and youth work leaders.

Voluntary Organisations (Funding)

18. **Mrs. Ewing:** To ask the Secretary of State for Scotland when he last met with representatives of voluntary organisations to discuss funding allocations for the current financial year. [26070]

Lord James Douglas-Hamilton: Officials met the Scottish Council for Voluntary Organisations last week to discuss local government reorganisation. The discussions included funding issues.

School Conditions

19. **Mr. Connarty:** To ask the Secretary of State for Scotland when he last met representatives of the Convention of Scottish Local Authorities to discuss the conditions in Scottish schools. [26071]

Mr. Raymond S. Robertson: My right hon. Friend has met representatives of COSLA on four occasions recently, but conditions in schools were not among the topics raised.

Crime Statistics

20. **Mr. Galbraith:** To ask the Secretary of State for Scotland how many crimes were committed in 1980; and how many in the last year for which figures are available. [26072]

Lord James Douglas-Hamilton: Some 364,587 and 502,802 respectively.

Secondary School Expenditure

21. **Sir David Knox:** To ask the Secretary of State for Scotland how much was spent per pupil in secondary schools in Scotland in the most recent year for which figures are available; and what was the figure in 1978–79, at constant prices. [26073]

Mr. Raymond S. Robertson: Current expenditure per secondary pupil in 1993–94 was £2,846. That is 38 per cent. higher in real terms than in 1979.

NHS Finance

22. **Mr. Ernie Ross:** To ask the Secretary of State for Scotland when he last met the chairmen of health boards to discuss NHS finances. [26074]

Lord James Douglas-Hamilton: My right hon. Friend and I meet health board chairmen regularly to discuss a wide range of issues. The last meeting was on Friday 1 March.

Inward Investment

23. **Mr. Spring:** To ask the Secretary of State for Scotland what estimate he has made of the number of jobs which have been brought to Scotland by inward investors over the last 12 months. [26075]

Mr. Kynoch: The latest figures available are for 1994–95, when Locate in Scotland helped to attract to Scotland inward investment projects involving the planned creation or safeguarding of more than 12,300 jobs. Figures for 1995–96 will be published in the Locate in Scotland annual review in June.

Meat Processing Industry

24. **Mrs. Adams:** To ask the Secretary of State for Scotland what plans he has to meet the Scottish Trades Union Congress to discuss the current situation in the meat processing industry. [26076]

Mr. Raymond S. Robertson: My noble Friend the Under-Secretary of State with responsibility for agriculture, forestry and the environment addressed the STUC conference on the beef issue on 17 April.

Roads

25. **Mr. Gallie:** To ask the Secretary of State for Scotland when he estimates the new M8, M77 and A77 link will be completed; and if he will make a statement. [26077]

Lord James Douglas-Hamilton: Construction of the M77 Ayr road route, linking the M8/M77 and the A77, is proceeding to schedule and the road is expected to open to traffic in November 1996.

Highlands and Islands Transport Links

26. **Mr. Macdonald:** To ask the Secretary of State for Scotland what improvements he plans to transport links in the Highlands and Islands in the current financial year. [26078]

Lord James Douglas-Hamilton: In 1996–97 I have approved investment by Caledonian MacBrayne in a new minor vessel to provide the ferry service across the sound of Harris. I shall provide financial assistance for the improvement of harbour works connected with this service at Newton ferry, North Uist, and Leverburgh, Harris. I shall also be providing financial assistance for the construction of both the new ferry terminal in Stornoway harbour and for the improvement of the ferry berth at Ullapool harbour to provide new berthing facilities for the new major vessel operated by Caledonian MacBrayne on the Ullapool-Stornoway service. Highlands and Islands Airports Limited is pursuing the redevelopment of Inverness airport terminal under the private finance initiative.

The proposed causeway at Berneray is the responsibility of Western Isles Council. The council has received an offer of European regional development fund objective 1 funding of up to 50 per cent. of the estimated project cost. The project will also be considered for challenge funding in future years if and when the council submits an application to the Scottish Office.

Two major trunk road schemes are planned to start, to improve the A830 between Polnish bridge and Loch Nan Uamh and the A9 between Logie Easter and Garrick bridge. Almost £16 million has also been allocated for maintenance and minor improvements to the trunk road network.

Victoria Hospital, Glasgow

Mr. Watson: To ask the Secretary of State for Scotland what assessment he has made of the extent to which the prevention of an in-house bid in the competitive tendering process for support services in respect of Victoria hospital, Glasgow NHS trust complied with Government guidelines. [27052]

Lord James Douglas-Hamilton: The in-house service was not prevented from bidding for the contract for support services; it was free to bid for the contract on the same basis as commercial tenderers. In addition, the trust offered to fund independent external advice for any staff group who wished to mount a bid. The offer was not taken up and no in-house bid was made.

Scottish Banknotes

27. **Mr. David Evans:** To ask the Secretary of State for Scotland what plans he has for discussions in the EC about the future of Scottish banknotes. [26079]

Mr. Barry Field: To ask the Secretary of State for Scotland what discussions he has had about the future of Scottish banknotes. [26053]

Lord James Douglas-Hamilton: There is no change in the Government's policy of supporting the issue of banknotes by commercial banks in Scotland, which was so valiantly defended by Sir Walter Scott in the 19th century.

My right hon. Friend has no plans for discussions on Scottish banknotes in the European Community.

Beef

28. **Mr. Malcolm Bruce:** To ask the Secretary of State for Scotland when he next plans to visit Aberdeenshire to inspect the beef industry. [26080]

Mr. Raymond S. Robertson: My right hon. and hon. Friends have met farmers from many parts of Scotland, including Aberdeenshire, over the last few weeks and such contacts will continue.

Automated Finger Printing System

29. **Mr. Batiste:** To ask the Secretary of State for Scotland what assessment he has made of the benefits of the police automated finger printing system in combating crime in Scotland. [26081]

Lord James Douglas-Hamilton: Since 1992, the number of people identified from their fingerprints has quadrupled and the cost per search has been halved.

Unemployment

30. **Mr. John Marshall:** To ask the Secretary of State for Scotland if he will make a statement about unemployment in Scotland. [26082]

Mr. Kynoch: Unemployment has declined by 56,000 since December 1992 and in March 1996 was below 200,000 for the 10th consecutive month.

Scottish unemployment is well below the European Union average and less than in France, Spain and Italy.

Scottish Enterprise

31. **Mr. Salmond:** To ask the Secretary of State for Scotland when he next intends to meet representatives of Scottish Enterprise to discuss trends in the Scottish economy; and if he will make a statement. [26083]

Mr. Kynoch: My right hon. Friend expects to meet the chairman of Scottish Enterprise this month.

Scottish Economic Council

34. **Ms Roseanna Cunningham:** To ask the Secretary of State for Scotland when he last met the Scottish Economic Council to discuss employment in Scotland. [26086]

Mr. Kynoch: On Friday 22 March 1996.

Beaufort's Dyke

33. **Dr. Godman:** To ask the Secretary of State for Scotland what proposals he has for further surveys to be conducted at and around the Beaufort's Dyke area. [26085]

Mr. Raymond S. Robertson: Further surveys of the Beaufort's Dyke area will be conducted from 26 April to 17 May; and from 19 to 29 July. The results of these surveys will be published.

35. **Mr. Foulkes:** To ask the Secretary of State for Scotland what representations he has received regarding the further survey of the Beaufort's Dyke area. [26087]

Mr. Robertson: Apart from the hon. Gentleman, representations have been received from the hon. Member for Greenock and Port Glasgow (Dr. Godman).

Bible John Case

Mr. McFall: To ask the Secretary of State for Scotland if the Crown Office has received a report from Strathclyde police subsequent to the DNA testing of the exhumed body associated with the Bible John case. [27567]

Lord James Douglas-Hamilton: My noble and learned Friend the Lord Advocate informs me that Strathclyde police have kept the regional procurator fiscal at Glasgow informed of progress in respect of forensic tests being carried out on their behalf. Strathclyde police are unable to forecast when the results of the tests will be available, but will report them to the regional procurator fiscal as soon as they are.

Examination Results

32. **Mr. Harry Greenway:** To ask the Secretary of State for Scotland how many pupils passed standard grades last year in number and as a percentage of the population; what were the equivalent figures (i) five, (ii) 10 and (iii) 20 years ago; and if he will make a statement. [26084]

Mr. Raymond S. Robertson: The available information is given in the table:

Exam year	*Number of pupils in cohort*	*S4 candidates awarded one or more standard/ordinary grades (at 1–3/A–C)*		*S4 candidates awarded one or more standard/ordinary grades (at 1–6/A–E)*	
		Number	*Percentages*[1]	*Number*	*Percentages*[1]
1975	90,100	51,727	57.4	—	—
1985	84,300	55,231	65.5	—	—
1990	66,200	45,899	69.4	57,708	87.2
1995[2]	64,000	52,594	82.2	61,132	95.5

— Comparable data not available.
[1] Percentage of pupils who were in cohort at S1.
[2] Provisional.

These figures show a substantial growth in numbers gaining nationally recognised qualifications. Standard grade courses are designed to meet the needs of pupils of all abilities. Achievement is measured against clearly stated standards.

Education Institute of Scotland

Mr. Chisholm: To ask the Secretary of State for Scotland how many Education Institute of Scotland funding campaign postcards he received after 24 February. [27349]

Mr. Raymond S. Robertson: A total of 12,024.

Lockerbie

Mr. Dalyell: To ask the Secretary of State for Scotland if he will make a statement on progress in respect of the prosecution of those responsible for blowing up PA103 over Lockerbie. [26163]

Lord James Douglas-Hamilton: It is now almost four and a half years since demands were made of the Libyan Government for surrender of the two Libyan accused for trial in Scotland or the United States of America. These demands have been endorsed by the United Nations Security Council, It is a matter of regret that the Libyan Government have thus far not complied with these demands, but the resolution of this matter lies in their hands.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for Scotland what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27523]

Lord James Douglas-Hamilton: I refer the hon. Member to my answer of 28 November 1995 at column *589* to her similar question relating to 1994–95. Our financial and procurement systems in use in 1995–96 had no facility for categorising suppliers according to the size of their business. We are currently implementing a new system which we intend to use to help us to provide the information requested in future years.

AGRICULTURE, FISHERIES AND FOOD

Specified Bovine Offal

Mr. Heppell: To ask the Minister of Agriculture, Fisheries and Food how many prosecutions have been taken out by his Department *(a)* for abuses of the specified bovine offal regulations and *(b)* against animal feed manufacturers for not conforming to the animal feed ban in each year since 1989. [26480]

Mrs. Browning: At 8 March 1996, there were 2,827 local veterinary inspectors appointed to inspect and certify farm animals for export. Of these, 50 were appointed between 1 January 1995 and 8 March 1996. Their names will not be disclosed under paragraph 4g of part II of the code of practice on access to Government information.

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food what recent reports he has received from the State Veterinary Service concerning mishandling of specified bovine offals in slaughterhouses. [26419]

Mrs. Browning: I refer the hon. Member to the answer given to the hon. Member for High Peak (Mr. Hendry) on 30 April 1996.

Mr. Prentice: To ask the Minister of Agriculture, Fisheries and Food how many prosecutions have been taken out by his Department *(a)* for abuses of the specified bovine offal regulations and *(b)* against animal feed manufacturers for not conforming to the animal feed ban in each year since 1989. [26480]

Mrs. Browning: There is currently one case before the courts for non-compliance with the regulations on specified bovine offals. A number of other cases are under investigation.

There have been no prosecutions by this Department against animal feed manufacturers for not complying with the ruminant protein feed ban.

Live Animal Exports

Mr. Heppell: To ask the Minister of Agriculture, Fisheries and Food how many animals were exported from the United Kingdom in 1995 *(a)* with a further fattening export certificate and *(b)* with a for slaughter certificate. [26442]

Mrs. Browning: The first table shows the numbers of farm animals, by species, certified for export from Great Britain to other member states in 1995 with further fattening and slaughter export certificates respectively. The figures are collated from the ANIMO system. They remain provisional and subject to amendment.

The second table gives details of exports from Northern Ireland to other member states in 1995. The statistical records used to obtain the information do not enable the numbers of breeding certificates and further fattening certificates issued to be separately identified.

Numbers of animals certified for export from GB in 1995 with further fattening or slaughter certification

	Further fattening	*Slaughter*
Cattle	347,450	0
Sheep	976,010	89,430
Goats	0	6
Pigs	790	900
Poultry	[1]6,383,640	217,000

[1] Comprises poultry certified as breeding and production; and as day-old chicks.

Numbers of animals certified for export from Northern Ireland in 1995 with breeding/further fattening or slaughter certification

	Breeding/further fattening	*Slaughter*
Cattle	7,880	1,150
Sheep	370	0
Goats	0	0
Pigs	2,240	230
Poultry	[1]5,617,000	10,860

[1] Comprises poultry certified as breeding and production; and as day-old chicks.

Scrapie

Mr. Cohen: To ask the Minister of Agriculture, Fisheries and Food what information his Department has evaluated on the persistence of scrapie on lands used for the grazing of sheep. [24421]

Mrs. Browning: No studies have been carried out on the persistence of scrapie on lands used for the grazing of sheep. On-going epidemiological studies into scrapie may, however, throw some light on the mechanism of infection. A paper by Wisniewski and others entitled "Mites as vectors for scrapie" which was published in *The Lancet* on 20 April is currently being evaluated.

Bovine Spongiform Encephalopathy

Dr. Strang: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his oral statement of 20 March, *Official Report*, columns *387–96*, on what day he was advised of the new evidence regarding a possible link between BSE and Creutzfeldt Jakob disease. [24704]

Mrs. Browning: I refer the hon. Member to the answer given to the hon. Member for Portsmouth, South (Mr. Martin) on 29 April 1996, *Official Report*, column *409*.

Mr. Flynn: To ask the Minister of Agriculture, Fisheries and Food on what date he was first informed of the link between BSE and the new strain of CJD. [24833]

Mrs. Browning *[holding answer 16 April 1996]:* I refer the hon. Member to the answer given to the hon. Member for Portsmouth, South (Mr. Martin) on 29 April 1996, *Official Report,* column *409.*

Mr. Colvin: To ask the Minster of Agriculture, Fisheries and Food what liaison there has been between his Ministry and the US National Institutes of Health in Bethesda, Maryland on research into BSE and CJD. [24905]

Mrs. Browning: UK officials have frequent contact with US officials by letter, phone and by personal contact at international meetings. This has extended to the provision of research materials and information when requested.

Mr. Home Robertson: To ask the Minister of Agriculture, Fisheries and Food if he will make an exemption from the rule on the destruction of the carcases of cattle over the age of 30 months for highland cattle and other slow-maturing native breeds from herds where there is no history of BSE. [25177]

Mrs. Browning *[holding answer 16 April 1996]:* Officials are working on a scheme under which animals which can safely be identified as low risk may be sold for human consumption. I hope to issue a consultation paper very shortly.

Dr. Strang: To ask the Minister of Agriculture, Fisheries and Food if he will list all projects related to spongiform encephalopathies that receive funding from Government, or are under consideration for funding; and if he will give the start date and proposed end date for each project. [23198]

Mrs. Browning *[holding answer 28 March 1996]:* The attached table shows both the projects that currently receive funding by MAFF, that are related to spongiform encephalopathies. Research funded by the Biotechnology and Biological Sciences Research Council, the Medical Research Council and the Department of Health may also be relevant.

Current diagnosis research on TSEs

Project code	*Project title*	*Start date*	*End date 1996–97*	*Total costs*	*Project status*
SE1409	Development of an antemortem test for BSE and natural scrapie inflection through the detection of abnormal deposits of PrP	1 April 1994	31 March 1998	341,312	4
SE1411	Further analysis of nucleic acid differences between control and scrapie/BSE infected animals	1 April 1994	31 March 1998	125,532	4
SE1705	Electrophoretic analysis of body fluids to identify diagnostic markers in BSE and scrapie	1 April 1992	31 March 1996	28,300	4
SE1707	Sensitivity studies of fibril detection techniques used in Electron Microscopy for the diagnosis of scrapie	1 April 1991	31 March 1997	42,176	4
SE1723	Production of polyclonal antiaera to highly purified bovine PrP scrapie	1 April 1995	31 March 1996	—	4
SE1724	Biochemical changes in the spongiform encephalopathies	1 April 1995	31 March 1996	—	4
SE1727	Identification of putative NA components of the etiologic agent of the transmissible spongiform encephalopathies	1 June 1995	31 May 1996	34,658	4
SE1728	Production and properties of PrP: EC IVch framework collaboration	1 April 1996	31 March 1999	92,493	4
SE1730	Electrophoretic analysis of body fluids to identify disease-specific proteins in ruminant spongiform encephalopathy	1 April 1996	31 March 1999	151,530	0
SE1731	Production of polyclonal antisera to highly purified bovine PrP scrapie (was SE1723)	1 April 1996	31 March 1997	167,022	5
SE1732	Collaboration agreement with Electrophoretics International to develop ZDE techniques for the diagnosis of BSE	22 December 1995	31 December 1996	0	4
SE1917	Scrapie infection of sheep neural and extraneural cell lines	1 January 1994	31 December 1996	33,920	4
SE1922	Studies of the sensitivity and specificity of methods of PrP scrapie detection in animal TSEs	1 April 1995	31 March 1998	153,591	4
Total					1,170,924

Thirteen records listed.

Mr. Welsh: To ask the Minister of Agriculture, Fisheries and Food what sums his Department has allocated to research into the preparation of a live test for BSE; and if he will make a statement on the conclusions of that research. [23361]

Dr. Strang: To ask the Minister of Agriculture, Fisheries and Food if he will list the projects that receive funding from Government, or are under consideration for funding, that are related to establishing a live identification test for spongiform encephalopathies; and if he will give the start date and proposed end date for each project. [23197]

Mrs. Browning *[holding answer 28 March 1996]:* The attached table shows both the projects that currently receive funding and the projects that are currently being considered for funding by MAFF, that are related to establishing a live test for spongiform encephalopathies. The list also shows the cost of the research. Some research funded by the BBSRC may also be relevant; details can be provided by the Office of Science and Technology.

Current diagnosis research on TSEs

Project code	*Project title*	*Start date*	*End date 1996–97*	*Total costs*	*Project status*
SE1409	Development of an antemortem test for BSE and natural scrapie inflection through the detection of abnormal deposits of PrP	1 April 1994	31 March 1998	341,312	4
SE1411	Further analysis of nucleic acid differences between control and scrapie/BSE infected animals	1 April 1994	31 March 1998	125,532	4
SE1705	Electrophoretic analysis of body fluids to identify diagnostic markers in BSE and scrapie	1 April 1992	31 March 1996	28,300	4
SE1707	Sensitivity studies of fibril detection techniques used in Electron Microscopy for the diagnosis of scrapie	1 April 1991	31 March 1997	42,176	4
SE1723	Production of polyclonal antiaers to highly purified bovine PrP scrapie	1 April 1995	31 March 1996	—	4
SE1724	Biochemical changes in the spongiform encephalopathies	1 April 1995	31 March 1996	—	4
SE1727	Identification of putative NA components of the etiologic agent of the transmissible spongiform encephalopathies	1 June 1995	31 May 1996	34,658	4
SE1728	Production and properties of PrP: EC IVth framework collaboration	1 April 1996	31 March 1999	92,493	4
SE1730	Electrophoretic analysis of body fluids to identify disease-specific proteins in ruminant spongiform encephalopathy	1 April 1996	31 March 1999	151,520	0
SE1731	Production of polyclonal antisera to highly purified bovine PrP scrapie (was SE1723)	1 April 1996	31 March 1997	167,022	5
SE1732	Collaboration agreement with Electrophoretics International to develop ZDE techniques for the diagnosis of BSE	22 December 1995	31 December 1996	0	4
SE1917	Scrapie infection of sheep neural and extraneural cell lines	1 January 1994	31 December 1996	33,920	4
SE1922	Studies of the sensitivity and specificity of methods of PrP scrapie detection in animal TSEs	1 April 1995	31 March 1998	153,591	4
Total					1,170,924

Thirteen records listed.

Mr. Thurnham: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of *(a)* the incidence and *(b)* the causes of BSE otherwise than in the United Kingdom. [23535]

Mr. Cohen: To ask the Minister of Agriculture, Fisheries and Food what is the number of cases of BSE reported in each of the states of the European Union to the most recent available date. [24415]

Mrs. Browning: I refer the hon. Members to the answer I gave to the hon. Members for Edinburgh, East (Mr. Strang) and for Angus, East (Mr. Welsh) on 29 April 1996, *Official Report*, column *408*.

We have no reason to believe that BSE in other countries is caused by any other reason that the feeding of infected animal feedingstuffs.

Mr. Marlow: To ask the Minister of Agriculture, Fisheries and Food in which EU countries in which specified bovine offals are not removed from the carcase there have been cases of BSE within the last 12 months. [25860]

Mrs. Browning *[holding answer 19 April 1996]:* Cases of BSE have been recorded in France, Portugal, the Republic of Ireland and the United Kingdom in the last 12 months.

According to our information, the only member states which apply SBO controls are Portugal, France, Belgium and the United Kingdom. Further information on the SBO controls in place in these member states was given in my reply to my hon. Friend the Member for Salisbury (Mr. Key) on 29 April 1996, *Official Report*, columns *413–14*.

Ms Quin: To ask the Minister of Agriculture, Fisheries and Food how many cases of BSE there have been in *(a)* France and *(b)* Switzerland; and in how many of those cases the cause has been attributed to animal feed imported from the United Kingdom. [26022]

Mrs. Browning *[holding answer 23 April 1996]:* As at 29 April, 20 cases of BSE have been recorded in France and 210 cases in Switzerland.

We have no information to suggest that any of these cases were caused by the consumption of animal feed imported from the United Kingdom; however, this possibility cannot be discounted.

Beef Exports (EC Ban)

Mr. Lidington: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement about the treaty basis on which the European Commission purports to exercise the power to impose a world-wide ban on the export of British beef. [23455]

Mrs. Browning *[holding answer 29 March 1996]:* The ban has been imposed on the basis of EC directives 90/425/EEC—in particular, article 10(4)—and 89/662/EEC—in particular, article 9—governing intra-community veterinary checks. These directives are based on article 43 of the treaty of Rome.

Mr. Cohen: To ask the Minister of Agriculture, Fisheries and Food what is the total number of cases of BSE reported in the United Kingdom in each county or equivalent local authority area. [24416]

Mrs. Browning: Attached are tables showing the total number of confirmed BSE cases in the United Kingdom by county since November 1986, as at 12 April 1996.

BSE county summary (Great Britain); week ending Friday 12 April 1996
Total number of cases confirmed since November 1986

Region	County	Cases
Northern	Cleveland	221
	Cumbria	5,029
	Durham	785
	Humberside	875
	Northumberland	1,088
	Tyne and Wear	52
	Yorkshire north	6,914
	Yorkshire south	681
	Yorkshire west	999
Total		16,644
Midlands and Western	Cheshire	6,456
	Derbyshire	3,807
	Hereford and Worcester	2,678
	Lancashire	5,295
	Leicestershire	3,175
	Manchester	194
	Merseyside	125
	Nottinghamshire	965
	Shropshire	3,960
	Staffordshire	4,094
	West Midlands	123
	Warwickshire	1,549
Total		32,421
Eastern	Bedfordshire	453
	Cambridgeshire	504
	Essex	873
	Hertfordshire	686
	Lincolnshire	1,176
	Norfolk	3,984
	Northamptonshire	1,327
	Suffolk	1,982
Total		10,985
South west	Avon	2,975
	Cornwall	9,898
	Devon	13,966
	Dorset	9,407
	Gloucestershire	3,246
	Scilly Isles	1
	Somerset	12,407
	Wiltshire	7,019
Total		58,919
South east	Berkshire	828
	Buckinghamshire	1,388
	Hampshire	3,880
	Isle of Wight	795
	Kent	2,137
	London	139
	Oxfordshire	2,226
	Surrey	1,245
	Sussex east	1,882
	Sussex west	3,229
Total		17,749
Wales	Clwyd	2,472
	Dyfed	7,735
	Glamorgan mid	250
	Glamorgan south	426
	Glamorgan west	117
	Gwent	1,104
	Gwynedd	686
	Powys	2,292
Total		15,082
Scotland-south	Borders	504
	Central	222
	Dumfries	2,262
	Lothian	212
	Strathclyde	1,816
Scotland-north	Fife	334
	Grampian	1,323
	Highland	328
	Orkney	96
	Shetland	10
	Tayside	565
	Western Isles	1
Scottish total		7,673
Overall total for Great Britain		159,473

Cases confirmed in a particular month will have a date of clinical onset of disease and date of report prior to that month. In addition, in counties where incidence is low, the number of confirmed cases may show a reduction when purchased cases are reallocated to other premises in a different county.

Northern Ireland county summary: week ending 12 April 1996
Total number of cases confirmed since 29 November 1988

County	Cases
Antrim	466
Armagh	120
Down	305
Fermanagh	151
Londonderry	308
Tyrone	348

Animal Imports (Rabies)

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food if he will list the quarantine kennels licensed by MAFF to accept animals imported into the United Kingdom. [26739]

Mrs. Browning *[holding answer 25 April 1996]:* At present, there are 80 quarantine kennels authorised to operate in the UK. These are listed in the information pack issued to those who intend to import rabies-susceptible animals into this country. I have placed a copy in the Library of the House.

Sir Cranley Onslow: To ask the Minister of Agriculture, Fisheries and Food how many *(a)* dogs, *(b)* cats and *(c)* other rabies-susceptible animals were imported into the United Kingdom under licence in 1995. [26882]

Mrs. Browning: Information on the number of animals actually imported during the whole of 1995 is not available. It is possible to provide information only on the number of animals for which licences have been issued

permitting their import during this period. For 1995, the figures for licensed animals were: 5,394 dogs, 4,126 cats and 81,054 other rabies-susceptible mammals.

Maize-derived Glucose

Mr. Wilson: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the effect of reforms in the common agricultural policy on *(a)* EU self-sufficiency in maize and *(b)* the market price of maize-derived glucose. [27110]

Mr. Baldry: When account is taken of year-on-year variations in area, yield and consumption, the effect of reform of the common agricultural policy on EU self-sufficiency in maize, which remains around 100 per cent. has been largely neutral.

The Department does not have independent price data on glucose and at present there is no simple and reliable way of distinguishing between glucose made from maize and glucose made from other raw materials such as wheat.

Mr. Wilson: To ask the Minister of Agriculture, Fisheries and Food what steps he is taking to alleviate the impact of increases in the price of maize-derived glucose produced in European Union countries on the British pharmaceutical industry; and if he will make a statement. [27111]

Mr. Baldry: With maize, as with other cereals, the Government's aim remains the progressive reduction of institutional price support, thereby removing one of the main factors leading to distortion between EU and world market prices for this raw material. In the short term, however, the Government are continuing to do all they can to ensure that the EU Commission operates the mechanisms designed to compensate EU starch and glucose users for the higher cost of their raw materials by comparison with those of their third country competitors in a fair and equitable manner.

Cattle (Slaughter in Abattoirs)

Dr Strang: To ask the Minister of Agriculture, Fisheries and Food if those cattle aged over 30 months which are now ineligible for human consumption will be slaughtered in abattoirs which also kill livestock for human consumption; and if he will make a statement on the detailed arrangements for the implementation of the 30-month rule, describing the responsibilities of farmers, livestock markets, slaughterhouses, rendering plans and other parties. [27234]

Mrs. Browning *[holding answer 29 April 1996]:* Cattle aged over 30 months may be slaughtered in abattoirs which also kill livestock for human consumption. The rules governing the 30-month scheme require that no cattle destined for human consumption may be present when animals are being slaughtered under the scheme. In addition, if any scheme animals need to be held in lairage, they must be kept separate from animals destined for human consumption and products from scheme animals must be stored separately from meat or other products for human or animal consumption. In practice, this means that abattoirs participating in the scheme must agree to designate whole days (at least one) to the slaughter of animals under the scheme.

The detailed arrangements for the scheme are still being finalised.

Turkey Farming

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food what recent representations he has received about turkey farming. [27452]

Mrs. Browning *[holding answer 30 April 1996]:* Some of the numerous representations we receive on farm animal welfare have related to the welfare of intensively farmed turkeys.

Mr. Morley: To ask the Minister of Agriculture, Fisheries and Food if he will commission an inquiry into the welfare of intensively farmed turkeys. [27453]

Mrs. Browning *[holding answer 30 April 1996]:* The Farm Animal Welfare Council has recently conducted a review of the welfare of all farmed turkeys. Its report was published in 1995 and the Government response is currently in preparation.

Slaughterhouse Waste

Mr. Cohen: To ask the Minister of Agriculture, Fisheries and Food what study has been made of the safety of disposing of fifth quarter material from abattoirs on to land in use for agriculture; and if he will make a statement. [25713]

Mrs. Browning: I refer my hon. Friend to the answer to the hon. Member for Sheffield, Hillsborough (Mrs. Jackson) on 16 April, *Official Report*, column *466*.

Mrs. Helen Jackson: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 16 April, *Official Report*, column *466*, on research to provide guidelines on the landspreading of industrial wastes, *(a)* who has been commissioned to carry out the research and *(b)* when the results of the research will be published. [27455]

Mrs. Browning: The Ministry, together with the Department of the Environment and the Environment Agency, has commissioned the Water Research Centre and ADAS—an executive agency of MAFF—to conduct the aforementioned research on the landspreading of industrial wastes. Findings from the research are expected later this year and will be used as the basis for drafting guidance to regulators, waste operators, farmers and the public. The draft guidance will be subject to public consultation.

Fish Oil

Mr. Dafis: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the effectiveness of controls on the manufacture of fish oil and associated products from depleted fish stocks; what plans he has to enhance their effectiveness; and if he will make a statement. [27552]

Mr. Baldry: Measures taken to protect depleted fish stocks focus primarily on limiting catches of the fish in the first place rather than the use to which they are put once landed.

Written Answers to Questions

Thursday 2 May 1996

DUCHY OF LANCASTER

Risk Assessments

Mr. Lidington: To ask the Chancellor of the Duchy of Lancaster if he will set out the arrangements for Departments to carry out risk assessments on new regulatory proposals. [28165]

Mr. Freeman: I am today publishing a new guidance booklet on regulatory appraisal incorporating risk assessment and am arranging for copies to be placed in the House Library. The new guide requires risk assessments to be carried out on all proposed regulations affecting business. As part of the regulatory appraisal procedure set out in the guide, Ministers will have to receive a risk assessment before deciding whether to introduce new regulations. Ministers must personally certify that they have read both the risk assessment and a compliance cost assessment in order to satisfy themselves that the benefits of the regulation justify its costs.

DEFENCE

Private Finance Initiative

Ms Janet Anderson: To ask the Secretary of State for Defence if he will list the revenue spending estimated by his Department in connection with the private financial initiative for *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [26625]

Mr. Arbuthnot: Spending by my Department on private finance initiative projects is predicted to be in the order of £10 million in 1996–97 and £20 million in 1997–98. No expenditure was incurred in 1995–96. This does not include staff costs and other departmental overheads associated with PFI projects.

Chemical and Biological Defence Establishment

Dr. David Clark: To ask the Secretary of State for Defence what research has been carried out by the Chemical and Biological Defence Establishment at Porton Down since 1990 into the cocktail of anti-nerve agents given to British Gulf war soldiers. [27647]

Mr. Arbuthnot: This is a matter for the Defence Evaluation and Research Agency under its framework document. I have asked the chief executive to write to the hon. Member.

Letter from John Chisholm to Dr. David Clark, dated 2 May 1996:

The Secretary of State has asked me to reply to your question asking about research at the Chemical and Biological Defence Establishment at Porton Down since 1990 into the cocktail of anti-nerve agents given to British Gulf War soldiers. The Chemical & Biological Sector at Porton Down is now part of the Protection and Life Sciences Division of Defence Evaluation and Research Agency (DERA) of which I am the Chief Executive.

The only anti-nerve agent drug given to British service personnel during the Gulf conflict was the nerve agent pre-treatment set (NAPS) containing pyridostigmine. This was administered as a pre-treatment to minimise the impact of exposure to nerve agents.

In addition to the pre-treatment the post-poisoning therapy contained in self injector devices (Combopers) was issued to service personnel but was not administered. This therapy contains the drugs atropine, pralidoxime mesylate and Avizafone. The auto-injector is designed to be administered by the soldier himself or a comrade in the event that the individual shows the signs and symptoms of nerve agent poisoning.

Since 1990 the Chemical and Biological Defence Sector at Porton Down has carried out research involving the use of in-service medical countermeasures for nerve agent poisoning in two main areas. A study has been conducted in human volunteers to investigate single fibre electro myography (SFEMG) during and following the administration of pyridostigmine for a period of eight weeks. The individuals involved took NAPS tablets as directed at 8 hourly intervals for 8 weeks. These studies showed a very small change in the SFEMG during the administration which had no clinical significance. The SFEMG returned to the values determined prior to taking the NAPS tablets within seven days of termination of the administration of NAPS.

In the second type of study CBD Sector has placed extra mural research contracts with the Universities of Aston and Birmingham. The work has involved fundamental studies on antichloline sterases and included an examination of the effects of pyridostigmine. The work was conducted using rodent models and all the results will be reported in the open literature.

In addition to these two areas of work the in-service medical countermeasures have been used in animal studies as a positive control in the research being carried out to develop improved medical countermeasures against nerve agent poisoning.

I hope this information is helpful.

Gulf War Syndrome

Mr. Alfred Morris: To ask the Secretary of State for Defence what study his Department has made of the findings of recent research in the United States into the relationship between the multiple prescribing and use of drugs and subsequent unexplained illnesses among service men and women who served in the Gulf war; what further action he is taking; and if he will make a statement. [26895]

Mr. Soames: The research relating to possible interaction between drugs and chemicals used in the Gulf war, undertaken by Duke university, North Carolina, has not yet been published. The research team's report on its findings will be carefully considered by my Department when it becomes available.

"Statement on the Defence Estimates"

Dr. David Clark: To ask the Secretary of State for Defence when he plans to publish the "Statement on the Defence Estimates 1996". [27648]

Mr. Soames: The 1996 "Statement on the Defence Estimates", Cm 3223, was published yesterday.

Soviet Submarines

Dr. David Clark: To ask the Secretary of State for Defence what records his Department holds of the Soviet November class submarine carrying nuclear missiles which sank near Land's End in 1970; what measures his Department has taken to monitor the state of the missiles; what assessment he has made of the risks of radiation escaping from the submarine; and if he will make a statement. [27663]

Mr. Soames: The Soviet November class submarine lost in international waters outside the western approaches, on 12 April 1970, sank in deep water. It is assessed that the risk of radiation escaping from the submarine is minimal, and results from the Ministry of Agriculture, Fisheries and Food's monitoring programme have shown no indication of contamination from this accident.

Dr. Clark: To ask the Secretary of State for Defence what records his Department maintains of Soviet Union submarines which have sunk off the British coast over the last 30 years. [27662]

Mr. Soames: No Soviet Union submarines have sunk near the British coast.

Mr. Foulkes: To ask the Secretary of State for Defence what reports he has evaluated about the Soviet November class submarine which sank in the western approaches to the United Kingdom on 12 April 1970; what action he has taken in relation to safety of naval vessels sailing in the vicinity; what representations have been made to the Soviet and Russian authorities in relation to compensation; what further action he proposes to take to protect United Kingdom interests; and if he will make a statement. [26708]

Mr. Soames *[holding answer 25 April 1996]:* The Soviet November class submarine lost in international waters outside the western approaches on 12 April 1970 sank in deep water and is not considered to be a hazard to vessels. This tragic loss is not a basis upon which compensation has been sought from Soviet or Russian authorities. It is assessed that the risk of radiation escaping from the submarine is minimal, and results from the Ministry of Agriculture, Fisheries and Food monitoring programme have shown no indication of contamination from this accident.

Territorial Army

Dr. David Clark: To ask the Secretary of State for Defence how many training days per year members of the Territorial Army have to serve in order to received their annual bounty. [27651]

Mr. Soames: Most members of the Territorial Army are required to complete 15 days camp training and 12 days out-of-camp training to qualify for bounty. Members of specialist units which recruit nationwide, and of certain pools of manpower, must complete 15 days camp training and four days out-of-camp training. A lower training obligation is available, with the consent of the commanding officer, to individuals whose personal or employment circumstances make it difficult for them to meet the full obligation. Special rules apply to the officers training corps and in certain other cases.

Dr. Clark: To ask the Secretary of State for Defence how much call-out gratuity will be paid to members of the Territorial Army on their return from Bosnia. [27655]

Mr. Soames: No call-out gratuity will be paid to members of the Territorial Army on their return from Bosnia. Call-out gratuity is a lump sum of £345 which is paid on mobilisation to every reservist called out for service in support of operations in Bosnia.

Dr. Clark: To ask the Secretary of State for Defence how many members of the Territorial Army called up for service in Bosnia in 1995 had not completed their annual training quota at the time of the call-up; if those personnel who had not yet completed their annual training quota were eligible for their annual bounty; and if he will make a statement. [27650]

Mr. Soames: Information on the level of training undertaken by each member of the Territorial Army before his or her call out in support of the peace implementation force is not immediately available. However, it is believed that the great majority would have attend annual camp, and that many would also have completed the required out of camp training. Those who had not done so were not eligible for bounty, as is explicitly provided in TA regulations.

Dr. Clark: To ask the Secretary of State for Defence if service on operational duties for members of the Territorial Army called up for service in Bosnia qualifies in lieu of the annual quota of training days required for an annual bounty; and if he will make a statement. [27652]

Mr. Soames: Reservists called out for permanent service receive pay at the full regular rate. Under current regulations, such service does not count towards annual bounty, which is earned through attendance at training. however, it has been agreed that members of the Territorial Army may count a period of called-out service in support of the peace implementation force in Bosnia in lieu of annual camp in the current training year or, in certain circumstances, the next one. It will be necessary for individuals to complete the remainder of their annual training before they qualify for bounty. These circumstances are being taken into account as the rules governing the payment of bounty are reviewed in the light of changes to be introduced by the Reserve Forces Bill.

Dr. Clark: To ask the Secretary of State for Defence if members of the Territorial Army called up for service in Bosnia will be required.to relinquish their service kit on completion of their service; what provisions have been made to ensure that they have civilian clothes to change into and travelling bags; and if he will make a statement. [27654]

Mr. Soames: Members of the Territorial Army returning from Bosnia on completion of their period of permanent service will be required, at the demobilisation centre, to hand in all extra items of clothing and equipment issued to them specifically for service in Bosnia. They will retain their standard kit for future use when training with their unit. On mobilisation, reservists were instructed to pack a set of civilian clothes, and they will be available to be worn after demobilisation. All reservists will be permitted to retain their travelling bags in order to carry their belongings home.

Atomic Weapons Establishment, Llanishen

Mr. Morgan: To ask the Secretary of State for Defence, pursuant to his answer of 29 April, *Official Report*, column *397*, if he will give his current estimate of the time to be taken in thoroughly decommissioning the AWE Llanishen site; when the process is due to start; and if he will make a statement. [27827]

Mr. Arbuthnot: The process will start once current activities have ceased at the Llanishen site in 1997. The work will be undertaken in a careful and progressive manner and in conformity with all relevant guidelines and legislation and the requirements of the regulatory bodies. It is impossible to be precise as to duration, but the whole process will inevitably take some years.

Departmental Data

Dr. David Clark: To ask the Secretary of State for Defence if the police and security databases held by his Department have changed their procedures as a result of investigations by the Data Protection Registrar. [27656]

Mr. Soames: No changes have been made to procedures followed by the military police and security forces in the use of their databases as the result of investigations by the Data Protection Registrar. My Department will be glad to receive and comply with any advice proffered as the result of this or any other investigation.

Dr. Clark: To ask the Secretary of State for Defence what advice he has received from the Data Protection Registrar concerning his Department's handling of data under the Data Protection Act 1988. [27657]

Mr. Soames: The Office of the Data Protection Registrar has yet to advise MOD of the findings of its investigation which concluded in August 1995. As of 1 May 1996, no advice other than that which has been specifically requested by the MOD Data Protection Office to meet particular circumstances has been received from the Office of the Data Protection Registrar.

Joint Service Command and Staff College

Mr. Anthony Coombs: To ask the Secretary of State for Defence what was the outcome of the consultation process regarding the interim arrangements for the Joint Service Command and Staff college; and if he will make a statement. [28292]

Mr. Soames: The consultation process on the interim arrangements for the Joint Service command and Staff college has been completed. A number of responses have been received, but none raised any new or major issues that might call the proposals into question. Those issues that were raised will be taken carefully into account in future work.

This work remains on schedule for the new Joint Service Command and Staff college to open at Bracknell in September 1997 and immediate next steps include formal planning consultation with the local authority. In the longer term it remains our intention to dispose of the Bracknell site by the end of 1999, by which time the new college should be well established at its permanent site.

PRIME MINISTER

Engagements

Sir Peter Tapsell: To ask the Prime Minister if he will list his official engagements for Thursday 2 May. [26609]

Mr. Harry Greenway: To ask the Prime Minister if he will list his official engagements for Thursday 2 May. [26610]

The Prime Minister: This morning, I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

TRANSPORT

Railway Lands (London)

Mr. Gordon Prentice: To ask the Secretary of State for Transport what estimate he has made of the development value of the railway lands at King's Cross and Stratford which have been transferred to London and Continental and are not required for the channel tunnel rail link. [27860]

Mr. Watts: I refer the hon. Member to the answers I gave him on 14 March, *Official Report*, columns *720* and *721*.

Railtrack

Mr. Austin Mitchell: To ask the Secretary of State for Transport if Railtrack shares left with the Government qualify for the special dividend payable from this year's profits. [27816]

Mr. Watts: Any Railtrack shares still held by the Government as at 4 September 1996 will qualify for the final dividend of 13.75p share in respect of the year ended 31 March 1996.

Mr. Mitchell: To ask the Secretary of State for Transport (1) if he will list the bodies who have audited costs and liabilities for the route structure of Railtrack; and to what extent each of these bodies will be held responsible for errors in these figures; [27820]

(2) what assessment *(a)* he and *(b)* his officials have made of the reports on maintenance costs of Railtrack from the Civil Engineering Design Group; [27818]

(3) if the estimates of maintenance costs commissioned from CEDG and Atkins were commissioned for inclusion in the Pathfinder prospectus; [27815]

(4) on what maintenance estimates the Atkins Comfort letter in the Railtrack Pathfinder prospectus was based; who supplied these figures; and what adjustments were made to them before Atkins issued its endorsement; [27819]

(5) if he approved the maintenance estimate for the rail structure quoted in the pathfinder prospectus; [27793]

(6) what communication he has had with W. S. Atkins about its estimate of the cost of maintenance of the rail network; and if he will publish the figures they supplied to his Department; [27798]

(7) if the cost estimates of maintenance for the rail network submitted by W. S. Atkins are those used in the Pathfinder Prospectus; [27822]

(8) what were the maintenance estimates for the Railtrack route structure, submitted by *(a)* CEDG and *(b)* Atkins; how many reports on these figures were submitted by Atkins; whether all the Atkins reports were submitted to the regulator; and what the range of figures was in the different reports; [27787]

(9) what were the 10 year maintenance costs for the railways estimated by *(a)* the Civil Engineering Design Group and *(b)* W. S. Atkins; [27823]

(10) what steps he has taken to verify the maintenance figures for the route structure operated by Railtrack as given in the Pathfinder prospectus; [27788]

(11) if his Department commissioned S. B. C. Warburg to check the maintenance estimates in the Pathfinder prospectus for the sale of Railtrack; [27803]

(12) how many reports on maintenance costs for Railtrack were submitted to his Department by W. S. Atkins; for what reasons none of them were quoted in the Pathfinder prospectus; and how many were submitted to the regulator; [27801]

(13) on what basis his Department concluded that the study of maintenance costs by W. S. Atkins is a more detailed and extensive survey than that produced by CEDG of York; [27794]

(14) what assessment he has made of the maintenance estimates in respect of the rail network from *(a)* Civil Engineering Design Group and *(b)* W. S. Atkins; and what checking procedures were adopted by his Department. [27821]

Mr. Watts: I understand that CEDG was commissioned to inform directors of Railtrack as to expected future costs of maintaining and renewing certain of it assets. CEDG's report to Railtrack was produced over a short time scale; was based on an extrapolation of a small sample; used less sophisticated analytical techniques than those subsequently used by W. S. Atkins; and was based on assumptions about asset lives which were not in accordance with prudent management of the assets concerned. Its cost estimates were inconsistent with historical spend in this area. The report was rejected by Railtrack and, having regard to the matters above and the superseding work of W. S. Atkins, its contents were not regarded as material or appropriate information for inclusion in the Railtrack prospectus.

W. S. Atkins, a firm of independent consultants, was subsequently engaged by Railtrack with the approval of my Department to report jointly to the Secretary of State and the directors of Railtrack and our respective financial advisers, to assist in the development of its asset maintenance plan—AMP—for track and route structures. This included an assessment of the policies, targets, bases and assumptions, methods and procedures used by Railtrack in arriving at the estimate of expenditure related to the AMP which is described in the prospectus. My Department received one report from W. S. Atkins which was the basis of W. S. Atkins' expert certificate set out in the prospectus. The report was not submitted to the Rail Regulator although in his conclusions on the future level of access charges he allowed Railtrack sufficient income form its charges to enable it to maintain the existing capability of the rail network having regard to projections of Railtrack's future expenditure,. My right hon. Friend is satisfied, on the basis of due and careful enquiries made by my Department and Railtrack and our respective advisers that the estimates set out in the prospectus were prepared on a proper basis.

Mr. Mitchell: To ask the Secretary of State for Transport what factors were taken into account in the estimate of the maintenance costs for the rail network in the Pathfinder prospectus. [27799]

Mr. Watts: All material factors were taken into account in the estimate of maintenance costs for the rail network and are described in the Railtrack prospectus.

Mr. Mitchell: To ask the Secretary of State for Transport if he will make a statement on the work commissioned by his Department from Professor Tony O'Hagan of Nottingham university relating to research of W. S. Atkins on rail maintenance costs. [27802]

Mr. Watts: Professor O'Hagan was not commissioned by my Department. I understand that he was engaged as a consultant by W. S. Atkins to assist it in its work on Railtrack's asset maintenance plan for track and route structures.

InterCity East Coast

Mr. Gunnell: To ask the Secretary of State for Transport how many bids were received for the franchise for InterCity East Coast; and what is the subsidy required by the winners, Great Northern Railway Co. Ltd. and by the runner up. [26536]

Mr. Watts: Details of the number of bids received for individual franchises and the levels of subsidy required by unsuccessful bidders are commercially confidential.

The Great Northern Railway Company Ltd. will receive support of £64 million in the first year of the seven-year franchise, falling to zero in the seventh year. It will receive a total of £164.88 million over the duration of the franchise. Figures are in 1996–97 prices and exclude any additional payments arising from level crossing grant. British Rail's preliminary claim for InterCity East Coast for 1996–97 is £76.25 million.

Mr. Gunnell: To ask the Secretary of State for Transport how many staff *(a)* will be employed by the Great Northern Railway Company and *(b)* will have had previous employment experiences in the rail industry; and what are the equivalent figures for those employed by InterCity East Coast Ltd. in 1995–96 and by British Rail in 1992–93 in the provision of those same services. [26512]

Mr. Watts: The number and experience of staff employed by the Great Northern Railway Company Ltd.—GNR—in the provision of InterCity East Coast services is a matter for GNR. As at 1 April 1996, InterCity East Coast employed 2,867 staff. A comparable figure for 1992–93 is not available as this was prior to the restructuring of the railway.

Freight

Mr. Dafis: To ask the Secretary of State for Transport what percentage of freight moved over land was moved by road vehicles in Great Britain in *(a)* 1965, *(b)* 1979 and *(c)* 1994. [24698]

Mr. Norris: The information requested is as follows:

1965: 74 per cent.

1979: 77 per cent.

1994: 85 per cent.

East Coast Main Line

Mr. Gunnell: To ask the Secretary of State for Transport what is the total investment made in the maintenance and development of the east coast main line in 1993–94, 1994–95 and 1995–96; and what is the expected investment by Railtrack in 1996–97. [26511]

Mr. Watts: Railtrack informs me that investment figures for the east coast main line are as follows:

Track renewal

1993–94: Figures not held by Railtrack

1994–95: £23.1 million

1995–96: £23.2 million

1996–97: £18.3 million (forecast).

Other than track renewal

1993–94: £5.9 million

1994–95: £6.2 million

1995–96: £6.6 million

1996–97: £7.0 million (forecast).

Mr. Gunnell: To ask the Secretary of State for Transport what were the total costs and the net revenue received for Intercity services on the east coast main line in the financial years 1993–94, 1994–95 and 1995–96. [26514]

Mr. Watts: The costs and the revenue for InterCity services on the east coast main line for the financial years 1994–95 and 1995–96 are as follows.

£ million

	1994–95	[1]*1995–96*
Revenue	241	292
Costs	307	340
Administered profit	4	18
Grant support	70	66

[1] Provisional

The figures for 1993–94 are not comparable because they do not reflect total costs for the use of infrastructure and rolling stock.

Heavy Goods Vehicles

Mr. Mackinlay: To ask the Secretary of State for Transport on how many occasions over the past five years operators or employers have been prosecuted simultaneously with their drivers for offences relating to the regulations governing heavy goods vehicles, buses and coaches; and on how many occasions prosecutions have been made against the operators alone. [26674]

Mr. Norris: Separate statistics are not available in the form requested.

Bus Safety, Manchester

Mr. Tony Lloyd: To ask the Secretary of State for Transport what assessment he has made of the quality and safety of buses in Greater Manchester. [27538]

Mr. Norris: Ensuring the quality and safety of buses is an integral element in the overall enforcement activities carried out by the Vehicle Inspectorate.

The VI is aware of concerns about the quality of some buses in use in Great Manchester and has worked with the local police to target operators with poor standards of vehicle maintenance. In the Greater Manchester and Derbyshire area during 1995–96, 12.75 per cent. of vehicles tested at spot checks were issued with immediate prohibitions and 13.38 per cent. with delayed prohibitions.

New investment by bus companies operating in Greater Manchester is expected to impact favourably on vehicle standards in the coming months.

Mr. Lloyd: To ask the Secretary of State for Transport what estimate he has made of *(a)* the number of bus operators in Greater Manchester and *(b)* the number of occasions on which consideration has been given to withdrawing operators' licences for failing to reach and maintain an acceptable safety standard; how many licences have been withdrawn; and if he will make a statement. [27539]

Mr. Norris: There are 36 bus operators running local services and claiming fuel duty rebate in the Greater Manchester area. Data about disciplinary action taken by the Traffic Commissioner are not available in the form requested.

Rail Tunnels and Bridges

Mr. Austin Mitchell: To ask the Secretary of State for Transport (1) what proportion of the total number of tunnels on the British Rail network has been inspected in the last *(a)* 10, *(b)* 20 and *(c)* 30 years; [27791]

(2) what proportion of bridges on the British Rail network has been inspected in the last *(a)* 10, *(b)* 20 and *(c)* 30 years. [27792]

Mr. Watts: I understand that all Railtrack's bridges and tunnels are subject to regular visual inspection; in addition, all tunnels receive a full structural inspection annually and all bridges receive a full structural inspection on a six-year cycle.

Mr. Mitchell: To ask the Secretary of State for Transport (1) what is the total number of tunnels in the British rail network; and how many were built *(a)* before 1875, *(b)* 1876 to 1900, *(c)* 1901 to 1950 and since 1950; [27789]

(2) how many bridges there are in the British rail network; and how many were built *(a)* before 1875, *(b)* 1876 to 1900, *(c)* 1901 to 1950 and *(d)* since 1950. [27786]

Mr. Watts: Railtrack's network encompasses around 40,000 bridges, viaducts and tunnels. Many were constructed more than 100 years ago. Further information on the dates of construction could be obtained only at disproportionate cost.

Second Severn Crossing

Mr. Morgan: To ask the Secretary of State for Transport (1) on what dates the latest X-ray inspections of the steelwork on the approach roads to the second Severn crossing took place; if he will list those structures where

the outcome of the inspection involved the non-acceptance of the steelwork as satisfactory; and what assessment he has made of the impact of the inspections on the contract completion and opening dates for *(a)* the crossing, *(b)* the M4 approach roads and *(c)* the M5 approach roads; and if he will make a statement; [27824]

(2) what measures he has discussed with the director of the Highways Agency in relation to the delays in the Balfour Beatty contract for the approach roads to the second Severn crossing; [27826]

(3) what representations he has had in relation to the *(a)* delayed and *(b)* defective supply of fabricated Spanish steelwork for the bridge decks on the approach roads to the second Severn crossing and methods used by Balfour Beatty to make good the deficiencies. [27825]

Mr. Watts: I have asked the chief executive of the Highways Agency to write to the hon. Member.

Letter from Lawrie Haynes to Mr. Rhodri Morgan, dated 2 May 1996:

The Secretary of State for Transport has asked me to reply to your recent questions about the approach roads to the Second Severn Crossing.

X-ray inspections are not carried out. Non-destructive testing (Ultrasonic and Magnetic Particle Inspections) has been carried out in accordance with the requirements of the Specification for Highway Works.

Test results have been received for testing carried out on site up to 23 April 1996, and testing is ongoing.

Defects have been found in the normal course of quality control and inspection. Unexpected levels of defects in some of the welding and some lack of fit between the stiffeners and main beams were found in bridges B1, B31, B44, and B46. All defects have been repaired or are being addressed.

The inspections have no impact upon the contract completion and opening dates for either the crossing, M4 or M49 (M5) approach roads.

There has been continued close liaison between us and Balfour Beatty Civil Engineering Ltd. (BBCEL) on contract completion which has ensured that the M4 completion will coincide with the opening of the Second Severn Crossing.

On 1 May 1996, I explained to the Secretary of State for Transport that the Highways Agency's contractor had been encountering some problems with the steel fabrication for some structures, but that this was the responsibility of the contractor.

We have been kept informed by BBCEL of the problems with steel supply and defective fabrication and are content with the steps they have taken to rectify the situation.

FOREIGN AND COMMONWEALTH AFFAIRS

Entry Clearance Officers (Manila)

Mr. Wallace: To ask the Secretary of State for Foreign and Commonwealth Affairs how many complaints his Department has received in each of the last six calendar years in respect of the treatment of visa applications and sponsors by entry clearance officers at the British embassy in Manila; and what proportion of all visa applications in each year these complaints represent. [27373]

Mr. Hanley: This information is not readily available and cannot be compiled except at disproportionate cost.

Land Mines

Mr. Llew Smith: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on progress made to ban the manufacture, export and use of anti-personnel land mines at the recent negotiations at the first review conference for the 1980 inhumane weapons convention in Geneva. [27140]

Mr. David Davis: The UN weaponry convention review conference is currently taking place in Geneva and is expected to be concluded on 3 May. We hope that significant new prohibitions and restrictions will be placed on the use and transfer of anti-personnel land mines taking us significantly closer to the goal of a total international ban on these weapons. The production of mines is not covered by the convention.

UN Register for Conventional Arms

Mr. Tony Lloyd: To ask the Secretary of State for Foreign and Commonwealth Affairs when the United Kingdom returned its 1995 submission to the UN register for conventional arms; and if he will place a copy of the submission in the Library. [27646]

Mr. David Davis: We submitted our return to the UN register covering calendar year 1995 to the UN Secretary-General on 30 April 1996. A copy has been placed in the Library of the House.

European Union Council

Mr. Fabricant: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on forthcoming business in the Council of the European Union. [28196]

Mr. David Davis: The information is as follows:

SUBJECT: MONTHLY FORECAST OF BUSINESS FOR MAY 1996

1. The following Councils are scheduled:

3 May: Spatial Planning and Regional Development (informal)
4 May: Spatial Planning and Regional Development (informal)
5 May: Agriculture (informal)
6 May: Agriculture (informal)
6 May: Education
7 May: Agriculture (informal)
7 May: Energy
13 May: Foreign Affairs Council
14 May: Foreign Affairs Council
14 May: Health
20 May: Industry
20 May: Agriculture
21 May: Agriculture
23 May: Civil Protection
28 May: Development
28 May: Internal Market
29 May: Telecommunications

2. The following subjects are likely to be discussed:

3–4 MAY: SPATIAL PLANNING AND REGIONAL DEVELOPMENT COUNCIL (INFORMAL)

Agenda not yet available

5–7 MAY: AGRICULTURE COUNCIL (INFORMAL)

Agenda not yet available

6 MAY: EDUCATION COUNCIL

"A" Points

As advised by Council Secretariat

"A" Points

Open debate on White Paper on Education and Training

Draft resolution on multimedia software

Draft conclusions on synergies between academic recognition and professional recognition of qualifications

Commission note on the assessment of the quality of higher education

Commission note on the assessment of the quality of school education

Commission information on:

European Year of Lifelong Learning;

Cooperation with Third countries;

Progress on green Paper on Obstacles to Mobility'

Key education figures (1996 edition)

Communication from Greece on setting up a European centre for classical literature

7 MAY: ENERGY COUNCIL

"A" Points

As advised by Council Secretariat

"B" Points

Electricity liberalisation: common position (possible item)

Euro-Mediterranean energy cooperation: Council conclusions

Commission's Energy Policy White Paper: Council resolution

Commission communication on gas supply: Council conclusions

SAVE II energy efficiency programme: political agreement (possible item)

SYNERGY programme for energy cooperation with third countries: debate

Integrated resource planning directive: debate

Energy charter treaty: progress report

Commission report on civil protection, tourism and energy;

Commission presentation

Commission report on oil supply: Commission presentation

13–14 MAY: FOREIGN AFFAIRS COUNCIL

Agenda not yet available

14 MAY: HEALTH COUNCIL

"A" Points

As advised by Council Secretariat

"B" Points

Adoption of the draft agenda

Proposal for a decision adopting a programme of Community action on health monitoring within the framework for action in the field of public health: adoption of a common position

Proposal for a decision of the European parliament and of the council creating a network for the epidemiological surveillance and control of communicable diseases in the European Community: orientation debate

Creation of an EU/US (EU/United States) action group charged with developing a global early warning system and response network for communicable diseases: information on work to date

Proposal for a decision of the EP and the Council adopting a Community programme of Community action on the prevention of drug dependence within the framework for action in the field of public health: second reading, in preparation for concilliation with EP

Amended proposal for a Council directive on the approximation of the laws, regulations and administrative provisions of the member states relating to the advertising of tobacco products: orientation debate

BSE and the potential risks for transmission to man: information from the commission and exchange of views.

20 MAY: INDUSTRY COUNCIL

"A" Points

As advised by Council Secretariat

"B" Points

SMEs: draft Council Decision for new multi-annual programme for SMEs: orientation debate

Industrial cooperation with third countries, and the Mediterranean Basin in particular: draft Council resolution

Automobile industry: Commission report on follow-up on Council resolution of 22 April 1994

Competition Policy: 25th annual Commission report on competition policy

Steel:

State aids—Commission monitoring report

Extension of steel state aid code: presentation and exchange of views

Commission document on expiry of ECSC treaty in 2002: exchange of views

Draft Council regulation on state aid for shipbuilding: exchange of views

20–21 MAY: AGRICULTURAL COUNCIL

"A" Points

As advised by Council Secretariat

"B" Points

Reform of the fruit and vegetable regime

Price fixing

Bananas (possible item)

Wine reform (possible item)

Olive oil reform (possible item)

Tobacco reform (possible item)

Plant health: solidarity and responsibility (possible item)

Veterinary and fish fees (possible item)

BSE

23 MAY: CIVIL PROTECTION COUNCIL

"A" Points

As advised by Council Secretariat

"B" Points

Community action programme on civil protection

Resolution on civil protection research

Resolution on cooperation with the CEEs on civil protection

28 MAY: INTERNAL MARKET COUNCIL

"A" Points

As advised by Council Secretariat

"B" Points

Sweeteners: common position

Traditional foodstuffs: common position

Miscellaneous additives: common position

Foodstuffs for particular nutritional uses (PARNUTS): common position (possible item)

Food irradiation: orientation debate

28 MAY: DEVELOPMENT COUNCIL

"A" Points

As advised by Council Secretariat

"B" Points

Links between emergency aid, rehabilitation and reconstruction: debate on priorities for immediate action

Conflict prevention: presentation by the Commission

Operational co-ordination: Council conclusions

Council conclusions on:

Environmental impact evaluation

Decentralised co-operation

Migration and development

Counterpart funds

Proposals for legal bases for EC development cooperation (i.e. draft EC regulations governing EC aid) (possible item)

Other business:

Cocoa (requested by Belgium)

UN Reform (requested by Sweden)

29 MAY: TELECOMMUNICATIONS COUNCIL

"A" Points

As advised by Council Secretariat

"B" Points

Directive on a common framework for general authorisations and individual licences in the field of telecommunications services: common position

Directive on common rules for the development of Community postal services and the improvement of the quality of service: common position

HOME DEPARTMENT

Professor Mohammed Al-Masari

Mr. Galloway: To ask the Secretary of State for the Home Department what decision he has reached upon the application for political asylum by Professor Mohammed Al-Masari. [26555]

Miss Widdecombe: Dr. Al-Masari has been given leave to remain for an initial period of four years. Dr. Al-Masari's asylum application has not been considered substantively.

Drink Driving

Mr. Allen: To ask the Secretary of State for the Home Department what steps he will take to ensure that the police ensure that identity in drink drive cases is substantiated by evidence other than the driver's licence alone. [26591]

Mr. Maclean: This is an operational matter for the police, but I understand that, when someone is charged with a drink drive offence, the usual procedure is to carry out checks on the vehicle records and the address given, in addition to verifying licence details.

Asylum Cases

Mr. Alton: To ask the Secretary of State for the Home Department what budgetary allocation *(a)* was made in 1994–95 and *(b)* has been set aside for 1996–97 for (i) the B3 division of the immigration and nationality department and (ii) the Home Office presenting officers' unit in B1 division; how many decisions were made by B3 division in each of the last two years; how many decisions are projected for 1996–97; how many (1) cases in total and (2) asylum cases were presented by Home Office presenting officers in each of the last two years; and how many cases in each category they are projected to present in 1996–97. [27175]

Mr. Kirkhope: The available information is contained in the tables:

Running costs	*Asylum division*[1]	*B1 presenting officers' unit*[1]
1994–95	£13 million	£2.8 million
1996–97	Not finally settled[2]	Not finally settled[2]

[1] Does not include accommodation costs and certain other overheads not allocated to the units concerned to manage directly.

[2] Final amount depends on the precise allocation of spend to save funds for 1996–97.

Asylum division	*Decisions*
1994	21,000
1995	27,000
Projected 1996–97	45,000

	April 1994 to March 1995	*April 1995 to March* [1]*1996*
Decisions on asylum applications	23,975	28,915
Total appeal determinations[2]	26,220	21,700
Of which; asylum appeals[3]	3,335	8,320

[1] Provisional figures.

[2] Separate figures for cases presented are not available.

[3] Includes asylum appeals referred back to the Secretary of State for further consideration.

Firearms

Mr. William Ross: To ask the Secretary of State for the Home Department what review of firearms legislation is presently being carried out by his Department; when it *(a)* began and *(b)* was announced; what are its terms of reference; what are the names and positions of those conducting the review; from whom submissions have been received to date; and from whom else submissions have been requested. [27122]

Mr. Maclean: My right hon. and learned Friend the Secretary of State and my right hon. Friend the Secretary of State for Scotland announced on 21 March that they would conduct a joint review of firearms controls in Great Britain. The review began at that time and has now considered the arguments for and against the changes in the controls which have been suggested following the tragic events in Dunblane on 13 March.

In conducting their review, my right hon. and learned Friend and my right hon. Friend the Secretary of State for Scotland have taken account of submissions from opposition parties, comments from the Firearms consultative committee and over 2,000 letters from Members of Parliament and the public. Comments were invited from all interested parties who are, of course, free to submit their evidence directly to Lord Cullen's inquiry.

Mr. Ross: To ask the Secretary of State for the Home Department how many of the recommendations made by the Firearms Consultative Committee in its *(a)* first, *(b)* second, *(c)* third, *(d)* fourth, *(e)* fifth and *(f)* sixth report (i) have been implemented, (ii) dealt with matters of public safety, (iii) would require amendment of primary legislation and (iv) could be implemented by a change in administrative procedures. [27127]

Mr. Maclean: The information requested is set out in the table:

Firearms consultative committee annual report

	(a) 1st	*(b) 2nd*	*(c) 3rd*	*(d) 4th*	*(e) 5th*	*(f) 6th*
Recommendations which have been implemented or which require no action	18	15	12	6	19	15
Recommendations which would require primary legislation	1	9	9	1	17	17
Recommendations which could be implemented through a change in administrative procedures	1	4	2	6	11	13

In addition, a number of the recommendations of the Firearms Consultative Committee would require secondary legislation to implement them and are not included in the table above. Some of the recommendations included in the table have been formally rejected.

It is not possible to identify separately those recommendations which deal solely with matters of public safety but, in making recommendations, the committee always consider the likely impact on public safety.

Mr. Ross: To ask the Secretary of State for the Home Department at *(a)* directions and *(b)* terms of reference he has given to the Firearms Consultative Committee to review firearms legislation since 13 March; what submissions have been received and from whom; what other information has been sought and from whom; and if he will place a copy of (i) that information and (ii) the final report in the Library. [27123]

Mr. Maclean: The terms of reference of the Firearms Consultative Committee, as set out in section 22(5) of the Firearms (Amendment) Act 1988. These have not been changed since 13 March. Within its terms of reference, the Firearms Consultative Committee may consider any issues arising from the tragic events of 13 March that it considers appropriate.

I understand that the Firearms Consultative Committee has received a number of submissions from members of the public and other interested parties. Publication of any material submitted to the committee is a matter for it.

The Firearms Consultative Committee is required by section 22(6) of the Firearms (Amendment) Act 1988 to make a report each year on its activities to the Secretary of State, who is required to lay copies of the report before Parliament. A copy of the report of the committee for this year will be placed in the Library in the usual way.

Holloway Prison

Dr. Lynne Jones: To ask the Secretary of State for the Home Department, pursuant to the oral statement of the Minister of State of 28 March, *Official Report*, column 1286 and his answer of 24 April, *Official Report*, column *163*, on how many occasions in the last two years the Minister of State has visited Holloway prison. [27555]

Miss Widdecombe: I refer the hon. Member to the reply given to the hon. Member on 24 April, *Official Report*, column *163*.

Durham Constabulary (Compensation)

Mr. Steinberg: To ask the Secretary of State for the Home Department how much compensation Durham constabulary paid out in each year since 1980; and for what reasons. [27380]

Mr. Maclean: This information is not held centrally.

Stray Dogs

Mr. Battle: To ask the Secretary of State for the Home Department what plans he has to transfer the responsibility for stray dogs from the police services to local authorities. [27302]

Mr. Maclean: Since April 1992, local authorities have had primary responsibility for dealing with stray dogs. The police have a duty under the Dogs Act 1906 to deal with stray dogs brought to police stations. The report of the review of police core and ancillary tasks, published on 27 June 1995, proposed that the police might shed this statutory duty so that local authorities would assume full responsibility for strays.

The proposal, with examples of other co-operative schemes involving police and local authorities, is being considered in consultation with police and local authority associations before any decision is reached.

Immigration

Mr. Bernie Grant: To ask the Secretary of State for the Home Department how many people have been prosecuted under the provisions of paragraph 325, sub-paragraph (II) (f) of the immigration rules within the last five years; what guidelines on sentencing policy for those found guilty under the said provisions have been issued to the courts; how many of those prosecuted were convicted; how many of those convicted were sent to prison; how many were fined; what was the most common prison sentence given; and what was the most common fine levied. [27247]

Mr. Maclean: Information collected centrally cannot identify the exact immigration sub-rule under which a prosecution under section 26 (1) (f) of the Immigration Act 1971—whereby it is an offence for a foreign national,

subject to conditions imposed, to fail to register with the police—has been made. No guidelines have been issued by the Department on sentencing policy relating to the above legislation.

The court proceedings data given in the table show the number of defendants prosecuted, in England and Wales only, for failing to register with the police, by result, from 1990 to 1994—latest available.

Defendants proceeded against at magistrates' courts for offences associated with failing to register with the police under section 26 (1)(f) of the Immigration Act 1971 by result 1990 to 1994

England and Wales

Offence[1] description/year		*Total proceeded against*	*Total found guilty*	*Total for sentence*	*Total fined*	*Average fine (£)*	*Total immediate custody*	*Average Custodial sentence length (months)*	*Otherwise dealt with*
Foreign national failing	1990	6	5	5	1	100	—	—	4
to register with police	1991	6	4	4	4	48	—	—	—
or to produce	1992	8	4	4	2	38	—	—	2
documents etc.,	1993	6	1	1	—	—	—	—	1
	1994	—	—	—	—	—	—	—	—

[1] Principal immigration offence.

Prisons (Suicides)

Mr. Llwyd: To ask the Secretary of State for the Home Department how many prisoners in *(a)* prison establishments and *(b)* police custody have (i) committed and (ii) attempted suicide in each of the last 10 years; and if he will make a statement. [27446]

Miss Widdecombe: Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from A. J. Butler to Mr. Elfyn Llwyd, dated 2 May 1996:

The Home Secretary has asked me, in the absence of the Director General from the office, to reply to your recent Question about suicides.

The attached tables give the number of self-inflicted deaths in Prison Service establishments, in England and Wales (1985–1995); the number of reported incidents of attempted suicides (1991–1995); and the number of suicides in police custody (1985–1995). Numbers of attempted suicides in police custody are not held centrally. Numbers of attempted suicides in prison establishments were not held centrally before 1991.

Number of attempted suicides in prison establishments for the period 1991–95

	Number
1991	676
1992	731
1993	818
1994	847
1995	772

Number of self-inflicted deaths in prison establishments for the period 1985—1995

	Number
1985	27
1986	21
1987	46
1988	37
1989	48
1990	50
1991	42
1992	42

Number of self-inflicted deaths in prison establishments for the period 1985—1995

	Number
1993	47
1994	62
1995	60

"Self-inflected" deaths includes deaths where other inquest verdicts, such as "open" and "misadventure" have been recorded.

Number of suicides in police custody for the period 1985–1995

	England and Wales (excluding Metropolitan police)	*Metropolitan police*
1985	2	1
1986	2	2
1987	1	1
1988	4	1
1989	3	4
1990	0	3
1991	10	—
1991–92[1]	—	2
1992	3	—
1992–93[1]	—	2
1993	3	—
1993–94[1]	—	1
1994	3	—
1994–95[1]	—	[2]1

The statistics provided represent those deaths whereby the Inquest has been held and the verdict given as "Death due to Suicide".

[1] Figures recorded on a financial year basis.

[2] Provisional figure.

Video Evidence

Mr. Alex Carlile: To ask the Secretary of State for the Home Department what assessment he has made of the Home Office advisory group's recommendations on video evidence; and if he will make a statement. [27563]

Mr. Maclean: The Criminal Justice Act 1991 implemented most of the recommendations of the advisory group on video evidence. In particular, it prohibited the defendant from questioning the child and it allowed the child's main evidence to be given by means of a video-recorded interview conducted by police and social workers soon after the incident. We are

not persuaded that video recording of pre-trial cross-examination, also recommended by the group, would be in the best interests of children.

The Government remain determined that the criminal justice system should be made more responsive to the needs of children and that the measures introduced by the 1991 Act should work as effectively as possible. We are pursuing a range of further improvements to the present arrangements to secure practical benefits for children.

Greater Manchester Police

Mr. Tony Lloyd: To ask the Secretary of State for the Home Department if he will list *(a)* the capital spending by Greater Manchester police in (i) 1993–94, (ii) 1994–95, (iii) 1995–96 and *(b)* the estimated and projected spending in (x) 1996–97 and (y) 1997–98 in (1) cash terms and (2) 1996 prices; and if he will make a statement. [27537]

Mr. Maclean: The information is listed in the table.

Greater Manchester police—capital expenditure

	1993–94	*1994–95*	*[1]1995–96*	*[1]1996–97*	*[2]1997–98*
Cash terms £ million	11.407	11.774	14.305	13.845	18.619
1996 prices £ million	12.265	12.430	14.968	13.845	18.619

[1] Force estimate.
[2] Force projection.

Wheel Clamping

Mr. Rooney: To ask the Secretary of State for the Home Department what plans he has for legislation following the consultation exercise on wheel clamping. [27878]

Mr. Maclean: The Government are still considering what action, if any, should be taken to regulate wheel clamping on private land. We are looking at the possible need for new legislation as part of that consideration.

Police Cells

Mr. Alex Carlile: To ask the Secretary of State for the Home Department what assessment he has made of the effect of the reduction in capital expenditure in his Department during the current financial year on the use of police cells; and if he will make a statement. [26671]

Miss Widdecombe *[holding answer 29 April 1996]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from A. J. Butler to Mr. Alex Carlile, dated 2 May 1996:

The Home Secretary has asked me, in the absence of the Director General from the office, to reply to your recent Question about whether an assessment has been made on the effect the reduction in capital expenditure during the current financial year will have on the use of police cells.

An assessment of the effect of the reduction in capital expenditure was made in December 1996. This work concluded that there was no significant increase in the risk of having to resort to the use of police cells in 1996–97.

The Prison Service has not been using police cells since June 1995. Apart from a major unplanned loss of accommodation or an unexpected rise in the population above current projections, and above our capacity to accommodate with other measures, we do not plan to use police cells.

Capital Expenditure

Mr. Straw: To ask the Secretary of State for the Home Department if he will list *(a)* total capital expenditure for his Department and *(b)* capital expenditure on (i) the Prison Service, (ii) police and (iii) other Department functions indicting the expenditure planned for each of the following three financial years set out in the public expenditure surveys for 1991–92 and each subsequent year together with estimated outturns where these are available. [26035]

Mr. Howard *[holding answer 24 April 1996]:* Information in the form requested is not available.

Capital spending by the Home Department has been as follows:

£ million, outturn prices

Year	*Prison service*	*Police*	*Other*	*Total*
1991–92	431.7	193.7	85.6	711.0
1992–93	342.7	221.4	102.6	666.7
1993–94	294.0	243.6	112.9	650.5
1994–95	322.8	242.5	96.6	661.9
1995–96[1]	327.7	252.5	92.6	672.8
1996–97[1]	120.0	224.7	85.4	431.1
1997–98[1]	111.5	220.3	82.9	414.7
1998–99[1]	113.6	200.8	81.7	396.1

1. The data are standardised by including expenditure for services which are the current responsibility of the Home Office.
2. The figures for "Police" and "Other" include capital grants and credit approvals to local authorities.
3. Capital expenditure by the Charity Commission is omitted.
4. "Police" expenditure includes expenditure by the Forensic Science Service agency. "Other" includes expenditure by the United Kingdom Passport Agency and the Fire Service College trading fund.

[1] Actual expenditure is given for years up to 1994–95; estimates for 1995–96; public expenditure survey projections for later years.

Prisoners (Television Sets)

Mr. Alex Carlile: To ask the Secretary of State for the Home Department what plans he has to remove television sets from *(a)* sentenced and *(b)* remand prisoners; and if he will make a statement. [26672]

Mr. Howard *[holding answer 29 April 1996]:* Policy on this subject is still under consideration.

Eastwood Park Prison

Mr. George Howarth: To ask the Secretary of State for the Home Department if he will list those courts which fall into the catchment area of HMP Eastwood Park, and those which previously were in the catchment area of Pucklechurch remand centre; if he will list for each court the number of prisoners by offence *(a)* remand in custody, and unconvicted, *(b)* remanded to custody following conviction, but unsentenced, *(c)* sentenced prisoners in each year since 1990 and *(d)* the number of cases brought before each court by offence in each year since 1990. [27235]

Miss Widdecombe *[holding answer 29 April 1996]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange a reply to be given.

Letter from A. J. Butler to Mr. George Howarth, dated 2 May 1996:

The Home Secretary has asked me, in the absence of the Director General from the Office, to reply to your recent Question about Eastwood Park and Pucklechurch prisons.

The courts which commit female prisoners to Eastwood Park prison are given in the attached list and are the same as those which commit to Pucklechurch remand centre.

The information requested about remand prisoners at each court is not available centrally.

Information on the number of indicatable cases heard at each court is published annually in criminal statistics supplementary tables. Crown court information by centre is given in Volume 2 and magistrates' courts by individual Petty Sessional Division are in Volume 5 and Volume 4 from 1991 to 1994 (latest available). Copies of these volumes are available in the Library.

The information requested for each court by offence could be obtained only at disproportionate cost.

Crown Court

Barnstaple
Bristol
Dorchester
Exeter
Gloucester
Plymouth
Salisbury
Swindon and Devizes
Taunton
Truro
Cardiff
Carmarthen
Haverfordwest
Merthyr Tydfil
Newport
Swansea

Magistrates' Courts

Bath and Wansdyke Division
Bristol Division
North Avon Division
Woodspring Division
Bodmin Division
Dunheved and Stratton Division
East Powder Division
South East Cornwall Division
East Penwirth Division
Falmouth and Kerrier Division
Isles of Scilly Division
Truro Division
Truro and South Powder Division
Axminster and Honiton Division
Cullompton Division
Exeter and Wonford Division
Exmouth Division
Tiverton Division
Barnstaple and South Molton Division
Bideford and Great Torrington Division
Plymouth Division
South Hams Division
Teignbridge Division
Torbay Division
Central Dorset Division
Poole Division
West Dorset Division
Weymouth and Portland Division
Cirencester, Fairford and Tetbury Division
Forest of Dean Division
Gloucester Division
North Gloucestershire Division
South Gloucestershire Division
Bromsgrove and Redditch Division
Herefordshire Division
Severminster Division
South Worcestershire Division
Mendip Division
Sedgemoor Division
South Somerset Division
Taunton Deane Division
West Somerset Division
Atherstone and Coleshill Division
Nuneaton Division
Mid-Warwickshrie Division
Rugby Division
Kennet Division
North Wiltshire Division
Salisbury Division
Swindon Division
West Wiltshire Division
Carmarthen North Division
Carmarthen South Division
Ceredigion Ganol Division
Gogledd Ceridigion Division
Gogledd Preseli Division
Cleddau Division
De Ceredigion Division
South Pembrokeshire Division
Dinefwr Division
Llanelli Division
Bedwellty Division
East Gwent Division
Newport Division
Cynon Valley Division
Lower Rhymney Valley Division
Merthyr Tydfil Division
Miskin Division
Newcastle and Ogmore Division
Upper Rhymney Valley Division
Brecon Division
Radnorshire and North Brecknock Division
Ystradgynlais Division
Machynlleth Division
Newtown Division
Welshpool Division
Cardiff Division
Vale of Glamorgan Division
Port Talbot Division
Lliw Valley Division
Neath Division
Swansea Division

Buckley Hall Prison (Escapes)

Ms Lynne: To ask the Secretary of State for the Home Department if the Prison Service will carry out an investigation into the escape of four prisoners from Buckley Hall prison on 23 April; and if he will publish details of the investigation. [27291]

Miss Widdecombe *[holding answer 1 May 1996]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

Letter from A. J. Butler to Ms Liz Lynne, dated 2 May 1996:

The Home Secretary has asked me, in the absence of the Director General from the office, to reply to your recent Question about the investigation into the escape of four prisoners from Buckley Hall prison on 23 April 1996.

An investigation into the escape began on 24 April 1996. Conclusions and recommendations will be submitted to the area manager on completion of the inquiry. In line with normal procedures, there is no intention to publish the report or the findings of the inquiry.

Television Licences

Ms Lynne: To ask the Secretary of State for the Home Department what consideration has been given to the possible change in the number of people that might be imprisoned for the non-payment of a television licence fine following the introduction of a weekly cash instalment scheme for the payment of the television licence; and what discussions his Department has had with the Department of National Heritage on this issue. [26857]

Mr. Maclean *[holding answer 1 May 1996]:* My right hon. Friend the Secretary of State for the National Heritage has given approval in principle for the BBC to introduce a cash instalment scheme for television licence payment. The scheme is expected to be piloted by the BBC later this year, and this will assist those who find it difficult to pay for a television licence by existing methods. Television licence evasion remains, however, a criminal offence punishable by a fine. It is the non-payment of such a fine that can result in imprisonment, but only where that default is the result of wilful refusal or culpable neglect.

My right hon and learned Friend the Lord Chancellor has established a working group, which includes representatives of the Magistrates' Association and Justices' Clerks' Society, to identify ways of improving the effectiveness of fine enforcement.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for the Home Department what proportion of his Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27528]

Mr. Howard *[holding answer 1 May 1996]:* The information required to answer this question is not held centrally and could be obtained only at disproportionate cost.

ENVIRONMENT

Heating (Fuel Requirements)

Mr. Simpson: To ask the Secretary of State for the Environment if he will estimate the percentage difference in fuel required to heat identical houses in Nottingham and Derby. [26517]

Mr. Clappison: I refer my hon. Friend to the answer given to him by my hon. Friend, the Minister for Construction, Planning and Energy Efficiency on 24 April, *Official Report*, column *147*.

Sustainable Development

Mr. Dafis: To ask the Secretary of State for the Environment what plans he has to extend the work carried out by his Department presented in "Indicators of Sustainable Development for the United Kingdom", by the construction of indicators at the level of individual businesses. [24697]

Mr. Clappison: The indicators published by the Department of the Environment are national in nature and, in many cases, relate to broad industrial sectors. Individual businesses should be able to construct their own indicators to compare their performance with the national sectoral norm.

Mr. Dafis: To ask the Secretary of State for the Environment if he will develop indicators to measure the contribution of United Kingdom international trade to sustainable development globally. [26516]

Mr. Clappison: The issue of international trade was flagged up in the report of indicators of sustainable development for the United Kingdom published on 12 March 1996. This area requires much further work as the issues involved are very complex. In the longer term, we will need to consider, in conjunction with other countries and international organisations, whether more appropriate indicators might be developed to illustrate the role of international trade in global patterns of consumption and production.

Biodiversity

Mr. Dafis: To ask the Secretary of State for the Environment how much of the planned expenditure for 1996–97 on international biodiversity is devoted to *(a)* the administrative costs of the biodiversity convention secretariat and *(b)* contributions to developing countries for the implementation of their biodiversity action plans. [24699]

Mr. Clappison: In 1996–97, £433,000 has been allocated to the administrative costs of the biodiversity convention secretariat. In addition, the Government have set aside £167,000 principally to contribute towards the travelling costs of developing countries attending the convention meetings. Funding developing countries to produce biodiversity action plans is one of the priorities for the convention's interim financial mechanism, the global environment facility, to which the United Kingdom has committed some £130 million. National biodiversity projects are also funded under the bilateral aid programme.

Already this financial year, more than £0.6 million has been committed in addition to over £30 million in 1995–96. The Darwin initiative has so far funded over 110 projects costing £12 million to help almost 60 countries towards meeting their obligations under the biodiversity convention.

Environmental Pollution Reports

Mr. Dafis: To ask the Secretary of State for the Environment what was the average length of time between the publication of reports 1 to 17 of the royal commission on environmental pollution and the publication of the Government's response to those reports. [26515]

Mr. Clappison: The average length of time between the publication of reports 1 to 17 of the royal commission on environmental pollution and the publication of the Government's response to those reports was about two years five months.

TRADE AND INDUSTRY

Coal Privatisation

Mr. Byers: To ask the President of the Board of Trade how many hours to date N. M. Rothschild has worked on the contract to give advice on the privatisation of the coal industry; and when the contract is expected to conclude. [27797]

Mr. Page: N. M. Rothschild has, to date, worked approximately 37,800 hours on providing advice on the privatisation of the coal industry. The contract will end once the privatisation, including the non-mining activities, is complete.

Atolls (Radioactivity)

Mr. Dalyell: To ask the President of the Board of Trade, pursuant to the answer of 3 April, *Official Report*, column *300*, what progress has been made by the International Atomic Energy Agency in its assessment of the radiological situation of the atolls of Muroroa and Fangataufa. [27561]

Mr. Page: No formal progress report has yet been received from the International Atomic Energy Agency. We understand, however, that initial meetings have been held and that the necessary task groups and working groups have been established.

Business Innovation Centres

Mrs. Roche: To ask the President of the Board of Trade how many business innovation centres are co-located with business links and which they are; what research his Department has commissioned on the relationship of business links to business innovation centres; and what is the remit of his research. [27189]

Mr. Page *[holding answer 1 May 1996]:* My Department has recently commissioned research into the relationship between business links and business and innovation centres. The remit of this study is to identify the services provided by each business and innovation centre, define the degree of formal and informal integration business links and business innovation centres and make recommendation on how collaboration could be further enhanced. Two business and innovation centres, in Sunderland and Stafford, are currently co-located with business links.

Drug Alert

Mr. Flynn: To ask the President of the Board of Trade what research he has *(a)* commissioned into and *(b)* evaluated on Drug Alert. [26780]

Mr. Sackville *[holding answer 25 April 1996]:* I have been asked to reply.

The Government have not commissioned or evaluated any research on Drug Alert.

LORD CHANCELLOR'S DEPARTMENT

Justices of the Peace, Wales

Mr. Llwyd: To ask the Parliamentary Secretary, Lord Chancellor's Department how many new justices of the peace were appointed in Wales during 1995; and what is the political affiliation of the new appointees. [27019]

Mr. Jonathan Evans: The total number of new justices of the peace appointed in Wales in 1995 was 112. Their political affiliation is as follows:

Conservative: 30

Labour: 46

Liberal Democrat: 12

Plaid Cymru: 12

Independent/Other: 12

County Court, Northampton

Mr. Timms: To ask the Parliamentary Secretary, Lord Chancellor's Department how much compensation for delay has been paid since the commencement of the current industrial action at the county court bulk issuing and summons production centres at Northampton. [26961]

Mr. Jonathan Evans: The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

Letter from M. D. Huebner to Mr. Stephen Timms, dated 2 May 1996:

The Parliamentary Secretary, Lord Chancellor's Department has asked me to reply to your Question about the amount of compensation that has been paid since the commencement of industrial action at the County Court Bulk Issue Centre and the Summons Production Centre at Northampton.

No compensation has been paid.

Mr. Timms: To ask the Parliamentary Secretary, Lord Chancellor's Department which organisations have received compensation for delays arising from the current industrial action at the county court bulk issuing and summons production centres in Northampton. [26962]

Mr. Evans: The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

Letter from M. D. Huebner to Mr. Stephen Timms, dated 2 May 1996:

The Parliamentary Secretary, Lord Chancellor's Department has asked me to reply to your Question about the compensation paid as a result of industrial action at the County Court Bulk Issue Centre and the Summons Production Centre at Northampton.

No organisation has received compensation as a result of this industrial action.

HEALTH

Oral Cancer

Mr. Llwyd: To ask the Secretary of State for Health (1) what plans his Department has to introduce a co-ordinated national programme of education in the early identification of oral cancer; and if he will make a statement; [27016]

(2) what steps are being taken by his Department to reduce the number of deaths from oral cancer; and if he will make a statement; [26982]

(3) what plans he has to ensure that dental examinations include a systematic soft tissue screening for oral cancer; and if he will make a statement; [26984]

(4) what steps are being taken by his Department to raise pubic awareness of oral cancer and its risk factors; and if he will make a statement; [27014]

(5) what research his Department is currently funding into oral cancer; and if he will make a statement; [27017]

(6) what plans he has to include oral cancer targets on the "The Health of the Nation" programme; and if he will make a statement. [27015]

Mr. Horam: All oral examinations include examination of both hard and soft tissue. Dentists are trained in the early recognition of abnormalities in the mouth. Oral cancer can result from excessive alcohol or tobacco consumption, the risks of which are widely publicised and recognised. There are no plans at present to introduce set targets for reducing oral cancer morbidity or mortality rates. The chief dental officer chairs the national advisory group on screening for oral cancer which was set up last October. The group co-ordinates the detecting and preventing of oral cancers. The national health service national cancer research and development programme commissioned in 1995 a systematic review of the early natural history of certain cancers, including oral cancer, where there was potential for screening to reduce mortality. This research item was one of 25 priority areas ratified by the NHS Central Research and Development Committee. The systematic review is being undertaken by the cancer screening evaluation unit based at the Institute of Cancer Research. It will take approximately one year.

GP Lists

Ms Harman: To ask the Secretary of State for Health if he will list the grounds on which a general practitioner can remove an NHS patient from their list. [27146]

Mr. Malone: Under his terms of service

"a general practitioner may have any person removed from his list and is required to notify the health authority in writing that he wishes to have a person removed from his list."

Professional guidance issued by the General Medical Council in May 1992 states that

"it is unacceptable to abuse the right to refuse to accept patients by applying criteria of access to the practice list which discriminate against groups of patients on grounds of their age, sex, sexual orientation, race, colour, religious belief, perceived economic worth or the amount of work they are likely to generate by virtue of their clinical condition."

HIV Tests

Mr. Gerrard: To ask the Secretary of State for Health what estimate he has made of the cost of retesting the 25,000 stored samples which had previously been tested for HIV using the faulty Abbot kit; and who will be responsible for meeting this cost. [27151]

Mr. Horam: It is too early to say yet what the costs of the retesting exercise are likely to have been but national health service trusts have been asked to keep a record of their costs and the Department is liaising with the NHS and public health laboratory service on this. Abbott Laboratories Ltd. has stated that it will pay the cost of retesting.

East London and the City Health Authority

Ms Harman: To ask the Secretary of State for Health if he will give the budget of the East London and the City health authority in each year from 1994–95 to 1997–98. [27112]

Mr. Malone: For details of the 1994–95 final revenue cash limit and the 1995–96 initial revenue cash limit for East London and the City district health authority, I refer the hon. Member to the reply my hon. Friend the Under-Secretary of State (Mr. Horam) gave her on 11 December 1995, *Official Report*, column *520*.

The 1996–97 initial revenue cash limit for East London and the City health authority is £317,616,000.

Cash limits for 1997–98 have not yet been set.

HIV and AIDS

Mr. Kirkwood: To ask the Secretary of State for Health if he will list the changes from April in the system for commissioning national health promotion work on HIV and AIDS. [27176]

Mr. Horam: The Government's HIV-AIDS health promotion strategy[1], published in November 1995, identifies the need for targeted and national campaigns and for greater voluntary sector involvement in this area. A contract to undertake a national campaign in the coming year has been awarded to the Health Education Authority. We are currently exploring the scope for greater voluntary sector involvement with targeted campaigns.

[1] "HIV and AIDS Health Promotion: an Evolving Strategy", a copy of which is in the Library.

Elderly Patients

Mr. David Nicholson: To ask the Secretary of State for Health how many representations have been made to his Department about the practice of some general practitioners of removing elderly patients from their lists in each of the last four years; and what statistics he

collates which show the number of patients aged over 70 years who are removed from general practitioner lists against their will each year. [27245]

Mr. Malone: The Department has received several representations from members of the public and from hon. Members concerning the removal of patients from general practitioners' lists. Information by age category on the number of patients removed is not available centrally.

Tuberculosis

Mr. Llwyd: To ask the Secretary of State for Health how many children were notified as having tuberculosis in each of the last five years; and how many in each year were from areas where health authorities stopped the school immunisation programme. [27441]

Mr. Horam: The number of notifications of all tuberculosis, excluding chemoprophylaxis, in children under 16 years old in England and Wales is shown below:

1991: 483

1992: 548

1993: 596

1994: 433

1995: 422 (provisional).

BCG immunisation to protect against tuberculosis is recommended for children between the ages of 10 and 14. District health authorities are responsible for the programme in their own areas and information on this is not available centrally.

Dental Provision

Mr. Llwyd: To ask the Secretary of State for Health what assessment he has made as to the adequacy of NHS dental provision; and if he will make a statement. [27418]

Mr. Malone: I refer the hon. Member to the reply I gave my hon. Friend the Member of Taunton (Mr. Nicholson) on 16 April columns, *Official Report, 475–76.*

Hospital Beds, Doncaster

Mr. Kevin Hughes: To ask the Secretary of State for Health how many private hospital beds registered with the Doncaster health authority there were within the Doncaster metropolitan borough in each year since 1979; and how many there are currently. [27430]

Mr. Horam: There were 42 beds registered with the Doncaster health authority in private hospitals or clinics within the boundaries of Doncaster metropolitan district in 1993–94 and 36 in 1994–95. Information is not available centrally for years before 1993–94.

HIV

Mr. Merchant: To ask the Secretary of State for Health what steps his Department is taking to keep the general population informed about the continuing risks from HIV. [27398]

Mr. Horam: The Health Education Authority has an on-going programme in this area, including its recent winter campaign aimed at young people.

Factor 8

Mr. Pawsey: To ask the Secretary of State for Health (1) what research his Department has commissioned into factor 8; where it is based; who does it; what it costs; and when it started; [27711]

(2) what evidence he has evaluated based on research into factor 8 otherwise than in the United Kingdom. [27712]

Mr. Horam: The Department has not commissioned any current research on factor 8. Research findings from abroad, as well as from the United Kingdom, are kept under review when any relevant decision are taken by the Department.

Breast Cancer

Mr. Gunnell: To ask the Secretary of State for Health what guidance he has issued on the recommended waiting time for breast cancer patients between surgery and the start of radiotherapy treatment; and what percentage of patients at the Yorkshire regional centre at Cookridge, Leeds begin within that time. [26490]

Mr. Horam: The Department has not issued guidance on a recommended waiting time for such treatment.

Yorkshire Regional Centre, Cookridge

Mr. Gunnell: To ask the Secretary of State for Health (1) how many patients were treated at the Yorkshire regional centre in each of the financial years from 1991–92 to 1995–96; and what were the numbers who began their treatment in each three month period from April 1994 to April 1996; [26491]

(2) what is the current waiting list for starting radiotherapy treatment at Cookridge; and what it was on *(a)* 1 April 1994, *(b)* 1 October 1994, *(c)* 1 April 1995 and *(d)* 1 October 1995; [26492]

(3) how many linear accelerators for breast cancer radiotherapy treatment are available at the Yorkshire regional centre at Cookridge; [24693]

(4) what assessment he has made of the number of additional staff necessary to match the present demands on the service at the Cookridge centre; and what plans he has to meet these needs. [24696]

Mr. Horam: These are matters for United Leeds Teaching Hospitals national health service trust. The hon. Member may wish to contact Mr. David Hall, chairman of the trust for details.

Linear Accelerators

Mr. Gunnell: To ask the Secretary of State for Health what is the average waiting time between the completion of a purchasing agreement for a linear accelerator and its commissioning after installation. [24694]

Mr. Horam: The average waiting time between the completion of the purchasing agreement for a linear accelerator and its commissioning after installation is not available centrally. However, factors which could affect the waiting time are the complexity of the particular linear accelerator under consideration and the availability of local scientific and technical expertise.

Mr. Gunnell: To ask the Secretary of State for Health what requests from the Cookridge centre for linear accelerators are currently under consideration by Northern and Yorkshire Health and when is completion of the purchasing agreement is expected. [24695]

Mr. Horam: An outline business case has been submitted to the national health service executive's Northern and Yorkshire regional office from the United Leeds Teaching Hospitals NHS trust for provision of two linear accelerators, one new simulator and associated building work at Cookridge hospital.

Further consideration is now being given to the business case in the light of the recommendations of the Leeds acute services review, which was published recently.

Xenotransplantation

Mr. Morley: To ask the Secretary of State for Health if he will make it his policy that no xenotransplantation trials involving human recipients should proceed until an advisory committee on xenotransplantation has been set up. [27886]

Mr. Horam: My right hon. Friend the Secretary of State for Health last year established an advisory group on the ethics of xenotransplantation, with the following terms of reference:

"In the light of recent and potential developments in xenotransplantation, to review the acceptability of and ethical framework within which xenotransplantation may be undertaken and to make recommendations."

The advisory group will report by summer 1996. My right hon. Friend will then consider its recommendations and the policy implications.

Read Codes System

Mr. Morgan: To ask the Secretary of State for Health what was the original proposed date and location of the launch of the Read codes system for coding and classification in the NHS; and what form the launch was planned to take. [27625]

Mr. Horam: The scheduled date for the launch was October 1995, to be held in London. The purpose was to announce the successful completion of the terms projects and to report early results from pilots.

Mr. Morgan: To ask the Secretary of State for Health what assessment he has received from the project board running the Centre for Coding and Classification at Loughborough into the development of Read codes on the length of time it would take to produce a service strength product for use within the NHS; and if he will make a statement. [27626]

Mr. Horam: Version 2 of Read is already in widespread use. Version 3 will reach service strength at different dates for different application areas. For the majority of specialities in the acute sector, service strength is expected by the end of this year. The centre's supervisory board which meets quarterly receives regular reports on all developments and has approved the timetable.

Mr. Morgan: To ask the Secretary of State for Health if he will list for each financial year the expenditure on capital and revenue on the development of Read codes; how many hospitals are participating in the pilot exercise and what their response has been to date; when he proposes to submit the project for independent evaluation; and if he will make a statement. [27829]

Mr. Horam: The cost of developing version 3 of the Read codes is as follows:

	Revenue	*Capital*
1992–93	£1.1 million	Nil
1993–94	£2.1 million	Nil
1994–95	£0.5 million	Nil
Total	£3.7 million	

The nature of the Read terms is that new terms are added regularly through a maintenance process. This aspect of developments costs:

	Revenue	*Capital*
1994–95	£0.7 million	Nil
1995–96	£0.7 million	Nil
Total	£1.4 million	

The version 3 Read code partnership programme commenced in mid-1995 and involved 14 sites—a further 30 sites have expressed interest in participating in the programme. We are aware of an additional 15 non-partnership sites which are using or about to use version 3 of the Read codes. These assessments in use comprise evaluation. An evaluation beyond this is not planned.

Mr. Morgan: To ask the Secretary of State for Health what assessment he has made of the representations from other Government Departments in relation to the urgency of the re-evaluation of the Read codes system and the Centre for Coding and Classification in Loughborough. [27828]

Mr. Horam: Contacts with Government Departments in Scotland and Wales on Read codes are long standing and continuing.

On 7 March, the Welsh Office expressed concerns about the project at Withybush hospital. Several meetings have since taken place and these concerns have been addressed. The project is continuing.

EU Directives

Mr. Steen: To ask the Secretary of State for Health if he will list the directives which have affected his Department in each of the past three years and *(a)* the United Kingdom legislation introduced as a result of the directives, *(b)* the United Kingdom legislation which goes beyond the minimum standards set out in the directives and *(c)* the clauses within each piece of United Kingdom legislation which amplify the minimum standards set out in the directives. [27077]

Mr. Horam *[holding answer 29 April 1996]:* In the last three years, three directives have affected this Department. These, and the implementing legislation, are as follows:

Directive	*Implementing Legislation*
93–39 New Licensing system for human medicines	The Medicines for Human Use (Marketing Authorisation etc.) Regulation 1994 (SI 1994 No 3144)
93–42 Council Directive on Medical Devices	Medical Devices Regulations 1995 (SI 1994 No 3017) The Active Implantable Medical Devices (Amendment and Transitional Provisions Regulations) (SI 1995 No 1671)
93–43 Hygiene of foodstuffs	Food safety (General Food Hygiene) Regulations 1995 (SI 1995 No 1763)

None of the implementing legislation amplifies the minimum standards set in the directive.

Abortion

Ms Harman: To ask the Secretary of State for Health what has been the change in the abortion rate since 18 October 1995. [27128]

Mrs. Angela Knight: I have been asked to reply.

Data to monitor abortion rates since October 1995 are currently being processed and are not available for release. The December 1995 quarterly monitor on legal abortions performed in England and Wales, which is expected to be published on 27 June, will include new statistics on the number of abortions each month and also comparisons with previous years.

Spongiform Encephalopathy Research

Mr. Shore: To ask the Secretary of State for Health what investigations he has *(a)* commissioned and *(b)* evaluated to establish whether the BSE infective agent can be transmitted directly from a cow to its calf; what was the conclusion of that research; and if he will make a statement. [24472]

Mrs. Browning: I have been asked to reply.

I refer the hon. Member to the answer given to the hon. Member for Edinburgh, East (Dr. Strang) on 25 April 1996, *Official Report*, column *274*.

EDUCATION AND EMPLOYMENT

Remploy

Mr. Tipping: To ask the Secretary of State for Education and Employment how many of the directors of Remploy *(a)* have a trade union background and *(b)* were nominated by trade union bodies. [27404]

Mr. Paice: One

Mr. Tipping: To ask the Secretary of State for Education and Employment when each of the directors of Remploy was appointed; and when their terms of appointment expire. [27405]

Mr. Paice: The information is as follows:

Remploy Limited: Board appointments and tenure

Name	*Title*	*Start of contract*	*End of contract*
David Heywood	Chairman	9 September 1993	8 September 1996
Anthony Withey	Chief Executive	15 October 1994	4 October 1998
Len Boulton	Executive Director	1 January 1996	30 June 1999
Raymond Fletcher	Executive Director	1 January 1996	30 April 1999
Kenneth Taylor	Executive Director	1 April 1996	31 March 2000
Derek Boothman	Non-Executive Director	10 September 1995	9 September 1998
Roy Jackson	Non-Executive Director	2 September 1995	1 September 1998
John Ramsay	Non-Executive Director	9 September 1995	8 September 1998
Ann Roberts	Non-Executive Director	21 August 1993	20 August 1996
David Winterbottom	Non-Executive Director	12 December 1994	11 December 1997

Mr. Tipping: To ask the Secretary of State for Education and Employment how many of the directors of Remploy have a background or professional qualification in accountancy. [27409]

Mr. Paice: Four.

Mr. Tipping: To ask the Secretary of State for Education and Employment what plans she has to alter the balance of membership of the board of directors of Remploy in order to increase the number of members with a trade union background. [27408]

Mr. Paice: None.

Jobseeker's Allowance

Mr. Hinchliffe: To ask the Secretary of State for Education and Employment what estimates she has made of (i) the number of persons who will be disallowed jobseeker's allowance as a result of *(a)* voluntary unemployment and *(b)* failure to follow jobseeker's directions, (ii) the number of such persons who will receive reduced benefit and (iii) the number who will have no benefit entitlement in the first two weeks of a jobseeker's allowance sanction. [26439]

Mr. Forth: I have made no such estimates. Decisions on disallowance of jobseeker's allowance will be made by independent adjudication officers.

Training and Enterprise Councils

Mr. Morgan: To ask the Secretary of State for Education and Employment, pursuant to his answer of 29 April, *Official Report*, column *349*, if the training provider companies named in the letter sent to regional offices all have the same parent company. [27845]

Mr. Paice: The letter sent to regional offices included commercially sensitive information. It would be inappropriate for me to make any further comment on the contents of that letter.

Modern Apprenticeships

Mr. Byers: To ask the Secretary of State for Education and Employment (1) how many people are presently on modern apprenticeships; and how many have successfully completed a modern apprenticeship since its inception; [27800]

(2) if she will list for each TEC the number of people presently on modern apprenticeship courses; [27805]

(3) how many people are presently studying for a modern apprenticeship for each occupational area; [27804]

(4) if she will list the number of modern apprenticeships in each training and enterprise council for each occupational area. [27806]

Mr. Paice: As the reply will consist of a large amount of data, I will write to the hon. Member and place a copy of my reply in the Library.

Tottenham B Jobcentre

Mr. Bernie Grant: To ask the Secretary of State for Education and Employment (1) what are the implications of the inaccuracy of the April figures for vacancies at the Tottenham B jobcentre for estimates of employment trends in *(a)* the Tottenham Constituency and *(b)* nationally; [27881]

(2) when accurate figures for vacancies at the Tottenham B jobcentre will be released; [27880]

(3) what assessment she has made of the accuracy of the figures released on 17 April by the Central Statistical Office in respect of job vacancies at the Tottenham B jobcentre on 8 March; where the vacancies are; and what are the implications of the new computer system for the accuracy of the figures. [27879]

Mr. Forth: Responsibility for the subject of the questions has been delegated to the Employment Service agency under its chief executive. I have asked him to arrange for a reply to be given.

Letter from Robert Horne to Mr. Bernie Grant, dated 2 May 1996:

The Secretary of State has asked me, in the absence on leave of the Chief Executive, to reply to your questions relating to the figure for Unfilled Vacancies at Tottenham "B" Jobcentre which was published in the Greater London "First Release" on 17 April 1996.

During the changeover to the new Labour Market System (the new Employment Service system for client and vacancy records) an incorrect figure was generated for this office. Clearly the published figure of 1,062 is about 1,000 too high. It has not yet been possible to pinpoint the cause of the error but urgent steps are being taken to do this, and to prevent a similar occurrence in the future. I will write to you again with a fuller explanation when we have it.

In the meantime I would like to apologise for the confusion which this must have caused.

OVERSEAS DEVELOPMENT ADMINISTRATION

China

Ms Lynne: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he is taking to ensure that United Kingdom aid is not used to subsidise coerced abortion and sterilisation in China. [27088]

Mr. Hanley: All UK bilateral aid to China has clear objectives. Our projects aim to guarantee good water supplies, to strengthen transport infrastructure, to assist with China's severe environmental problems, to improve English language teaching and to promote good government. Projects are carefully designed and monitored to ensure that UK aid is used for the purposes intended. No bilateral aid gives any support to China's family planning programmes. Projects and programmes in China funded by the International Planned Parenthood Federation, IPPF, and the United Nations Fund for Population Activities, UNFPA, are subject to equally close supervision. Annual spending by IPPF and UNFPA in China is equivalent to less than 0.8 per cent. of the sum spent annually by China on its family planning programmes.

Ms Lynne: To ask the Secretary of State for Foreign and Commonwealth Affairs what specific steps he has taken to ensure that the financial, technical and management resources available through the United Nations Fund for Population Activities do not enable the Chinese authorities to enforce coercive population control programmes more vigorously; and if he will make a statement. [27009]

Mr. Hanley: We regularly discuss with, and advise, senior officials of the UNFPA on matters concerning its current activities and future plans in China. As a result of this dialogue, we are satisfied that the activities that UNFPA currently funds in China do not in any way encourage coercive practices, but have promoted the health and welfare of Chinese women and children, especially in poorer regions of the country. UNFPA's current programme is approaching completion. Any new UNFPA programme in China would be subject to approval by the fund's governing body. If necessary, the UK Government, in partnership with like-minded board members and observers, will use this additional mechanism to influence the outcome of a future decision relating to a new UNFPA programme in China and to ensure that any such programme is fully consistent with the programme of action of the international conference on population and development agreed in Cairo in September 1994.

Dr. Beko Ransome-Kuti

Mr. Jon Owen Jones: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on the well-being of Dr. Beko Ransome-Kuti, president-elect of the Nigerian Medical Association; and whether he has made representations for his release from prison. [27091]

Mr. Hanley: We are aware of reports that Dr. Beko Ransome-Kuti's health is deteriorating in Katsina prison. Our high commission in Lagos is in regular contact with members of the Ransome-Kuti family and the Nigerian Medical Association. We have raised our concerns about

Dr. Ransome-Kuti, and other human rights activists in detention, with the Nigerian authorities and continue to press for their release.

HIV-AIDS

Mr. Martyn Jones: To ask the Secretary of State for Foreign and Commonwealth Affairs what percentage of the UK aid committed for reproductive health in the years 1994 and 1995 was allocated to HIV-AIDS projects in overseas countries. [27093]

Mr. Hanley: Some 21 per cent.—£39.3 million—of total UK aid commitments in 1994 and 1995 for improved reproductive health—£184 million—was allocated specifically for HIV-AIDS projects and programmes, including the provision of condoms. In addition, a significant number of reproductive health projects approved during this period include prevention of HIV transmission as one of several objectives.

SCOTLAND

Cairngorm Funicular Railway

Mr. Galbraith: To ask the Secretary of State for Scotland what assessment he has made of the correspondence from the International Union for Conservation of Nature on the Cairngorm funicular; and if he will make a statement. [27090]

Mr. Kynoch: My right hon. Friend has received three letters from the International Union for Conservation of Nature on the proposal to construct a funicular railway on Cairngorm. He has advised them that the application is currently before Highland Council, as planning authority, but should the matter come before him for determination, their views would be taken into account.

Dunblane School Inquiry

Mr. William Ross: To ask the Secretary of State for Scotland if he will place in the Library the daily and weekly transcripts of evidence and copies of submissions made to the Dunblane school inquiry. [27150]

Lord James Douglas-Hamilton: Transcripts of evidence prepared for, and submissions made to, the tribunal are provided for the purpose of assisting the chairman of and parties to the tribunal. It would not be appropriate to lodge these documents in the Library.

Housing

Dr. Godman: To ask the Secretary of State for Scotland (1) if he will list for each district and islands council the total number of dwelling completions in the categories of *(a)* housing association for rent, *(b)* housing association shared ownership, *(c)* housing association improvement for sale, *(d)* GRO grant for rent, *(e)* GRO grant for home ownership and *(f)* total approved development programme under the Scottish Homes approved development programme; [26538]

(2) if he will detail for each district and islands council area for 1995–96 the total public expenditure within the Scottish Homes approved development programme on *(a)* housing association for rent, *(b)* housing association shared ownership, *(c)* housing association improvement for sale, *(d)* GRO grant for rent, *(e)* GRO grant for home ownership and *(f)* total ADP. [26537]

Mr. Raymond S. Robertson: The information requested is held by Scottish Homes. I have asked its chairman, Mr. John Ward, to write to the hon. Member.

Travelling People

Mr. Maclennan: To ask the Secretary of State for Scotland, pursuant to his answer of 23 April, *Official Report*, column *124*, if he will list the name or location of each private site, the number of pitches it provides and the district in which it is situated. [27638]

Mr. Raymond S. Robertson: The pitches provided on private sites are located on farms, crofts and touring caravan sites and vary from time to time. I regret that detailed information about their location is not recorded centrally, but I understand that Highland council is currently considering whether to keep such a record.

Mr. J. W. Steven

Mr. Maclennan: To ask the Secretary of State for Scotland when the hon. Member for Caithness and Sutherland will receive a substantive reply to his letter dated 4 October 1995 to the Minister for Agriculture, Forestry and the Environment about the case of Mr. J. W. Steven of Philips Main farm, Mey. [27639]

Mr. Raymond S. Robertson: My noble Friend the Under-Secretary of State has asked his officials to examine very carefully the case to which the hon. Member refers. He will send a full reply as soon as this detailed consideration is complete, and hopes to be in a position to do so within the next fortnight.

Oral Contraceptives

Mr. Simon Hughes: To ask the Secretary of State for Scotland if he was consulted in his capacity as a member of the licensing authority prior to the issuing of a letter dated 18 October 1995 relating to oral contraceptives containing desogestrel and gestodene. [26575]

Lord James Douglas-Hamilton *[holding answer 25 April 1996]:* I refer the hon. Member to the reply given to my hon. Friend the Minister for Health on 25 April, *Official Report*, column *281*, stating that disclosure of such information would be in breach of long-established convention.

TREASURY

Prompt Payment Code

Mr. Harvey: To ask the Chancellor of the Exchequer which Government Departments have signed up to the Confederation of British Industry's prompt payment code and on what dates; and if he will make a statement. [26615]

Mrs. Angela Knight: The following Government Departments and agencies have signed up to the CBI prompt payment code to date:

Agricultural Development Advisory Service

Crown Prosecution Service

Cabinet Office

Central Computer and Telecommunications Agency
Central Office of Information
Charity Commission
Chessington Computer Centre
Civil Service College
Civil Service Occupational Health and Safety Agency
HM Customs and Excise
Defence Bills Agency (Ministry of Defence)
Department for Education and Employment
Department of the Environment
Department of Health
Department of National Heritage
Department of Social Security
Department of Trade and Industry
Employment Service
Foreign and Commonwealth Office
Government Actuary's Department
Government Property Lawyers
Her Majesty's Stationery Office
Health and Safety Executive
Home Office
Inland Revenue
HM Land Registry
Legal Secretariat to the Law Officers
Ministry of Agriculture, Fisheries and Food
NHS Executive
National Investment and Loans Office
Department of National Savings
Office of Electricity Regulation
Office of Fair Trading
Office of Gas Supply
Paymaster Agency
Office of Telecommunications
Overseas Development Administration
Property Advisers to the Civil Estate
HM Prison Service
Privy Council Office
Recruitment and Assessment Services
Royal Mint
Scottish Office
Security Facilities Executive
Serious Fraud Office
HM Treasury
Treasury Solicitor's Department
United Kingdom Passport Agency
Welsh Office

The dates on which Departments signed up to the code are not held centrally.

Late Payments

Mrs. Roche: To ask the Chancellor of the Exchequer what percentage of bills were paid late by his Department in 1995–96. [26125]

Mrs. Angela Knight *[holding answer 24 April 1996]:* This information is being collated by the Department of Trade and Industry and will be published by my right hon. Friend the President of the Board of Trade before the summer recess.

Financial Services Act

Mr. David Nicholson: To ask the Chancellor of the Exchequer, pursuant to his answer of 12 March, *Official Report*, column *549*, about section 47 of the Financial Services Act 1986, who, other than an investor, has a duty to inform the prosecuting authorities when they have identified a breach of section 47; and what policy he has adopted since 1988 to ensure that the Securities and Investments Board, is able to identify breaches of section 47. [26976]

Mrs. Angela Knight: No one has a specific duty to give prosecuting authorities information of the kind described. The Securities and Investments Board has no power to prosecute offences under section 47. Any procedures it has for identifying breaches of that section are operational matters for SIB.

Economic and Monetary Union

Mr. Spearing: To ask the Chancellor of the Exchequer what *(a)* treaty and *(b)* other obligations Her Majesty's Government have in respect of attaining the criteria for economic and monetary convergence under phase 2 of the plans for economic and monetary union; and which of those obligations would remain if the United Kingdom did not proceed to phase three of those plans when others did so. [27117]

Mrs. Angela Knight: The four criteria for economic and monetary convergence mentioned in article 109(j) of the EC treaty, and developed further in protocol No. 6 on the convergence criteria, do not prescribe legal obligations. The United Kingdom is under no treaty or other obligations to attain the criteria.

Works of Art

Mr. Wilson: To ask the Chancellor of the Exchequer if he will list the membership of the Advisory Committee on Conditionally Exempt Works of Art. [27116]

Mr. Jack: There is no advisory committee on conditional exemption from inheritance tax for works of art. The Inland Revenue seek advice from the keepers and curators of the appropriate national collections about the suitability of any particular items for the purposes of the exemption.

Income Tax

Mr. Forman: To ask the Chancellor of the Exchequer what would be the estimated full-year costs at 1996–97 income levels of introducing an income tax structure of two positive rates at 20 per cent. and at 40 per cent., assuming transferable personal allowances of £5,000 per person, existing tax threshold for each of the two positive rates, and the abolition of all other tax expenditures, exemptions and reliefs now allowable against income tax. [27233]

Mr. Jack: The estimated full-year cost of introducing two rates of 20 per cent. for taxable income up to £25,500 and 40 per cent. for taxable income over £25,500 at 1996–97 income levels would be about £3 billion, assuming a personal allowance of £5,000 transferable between spouses and the abolition of all other income tax allowances, and mortgage interest relief, tax relief on employee's contributions to occupational and personal pension

schemes, reliefs for tax-exempt special savings accounts, personal equity plans, TESSAs, PEPs and profit-related pay, national savings certificates, employee share schemes and charitable giving.

This estimate does not take into account the substantial behavioural effects which might result from the introduction of such a change; nor does it allow for any subsequent changes to the tax system, such as changes to tax relief on employer's contributions to pension schemes or relief for investment income in pension funds.

European Central Bank

Mr. Llew Smith: To ask the Chancellor of the Exchequer if he will list each of the proposed responsibilities and functions of the European Central bank, indicating when these powers will enter into force; and if he will list the legal opportunities available to EU member state Governments or other EU institutions to change the statute of the ECB. [27347]

Mrs. Angela Knight: Article 105(1) of the EC treaty provides that the

"primary objective of the ESCB"

—The European system of central banks, consisting of the European central bank and participating national central banks—

"shall be to maintain price stability".

It also states that, without prejudice to this objective, the ESCB shall support other Community policies and objectives.

Article 105(2) provides that the basic tasks of the ESCB shall be

"to define and implement the monetary policy"

of the single currency area,

"to conduct foreign exchange operations . . . to hold and manage the official foreign reserves of member states",

and

"to promote the smooth operation of payment systems".

Article 105(4) provides for the European central bank to be consulted and to submit opinions. Article 105(5) states that the ESCB shall

"contribute to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system".

The functions of the ECB in relation to banknotes and coins are prescribed by article 105a.

The statute of the ESCB, forming protocol No. 3 to the EC treaty, makes further provision in relation to functions of the ECB.

Article 1091 prescribes the process for the establishment of the ECB. the European Council in Madrid in December 1995 agreed a timetable for the introduction of the single currency which anticipates the ECB being set up during 1998, and carrying out preparatory work from that date, so that the ESCB can start to fulfil its tasks and meet its objectives from the start of the third stage of economic and monetary union on the date set out in the treaty of 1 January 1999.

Article 41 of the statute of the ESCB provides for certain articles of the statute to be amended by the Council of Ministers, acting by a qualified majority on a unanimous recommendation from the governing council of the ECB and after consulting the Commission, or acting unanimously on a proposal from the Commission and after consulting the ECB. In either case, the assent of the European Parliament would be required. The articles in question deal in particular with the collection of statistical material, central bank accounts, monetary policy instruments and operations, banking and external operations, administration, and the allocation of monetary income and profits. Other changes to the statute would require amendment of the treaty.

Multiple Births

Mr. Llwyd: To ask the Chancellor of the Exchequer how many sets of *(a)* twins, *(b)* triplets, *(c)* quadruplets, *(d)* quintuplets and *(e)* sextuplets were born in England and Wales in each year from 1990 to 1995; and if he will make a statement. [27416]

Mrs. Angela Knight: Available data requested are shown in the table. I will write to the hon. Member when figures for 1995 become available in late May or June.

Maternities in England and Wales with multiple births

	1990	*1991*	*1992*	*1993*	*1994*
Twins	7,934	8,160	8,314	8,302	8,451
Triplets	201	208	202	234	260
Quadruplets	10	10	8	12	8
Quintuplets	—	2	1	—	—
Sextuplets	—	—	—	1	—

The figures cover both live and stillborn children.

No. 11 Downing Street

Mr. Hall: To ask the Chancellor of the Exchequer what charges are made for the use of No. 11 Downing street for charitable or other fund-raising events; and what use is made of the catering and other facilities of No. 11 Downing street at such events. [27780]

Mr. Kenneth Clarke: There is no charge for using No. 11 Downing street for charitable or other fundraising events. The costs of providing security cover are met by the Treasury for charitable events only if cover is deemed necessary.

Event organisers are allowed to use the kitchen facilities for catering purposes, as well as the standard function facilities such as the state room, Soane dining room, and ground floor meeting room.

Mr. Hall: To ask the Chancellor of the Exchequer what are the rules governing the use of No. 11 Downing street for non-official purposes. [27779]

Mr. Clarke: Ministers in this and previous Governments have been allowed to hold non-official functions at No.11 Downing street at their own expense or at the expense of the event organisers. Appropriate arrangements are required for security clearance.

Economic Growth

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his current estimate of the likely growth of the United Kingdom economy in 1996; what it

was before the release of the United Kingdom first quarter growth estimates; and if he will make a statement. [27795]

Mr. Waldegrave: The Government's last forecast was set out in the November "Financial Statement and Budget Report."

The good performance of the UK economy is containing and output has risen in every quarter for the past four years. The Government's economic policies are delivering continuing growth, low inflation and rising prosperity.

Commemorative Coins

Mr. Matthew Banks: To ask the Chancellor of the Exchequer what plans her Majesty's Government have to issue new commemorative coins. [28163]

Mr. Kenneth Clarke: To commemorate the 25th anniversary of decimalisation, the Royal Mint will issue 25,000 sets of seven silver proof coins, up to and including the £1 coin. The coins will feature the 1996 designs and will be available as specially packaged sets.

Education Trusts

Mr. Corbett: To ask the Chancellor of the Exchequer what is the estimated annual increase in revenue from the decision to end tax relief for education trusts established to meet private school fees, from April 1997. [25584]

Mr. Jack *[holding answer 19 April 1996]:* The Charity Commission has been conducting an inquiry into certain education trusts which operate school fees schemes. It has concluded that the trusts are not truly charitable and proposes to remove them from the register of charities. Where the trusts lose their charitable status they will no longer be entitled to charitable tax reliefs. However, tax relief will not be withdrawn until 1 April 1997 and the Government are reviewing the implications of the change. The revenue yield at stake is likely to be negligible.

Copyright

Mr. Maclennan: To ask the Chancellor of the Exchequer what progress his Department has made towards obtaining a photocopying licence from the Copyright Licensing Agency to ensure compliance with copyright law. [26714]

Mrs. Angela Knight *[holding answer 25 April 1996]:* The Treasury is currently negotiating terms of the photocopying licence prepared by the Copyright Licensing Agency Ltd.

Employment Statistics

Mr. Gapes: To ask the Chancellor of the Exchequer how many people were in employment in Great Britain in spring 1990; and how many were in employment in winter 1995. [27407]

Mrs. Angela Knight *[holding answer 1 May 1996]:* Information from the labour force survey shows that there were 26,421,000 people in employment in Great Britain at spring 1990. The corresponding number for winter 1995–96 is 25,680,000.

NORTHERN IRELAND

Elections

14. **Mr. Bellingham:** To ask the Secretary of State for Northern Ireland when he next expects to meet representatives of different political parties to discuss the forthcoming election. [26388]

Sir Patrick Mayhew: My right hon. Friend the Member for Devizes (Mr. Ancram) met representatives from the Progressive Unionist party last Friday and further preliminary consultations with the parties in Northern Ireland are currently being considered. We have undertaken to discuss issues relating to the negotiations and the deliberative forum with the relevant parties.

Tourism

17. **Mr. Nigel Evans:** To ask the Secretary of State for Northern Ireland what estimate he has made of the number of tourists from the United States of America who visited Northern Ireland in 1995. [26391]

Mr. Ancram: The total number of tourists from the United States of America who visited Northern Ireland in 1995 was 83,000 which represents an increase of 54 per cent. on 1994. Within this total, the number of pure holiday visitors increased by 114 per cent. from 22,000 in 1994 to 47,000 in 1995.

Bovine Spongiform Encephalopathy

18. **Mr. William Ross:** To ask the Secretary of State for Northern Ireland what further steps he intends to take to deal with BSE in Northern Ireland. [26392]

Sir Patrick Mayhew: The Department of Agriculture will be working to ensure that the substantial schemes already put in place by Government start as soon as possible in Northern Ireland and that available funds reach farmers and meat plants as soon as possible.

Family Policy

19. **Mrs. Ann Winterton:** To ask the Secretary of State for Northern Ireland if he will make a statement on family policy in Northern Ireland. [26394]

Mr. Moss: The Department of Health and Social Services chairs an inter-departmental group on social policy issues in Northern Ireland, and part of its remit is to maximise the contribution of public policies to supporting family life. Specific policy initiatives have been taken in the areas of domestic violence and early years provision. Northern Ireland is represented on the Government's family law and administration working party.

Peace Process

20. **Mr. Canavan:** To ask the Secretary of State for Northern Ireland if he will make a statement about the development of the peace process. [26395]

26. **Mr. Hain:** To ask the Secretary of State for Northern Ireland if he will make a statement on progress in the peace process. [26401]

Mrs. Gorman: To ask the Secretary of State for Northern Ireland if he will make a statement on the proposed election process in Northern Ireland. [26383]

Sir Patrick Mayhew: The Northern Ireland (Entry to Negotiations, etc.) Bill received Royal Assent on 29 April. Later today I expect to make the order directing the holding of elections on 30 May in Northern Ireland which will lead directly to all-party negotiations on 10 June.

25. **Mr. David Shaw:** To ask the Secretary of State for Northern Ireland if he will make a statement on the opportunity for all adults in Northern Ireland to participate in the peace process. [26400]

Sir Patrick Mayhew: All adults who are eligible to vote may do so in the elections on 30 May. They will be able to vote for the party which they wish to represent them in the all-party negotiations and in the forum.

Police White Paper

22. **Ms Church:** To ask the Secretary of State for Northern Ireland when the Government intend to publish their White Paper on policing in Northern Ireland. [26397]

Sir John Wheeler: I refer the hon. Member to the answer I gave the hon. Member for Islington, North (Mr. Corbyn) earlier today.

Examination Results

24. **Mr. Harry Greenway:** To ask the Secretary of State for Northern Ireland how many pupils in number and as a percentage of their age group achieved grades A to C in the general certificate of secondary education or O-level *(a)* in the past year, *(b)* 10 and *(c)* 20 years ago; and if he will make a statement. [26399]

Mr. Ancram: In 1995–96, 76.3 per cent.—19,263—of pupils in year 12 (aged 15 at the start of the school year) achieved grades A to C in GCSE. Comparable figures for 10 and 20 years ago are not available as the information on qualifications was collected only for school leavers. Comparisons on the qualifications of school leavers show that in 1994–95, 75.5 per cent.—18,516—of school leavers achieved grades A to C at GCSE, 57.6 per cent.—15,468—achieved grades A to C at GCE O-level in 1985–86 and 45.3 per cent.—10,976—achieved grades A to C at GCE O-level in 1974–75.

Marches

27. **Mr. Connarty:** To ask the Secretary of State for Northern Ireland what steps he intends to take to minimise tensions between the two communities in Northern Ireland during the coming marching season. [26402]

Sir John Wheeler: The management of parades is a complex issue which requires much patience and hard work for all concerned.

The routing of parades is an operational matter for the Chief Constable and I believe such decisions are best left to him. The RUC handle the issue of parades very well, focussing on negotiating with local residents' groups and parade organisers in an attempt to reach agreement

It should be remembered, however, that, in over 3,000 parades in 1995, in only a small handful was there disorder.

Mr. McAvoy: To ask the Secretary of State for Northern Ireland what proposals he has to establish a mechanism which would seek community consent for the routing of traditional marches and parades. [26396]

Sir John Wheeler: There are no plans to change present procedures under which the routing of parades is a matter for the police, where necessary after consultation with both march organisers and local people. It is worth remembering that in over 3,000 parades in 1995 only a few resulted in disorder.

Flags

28. **Mr. Nicholas Winterton:** To ask the Secretary of State for Northern Ireland what is his policy in respect of flying the Union Jack flag on Royal Ulster Constabulary police stations. [26403]

Sir John Wheeler: The Chief Constable of the RUC is responsible for regulations on the flying of the Union flag on RUC stations, contained in the RUC code. The Government have no plans to change the policy on flying the Union flag on Government buildings.

Special Housing

29. **Mr. William O'Brien:** To ask the Secretary of State for Northern Ireland what provision is made in the capital allowances for housing purposes in Northern Ireland for special facilities for elderly people and people with disabilities; and if he will make a statement. [26404]

Mr. Moss: The Northern Ireland Housing Executive assesses overall housing need each year, including the needs of the elderly and the disabled. New house building programmes and programmes to improve or adapt existing stock are then drawn up by the executive, and also by housing associations which have concentrated on special housing needs. It is estimated that in 1995–96, some £5 million was spent on capital expenditure for the disabled. In addition some £4 million was paid under the provisions of disabled facilities grant.

Cancer

Mr. Llwyd: To ask the Secretary of State for Northern Ireland how many registered cases of cancer there were in Northern Ireland in *(a)* 1985, *(b)* 1989, *(c)* 1992 and *(d)* 1995; and if he will make a statement. [27031]

Mr. Moss: This information is not presently available. A major initiative by the Northern Ireland cancer registry is currently under way to produce reliable information on diagnosed cancer cases.

NATIONAL HERITAGE

Taylor Report (Implementation)

Ms Walley: To ask the Secretary of State for National Heritage if she will list by division those football clubs which do not meet the requirements of the Taylor report together with the length of time dispensation has been granted and the target date for meeting the requirements. [26527]

Mr. Sproat: Of the recommendations of the Taylor report which were implemented by the Government, the only outstanding requirement which needs to be met by clubs relates to all-seater stadiums. In the premier league

Bolton do not meet the all-seater requirement and in the first division Stoke City, Port Vale, Reading, Sunderland and Portsmouth do not meet the requirement.

The report recommended that clubs in the FA premier league and the division one of the football league should become all-seater by the start of the 1994 season. However, the Secretary of State is empowered to extend by one year at a time the date for clubs to meet the requirement following consultation with the Football Licensing Authority, which in turn consult the relevant local authorities. Sunderland and Portsmouth have been given two one-year extensions and have until the start of the 1996 season to comply.

Clubs also have three years from the date of their promotion to the first division to develop all-seater stadiums. Consequently, Stoke City and Bolton were promoted in 1993, have until the start of the 1996 season to meet the requirements; and Port Vale and Reading, which were promoted in 1994, have until the start of the 1997 season.

Playing Fields

Mr. Pendry: To ask the Secretary of State for National Heritage what steps the Government are taking to implement their commitment in "Raising the Game" to protect playing fields in relation to transferring unused British Coal recreational sites to the National Playing Fields Association. [27261]

Mr. Sproat: The Government's objective remains that British Coal land in active use for sport and recreation will be retained for those purposes. I understand that discussions are continuing with British Coal and the Coal Industry Social Welfare Organisation as to how this can be best achieved. Those discussions will be concluded as soon as possible.

Government Procurement (Access)

Mrs. Roche: To ask the Secretary of State for National Heritage what were the results of her Department's review of the first quarter of 1996 into measures to facilitate access to appropriate areas of Government procurement in the light of best practice. [27514]

Mr. Sproat *[holding answer 1 May 1996]:* My Department and its two agencies will shortly commence a monitoring exercise to establish both the number of small and medium businesses invited to tender, and their success rate. If found necessary, this information will allow us to identify measures we can take to ensure that small and medium businesses can fully compete, where appropriate, with large companies.

Small and Medium Businesses

Mrs. Roche: To ask the Secretary of State for National Heritage what proportion of her Department's budget was spent on procurement from small and medium enterprises in 1995–96. [27526]

Mr. Sproat *[holding answer 1 May 1996]:* Neither my Department nor its agencies kept a specific record of a suppliers' size during 1995–96. The information could therefore be obtained only by incurring disproportionate cost. My Department will keep a record of information relating to the size of the companies that it deals with in future.

WALES

Small Businesses

Mr. Barry Jones: To ask the Secretary of State for Wales what initiatives he has taken to assist small businesses in Wales; and if he will make a statement. [26823]

Mr. Richards: The Welsh Office supports small businesses directly and through the activities of a number of development agencies . The main programmes and associated funding in 1995–96 are:

	£ million
Regional Enterprise Grants	1.6
SMART Scheme for innovation	1.8
SPUR Scheme	1.0
Business Growth and Start-Up Programme (operated by TECs)	13.0

The Department's overseas trade services branch also supported eight trade missions to 13 overseas markets in 1995–96, securing immediate orders worth £1.6 million and prospective orders worth £44 million. In addition, under the Department's simplified procedure for regional selective assistance, 53 grant offers to the value of £0.9 million were made to small firms.

The Welsh Development Agency and the Development Board for Rural Wales operate a range of initiatives within their business services programmes which, in 1995–96, attracted estimated expenditure of £4.5 million.

A most important recent initiative is business connect, launched in January by my right hon. Friend and which is designed specifically to help small firms access quickly and effectively the business support network.

Organophosphate Poisoning

Mr. Llwyd: To ask the Secretary of State for Wales what plans his Department has to fund a medical centre for Wales to carry out assessment of suspected organophosphate poisoning sufferers; and if he will make a statement. [26985]

Mr. Richards: There are no plans to fund such a centre.

Assessments of suspected organophosphate poisoning can be carried out by general practitioners, who are able to obtain advice on diagnosis and treatment from the Welsh national poisons unit. It is also open to GPs to refer patients to hospital consultants.

Sleeping Policemen

Mr. Barry Jones: To ask the Secretary of State for Wales what is his policy concerning sleeping policemen; and if he will make a statement. [26867]

Mr. Gwilym Jones: Regulations covering the use of sleeping policemen are contained in the Highways (Road Humps) Regulations 1990, the Traffic Calming Act 1992 and the Highways (Traffic Calming) Regulations 1993. Local authorities may consider the use of road humps, where appropriate, along with other measures, when considering traffic calming schemes. The regulations are currently being reviewed to make them less onerous and to remove the need for special authorisation of non-standard road humps. Local authorities will equally need to consider any adverse implications for the local street scene and environment from the provision of humps and similar.

Further Education Funding

Mr. Alex Carlile: To ask the Secretary of State for Wales what plans he has to allocate funding for pilot courses in areas related to public service for women in colleges of further education; and if he will make a statement. [27562]

Mr. Hague: The Further Education Funding Council for Wales is responsible for allocating funding to colleges of further education. For the current year, I have made £176 million available to the council.

Wheelchairs

Mr. Alfred Morris: To ask the Secretary of State for Wales what are the unresolved issues being considered in respect of extending provision for outdoor powered wheelchairs and a voucher scheme for manual chairs for severely disabled people in Wales; and if he will make a statement. [27374]

Mr. Richards: I am currently seeking to establish the financial and operational implications of my hon. Friend the Under-Secretary of State for Health's announcement on 23 February. I hope shortly to be in a position to consider options for improvements to the wheelchair service in Wales.

Respite Care

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on his policy on respite care consequent upon the reform of local government. [26968]

Mr. Richards: Our policy on respite care remains the same. It is for local authorities, health authorities and GP fundholders to determine and meet the needs for respite care in their areas.

Nearly £150 million is available to Welsh local authorities for community care, including respite care, in 1996–97. It is for those authorities to manage their resources to provide the care their local people need.

The chief nursing officer and chief medical officer are also leading an initiative to improve palliative health care in Wales. One of the aims of the initiative is to ensure that everybody in Wales has access to an equally high standard of palliative care, including respite care for both patients and carers.

Council Tax

Mr. Ieuan Wyn Jones: To ask the Secretary of State for Wales, pursuant to his answer of 11 March to the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), *Official Report*, column *494*, if he will now publish for each of the new unitary authorities and for Wales the *(a)* estimated council tax levels for each band per two-person household, *(b)* average council tax for each two-person household, *(c)* estimated revenue raised from council tax, *(d)* estimated revenue from all other sources and *(e)* column *(c)* expressed as a percentage of the total of columns *(c)* and *(d)*. [27126]

Mr. Gwilym Jones: I refer to the answer I gave the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) on 11 March, *Official Report*, column *494*, and my letter of 1 April providing the information requested. A copy of the letter has been placed in the Library of the House.

Schoolchildren (Road Accidents)

Mr. Llwyd: To ask the Secretary of State for Wales how many schoolchildren were *(a)* killed and *(b)* injured in road accidents in each of the last three years for which information is available, in each district and county council in Wales; and if he will make a statement. [27435]

Mr. Gwilym Jones: The information requested is given in the following table. The data refer to personal injury road accidents reported to the police and forwarded to the Welsh Office.

Children of school age (5 to 15) killed or injured on Welsh roads

	1993			*1994*			*1995*		
	Killed	*Injured*	*Total casualties*	*Killed*	*Injured*	*Total casualties*	*Killed*	*Injured*	*Total casualties*
Clwyd									
Alyn and Deeside	—	52	52	—	48	48	—	65	65
Colwyn	—	47	47	—	50	50	1	50	51
Delyn	—	52	52	2	39	41	—	65	65
Glyndwr	—	40	40	—	20	20	1	29	30
Rhuddlan	3	48	51	—	34	34	—	58	58
Wreham Maelor	—	59	59	—	158	158	—	63	63
Clwyd total	3	298	301	2	349	351	2	330	332
Dyfed									
Carmarthen	—	37	37	—	45	45	—	28	28
Ceredigion	1	37	38	—	45	45	1	39	40

Children of school age (5 to 15) killed or injured on Welsh roads

	1993			1994			1995		
	Killed	*Injured*	*Total casualties*	*Killed*	*Injured*	*Total casualties*	*Killed*	*Injured*	*Total casualties*
Dinefwr	—	20	20	1	30	31	—	26	26
Llanelli	—	42	42	—	55	55	—	48	48
Preseli Pembrokeshire	—	26	26	1	47	48	—	33	33
South Pembrokeshire	—	95	95	—	47	47	—	29	29
Dyfed total	1	257	258	2	269	271	1	203	204
Gwent									
Blaenau Gwent	—	48	48	—	46	46	—	48	48
Islwyn	—	34	34	1	35	36	—	44	44
Monmouth	—	50	50	—	59	59	—	52	52
Newport	—	78	78	1	88	89	2	91	93
Torfaen	1	54	55	3	41	44	—	52	52
Gwent total	1	264	265	5	269	274	2	287	289
Gwynedd									
Aberconwy	—	41	41	—	32	32	—	32	32
Arfon	1	112	113	1	36	37	—	86	86
Dwyfor	1	12	13	—	14	14	1	20	21
Meirionydd	—	29	29	—	39	39	—	29	29
Ynys Mon	—	47	47	—	33	33	—	33	33
Gwynedd total	2	241	243	1	154	155	1	200	201
Mid Glamorgan									
Cynon Valley	—	31	31	—	55	55	—	31	31
Merthyr Tydfil	1	85	86	2	87	89	1	99	100
Ogwr	—	59	59	—	79	79	1	74	75
Rhondda	1	73	74	2	58	60	—	68	68
Rhymney Valley	—	62	62	1	39	40	—	66	66
Taff-Ely	—	36	36	—	28	28	1	33	34
Mid Glamorgan total	2	346	348	5	346	351	3	371	374
Powys									
Brecknock	—	32	32	—	37	37	—	26	26
Montgomeryshire	—	8	8	—	13	13	—	7	7
Radnorshire	—	18	18	—	29	29	—	26	26
Powys total	—	58	58	—	79	79	—	59	59
South Glamorgan									
Cardiff	1	189	190	1	231	232	—	187	187
Vale of Glamorgan	2	70	72	1	63	64	—	59	59
South Glamorgan total	3	259	262	2	294	296	—	246	246
West Glamorgan									
Port Talbot	—	34	34	—	32	32	1	27	28
Lliw Valley	—	40	40	1	34	35	—	32	32
Neath	—	47	47	—	50	50	—	41	41
Swansea	—	126	126	1	125	126	—	118	118
West Glamorgan total	—	247	247	2	241	243	1	218	219
Wales	12	1,970	1,982	19	2,001	2,020	10	1,914	1,924

Local Government Finance

Mr. Barry Jones: To ask the Secretary of State for Wales when he proposes to meet the leaders of each of the Welsh unitary authorities to discuss the impact of his financial settlement; and if he will make a statement. [28066]

Mr. Hague: Discussions of this sort are handled through the Welsh Local Government Association. On 22 April, the association announced it was not prepared to talk to me. On 24 April, it requested an early meeting to discuss the funding of local authorities in 1997–98. I will consider that request.

Cancer Study

Mrs. Clwyd: To ask the Secretary of State for Wales when his Department received the report published in 1993 by the Health and Safety Executive "Toxicity Review 28, Cancer Epidemiology in Coal Tar Pitch Volatile Associated Industries"; when it was published;

and what action was taken in response to the conclusion about the risk of death from cancers among workers in those industries. [27782]

Mr. Richards: This review was undertaken by the Health and Safety Executive. I understand that it was completed in October 1992 and the report published in 1993. The Welsh Office was not involved in the review and any action in response to the report's conclusions is a matter for the Health and Safety Executive.

Mrs. Clwyd: To ask the Secretary of State for Wales when his Department received the report, "Mortality Study of Workers at a Patent Fuel Plant" published by the Institute of Occupational Medicine in 1987 relating to the furnacite plant in Cwnboi; when it was published; what action was taken in response to the report; and if he will make a statement on the incidence of cancer among former employees in the coking industry. [27784]

Mr. Richards: This report was not commissioned by the Welsh Office, and the Department was not sent a copy at the time of its publication.

The Health and Safety Executive is responsible for securing the health, safety and welfare of persons at work. The Wales cancer registry does not hold data on the incidence of cancer among former employees in the coking industry.

I understand that Bro Taf health authority has commissioned an investigation into cancer incidence amongst former employees of the furnacite plant.

SOCIAL SECURITY

Benefits (Pensioners)

Mr. Denham: To ask the Secretary of State for Social Security how many pensioners claimed *(a)* income support, *(b)* housing benefit and *(c)* council tax benefit in each region of the United Kingdom and in each year since 1970. [20184]

Mr. Heald: The available information relates to recipients and is given in the tables.

Table 1: Claimants of pension age in receipt of Supplementary Benefit/Income Support 1970–1995

Thousands

Claimants by DSS Administrative Regions	*1970*	*1971*	*1972*	*1973*	*1974*	*1975*	*1976*	*1977*	*1978*	*1979*	*1980*	*1981*
Northern	n/a	n/a	149	142	132	111	109	110	112	110	109	106
Yorkshire and Humberside	n/a	n/a	198	186	189	167	167	174	173	168	169	173
Anglia	n/a	n/a	170	160	157	146	150	158	157	154	152	160
London North	n/a	n/a	176	169	168	163	164	171	171	166	169	172
London South	n/a	n/a	206	206	196	191	189	195	196	195	193	192
London West	n/a	n/a	155	150	136	127	130	135	140	141	133	141
South Western	n/a	n/a	125	123	131	126	130	134	131	136	130	128
West Midlands	n/a	n/a	172	166	163	156	158	160	164	166	164	171
North Western (Manchester)	n/a	n/a	132	127	134	124	124	130	128	127	125	127
North Western (Merseyside)	n/a	n/a	127	124	119	114	112	116	115	112	111	118
Wales	n/a	118	115	108	104	95	97	98	98	98	93	98
Scotland	n/a	185	185	182	178	159	155	156	153	151	144	152
Northern Ireland	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	58	56	56	56
United Kingdom	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1,795	1,779	1,750	1,794

Thousands

Claimants by DSS Administrative Regions	*1982*	*1983*	*1984*	*1986*	*1987*	*1988*	*1989*	*1990*	*1991*	*1992*
North Eastern	277	261	266	267	264	—	216	232	208	222
London North	299	284	285	294	288	—	233	237	224	238
London South	273	245	257	271	256	—	214	220	215	213
South Western	132	128	135	139	137	—	114	123	110	107
Midlands	301	263	265	270	285	—	224	242	222	238
North Western	253	234	231	234	238	—	203	211	207	210
Wales	96	93	93	94	98	91	86	89	81	87
Scotland	150	143	150	147	160	157	141	149	138	143
Northern Ireland	56	55	54	51	53	60	56	58	n/a	53
United Kingdom	1,837	1,705	1,737	1,768	1,780	1,599	1,487	1,560	n/a	1,511

Thousands

Income Support claimants by Government Standard Statistical Region	*1992*	*1993*	*1994*	*1995*
South East (Excluding London)	222	230	232	235
London (inner and outer)	178	185	187	189
North	86	96	96	97
Yorkshire and Humberside	145	151	154	155

Thousands

Income Support claimants by Government Standard Statistical Region	1992	1993	1994	1995
East Midlands	95	100	104	104
East Anglia	51	52	52	53
South West	106	121	121	119
West Midlands	148	157	163	164
North West	198	212	216	218
Wales	87	87	90	95
Scotland	143	151	153	157
Northern Ireland	53	58	n/a	n/a
United Kingdom	1,511	1,599	n/a	n/a

Table 2: Claimants of Pension Age in Receipt of Housing Benefit

Thousands

Housing Benefit Claimants by Government Standard Statistical Regions	1992	1993	1994
South East (Excluding London)	280	281	282
London (Inner + Outer)	258	263	255
North	139	133	135
Yorkshire and Humberside	199	210	204
East Midlands	127	129	119
East Anglia	67	67	66
South West	122	133	126
West Midlands	189	203	187
North West	220	220	225
Wales	95	92	90
Scotland	247	247	243
Northern Ireland	n/a	n/a	n/a
United Kingdom	n/a	n/a	n/a

Table 3: Claimants of pension age in receipt of council tax benefit

Thousands

Council Tax Benefit Claimants by Government Standard Statistical Regions	1992	1993	1994
South East (Excluding London)	466	438	426
London (inner + outer)	314	297	295
North	201	182	183
Yorkshire and Humberside	310	303	292
East Midlands	224	204	189
East Anglia	110	101	100
South West	222	213	209
West Midlands	330	290	299
North West	376	349	356
Wales	144	134	134
Scotland	334	296	299
Northern Ireland	n/a	n/a	n/a
United Kingdom	n/a	n/a	n/a

Notes:

1. Supplementary benefit/income support data are not available for 1985 and 1988. Supplementary benefit information are not available by region prior to 1972. Supplementary benefit information for Northern Ireland is not available prior to 1978.
2. Regions from 1970–1991 are DSS administrative. The boundaries for these regions changed in 1982. Data by Government standard statistical regions are available only from 1992.
3. Housing benefit/community charge benefit is not available by region prior to 1992. Northern Ireland housing benefit/community charge benefit/council tax benefit data are not available.
4. Income support replaced supplementary benefit in 1988.
5. Community charge benefit was replaced by council tax benefit from April 1993.
6. Pensioners have been defined as male claimants aged 65 or over and female claimants aged 60 or over for supplementary benefit/income support purposes. All claimants aged 60 or over have been treated as pensioners for housing benefit/council tax purposes.
7. All numbers are rounded to the nearest thousand. Totals may not sum due to rounding.
8. Housing benefit/council tax benefit figures exclude cases where entitlement was reduced to [illegible] after a non-dependent deduction was made.

Source:

Supplementary benefits annual statistical inquiries 1970 to 1987, supplementary benefits (Northern Ireland) annual statistical inquiries 1978 to 1987, income support annual statistical inquiries May 1989 to 1993, income support quarterly statistical inquiries May 1994 and February 1995, income support annual statistical inquiries (Northern Ireland) 1988 to 1993, housing benefit management information system annual 1 per cent. sample May 1992 to 1994.

Sir Graham Bright: To ask the Secretary of State for Social Security if he will list the benefits *(a)* monetary and *(b)* in kind that are available to old-age pensioners. [20746]

Mr. Heald: The information is as follows:

Monetary Benefits (including non-social Security Benefits)

There are various qualifying conditions for these benefits—details of which are in Departmental leaflets available from Benefits Agency and Contributions Agency offices and post offices.

Attendance Allowance.
Disability Living Allowance.
Invalid Care Allowance.
Disability Working Allowance.
Industrial Injuries Disablement Benefit.
Reduced Earnings Allowance.
Retirement Allowance.
Workmen's Compensation Supplementation.
Pneumoconiosis, byssinosis and miscellaneous disease benefits.
Child Benefit.
One Parent Benefit.
Guardian's Allowance.
Severe Disablement Allowance (SDA).
Incapacity Benefit (I).
Statutory Sick Pay (SAP).
Housing Benefit.
Council Tax Benefit (including CAB second Adult Rebates).
Income Support (including higher premium rates for pensioners).
Family Credit.
The Social Fund.
Unemployment Benefit.
Retirement Pension.
Widow's Benefit.
War Pensions.
Higher income tax allowances are available for pensioners.
Pensioners Guaranteed Income Bond.

Other help available

Concessionary Travel Scheme.
Free NHS eyesight test.
Free NHS prescriptions.
Free NHS dental treatment.
Vouchers to help with the cost of glasses.
Help with the cost of travelling to hospital for NHS treatment.
Help with insulation costs through HEES.
Meals on Wheels.
Home Care Services.
Day Care services.
Provision of telephone from Social Services.
Special equipment and home adaptations.
Special Housing.
Laundry.

A charge may be made for some of these services.

Mr. Frank Field: to ask the Secretary of State for Social security how many pensioners are currently claiming *(a)* income support only, *(b)* income support and housing benefit, *(c)* income support and council tax benefits, *(d)* income support, housing benefit and council tax benefit, *(e)* housing benefit only, *(f)* housing benefit and council tax benefit and *(g)* council tax benefit only. [27658]

Mr. Roger Evans: The available information is in the table.

Thousands

Benefit	*Pensioner households*
Income Support (IS) only	455
Housing Benefit (HB) only	130
Council Tax Benefit (CTB) only	640
IS and HB	30
IS and CTB	380
IS, HB and CTB	900
HB and CTB	890
All cases	3,425

Notes:

1. Figures are rounded to the nearest thousand. Due to rounding, totals may not sum.
2. Pensioner households have been defined as benefit units—which may be a single person or a couple-where the claimant and/or partner is aged 60 or over.
3. The number of pensioner households is based on the total number of benefit units.
4. Housing benefit/council tax benefit figures exclude cases eligible for HB/CTB but whose entitlement was nil after non-dependant deductions were accounted for. CTB figures exclude second adult rebate cases.

Source:

1. Income support statistics quarterly inquiry May 1994.
2. Housing benefit management information system annual 1 per cent. sample taken at the end of May 1994.
3. Family resources survey 1994-95.

Mr. Field: To ask the secretary of State for Social Security if he will estimate in 1979 and at the latest available date the number of *(a)* pensioners and *(b)* pensioner households drawing either income support, or housing benefit—rent rebate or allowances—or council tax benefit—rate rebate; and if he will present these data for *(a)* and *(b)* as a percentage of (i) all pensioners and (ii) all pensioner households. [27660]

Mr. Evans: The information is not available in the format requested. Such information as is available is set out in the table.

Pensioner/pensioner households drawing income support/housing benefit/council tax benefit at May 1994

Thousands

	Number	Percentage of all pensioners	Percentage of all pensioner households
Pensioners	4,297	34	—
Pensioner households	3,425	—	39

Pensioner/pensioner households drawing supplementary benefit/income support in November 1979 and May 1994

Thousands

	Number		*Percentage of all pensioners*		*Percentage of all pensioner households*	
	1979	*1994*	*1979*	*1994*	*1979*	*1994*
Pensioners	2,139	2,047	20	19	—	—
Pensioner households	1,787	1,765	—	—	n/a	20

Notes:
1. Comparable data on housing benefit and council tax benefit are not available for 1979. Prior to 1983, financial assistance with domestic rents and rates was provided under two separate schemes—supplementary benefit and the local authority rent rebate allowance and rent rebate schemes. Data on the local authority schemes are not available.
2. Figures are rounded to the nearest thousand. Due to rounding totals may not sum.
3. Pensioner households have been defined as benefit units—which may be a single person or a couple—where the claimant and/or partner is aged 60 or over.
4. Pensioners have been defined as the number of people in pensioner benefit units, which may include some people aged under 60—that is, where the partner is aged 60 or over.
5. The number of pensioner households is based on the total number of benefit units.
6. Housing benefit/council tax benefit figures exclude cases eligible for HB/CTB but whose entitlement was nil after non-dependent deductions were accounted for. CTB figures exclude second adult rebate cases.

Source:
1. Income support statistics quarterly inquiry May 1994.
2. Housing benefit management information system annual 1 per cent. sample taken at the end of May 1994.
3. Family resources survey 1994–95.
4. Supplementary benefit statistics annual inquiry 1979.
5. Office of Population Censuses and Surveys.

n/a = not available.

Serco Ltd.

Mr. Redmond: To ask the Secretary of State for Social Security what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26686]

Mr. Burt: The information is not held centrally in the format requested and could be obtained only at disproportionate cost.

The Department has many local budget holders who purchase services form contractors offering the best value for money and quality of service. There is no central record of purchases categorised by contractor. Such information as is available indicates that the Department has several contracts with Serco totalling between £5 million and £10 million.

Departmental contracts contain a condition which deals with early termination. This allows, if appropriate, for contractors to be compensated for unavoidable costs arising from early termination, and for the Department to be similarly compensated if the termination is by the contractor. The costs would be wholly dependent on the particular circumstances and so no generally applicable cost can be given.

Pensions

Ms Corston: To ask the Secretary of State for Social Security, pursuant to his answer of 14 March, *Official Report*, column *758*, what would have been public spending on the state earnings-related pension scheme, assuming the legislation of the early 1980s had remained in force, in 1994–95, 2000–01, 2010–11, 2020–21 and 2030–31 at 1994 prices. [26448]

Mr. Heald: The table gives the estimated state earnings-related pension scheme expenditure assuming that the Social Security Acts of 1986 and 1995 had not been introduced. For comparison, the table also includes the current estimates of SERPS expenditure.

Estimated SERPS expenditure

£ billion 1994–95 prices

Year	*1994–95*	*2000–01*	*2010–11*	*2020–21*	*2030–31*
Pre-Social Security Act 1986 regime[1]	1.8	4.2	12.0	25.0	41.0
Pre-Pensions Act 1995 regime[2]	1.8	4.2	9.2	14.5	18.7
Post-Pensions Act 1995 regime[2]	1.8	4.2	8.4	10.9	12.0

[1] Figures are approximations based on figures from the Social Security Bill 1986, report by the Government Actuary on the financial effects of the Bill on the national insurance fund, Cmnd 9711, allowing for an extra 5 million people contracted out in appropriate personal pensions, and the report by the Government Actuary on the financial effects of the Pensions Bill 1994 on the national insurance fund, Cm 2714. They assume price uprating of benefits and are in respect of retirement pensioners only.

[2] The figures are taken from the report by the Government Actuary on the financial effects of the Pensions Bill 1994 on the national insurance fund, Cm 2714, assuming price uprating of benefits and are in respect of retirement pensioners only.

War Pensions Agency

Sir Cranley Onslow: To ask the Secretary of State for Social Security what assessment he has made of the adequacy of the steps taken by the War Pensions Agency to meet the conditions of its charter standard statement, with particular reference to the answering of calls to its telephone helpline. [26879]

Mr. Heald: This is a matter for Kevin Caldwell, the chief executive of the War Pensions Agency. He will write to the hon. Member.

Letter from K. C. Caldwell to Sir Cranley Onslow, dated 1 May 1996:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question about the steps we are taking to meet the conditions of our Charter Standard Statement with particular reference to answering calls to our telephone Helpline.

Our Charter Standard Statement states "If you phone our Helpline we will answer your call within 30 seconds". These standards were set when the number of calls being presented to the Helpline was in the region of 10 to 11,000 per week. Calls are now averaging over 20,000 per week and, in spite of the increase, are being answered within an average of 38 seconds.

To cope with the increase, the answerphone facility (originally installed for messages to be left outside office hours) was expanded to run throughout the working day, for messages to be left when all lines were busy. The volume of messages on the answerphone machine however grew to an unacceptable level, resulting in Helpline advisors spending too much time making call-backs to pensioners rather than being free to answer incoming calls direct.

The machine was being accessed over 800 times daily, but only 40% of callers actually left a message. We conducted a survey of a random sample of callers. A great majority said they would rather wait a little longer in the queuing system than leave a message. We therefore now limit the usage of the answerphone to peak times only during the working day as well as evenings and weekends.

All calls to our Helpline are routed via an automatic call distribution system. The system provides statistical information, to enable Helpline management to measure performance against Charter Standards and to tune the service.

We have recently re-assessed the levels and flow of calls presented to the Helpline, and the staffing required to answer the calls. As a result we are now in the process of recruiting further advisors—part-timers who will help cover the daily peaks. We have also had a technical review of the service performed by the Department's telecommunications experts. Several recommendations have already been implemented and we are considering whether when and how to implement others.

We do regularly review the Helpline service, and as I have described, are making further changes to seek to improve it.

I hope you find my reply helpful.

Benefits (Disabled People)

Mr. Llwyd: To ask the Secretary of State for Social Security how many people in each Welsh constituency are currently in receipt of *(a)* disability allowance, *(b)* incapacity benefit, *(c)* attendance allowance, *(d)* invalid care allowance and *(e)* severe disablement allowance; and if he will make a statement. [27012]

Mr. Burt: The administration of benefits is a matter for Peter Mathison, the chief executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mr. Elfyn Llwyd, dated 1 May 1996:

The Secretary of State for Social Security has asked me to reply to your Parliamentary Question asking how many people in each Welsh constituency are currently in receipt of *(a)* Disability Allowance *(b)* Incapacity Benefit (IB) *(c)* Attendance Allowance (AA) *(d)* Invalid Care Allowance (ICA) and *(e)* Severe Disablement Allowance (SDA); and if he will make a statement.

The information is not available in the format requested. Statistics are not kept which are specific to Parliamentary Constituencies, but are kept for Benefit Agency (BA) Districts. The attached annex gives details for Disability Living Allowance (DLA), Disability Working Allowance (DWA), IB, AA and SDA for the BA Districts in Wales. Information for ICA could be obtained only at disproportionate cost.

I hope you find this reply helpful.

	DLA[1]	*DWA*	*IB*[2]	*AA*[1]	*SDA*
Cardiff and Vale District	15,100	58	17,300	9,800	3,185
Eastern Valleys District	21,400	78	34,706	9,400	3,222
Gwent Borders District	14,000	56	18,052	6,500	2,090
Gwyneddigion Maldwyn District	10,100	94	14,570	7,400	2,453
Mid Glamorgan District	21,700	82	32,358	11,000	3,294
Swansea Bay District	21,300	92	32,844	13,700	3,462
West Wales District	14,700	97	20,461	9,300	2,516
Wrexham and North Wales Coast District	19,600	107	23,731	13,000	4,108

These Figures are Provisional and subject to change. Figures for DLA/DWA are as at 29 February 1996.
Figures for IB, AA, and SDA are as at 31 March 1996.
[1] Figures based on source 5 per cent. data (Analytical Services Division), DLA includes both mobility and care components.
[2] Includes IB short term (lower), IB short term (higher) and IB long term.

Incomes

Mr. Steinberg: To ask the Secretary of State for Social Security (1) what percentage of the United Kingdom population lives on less than 50 per cent. of the national average income; [27382]

(2) what percentage of the United Kingdom population lives on below national average income. [27381]

Mr. Andrew Mitchell: Statistics on patterns of household disposable income, for the United Kingdom as a whole, are provided in "Households Below Average Income 1979 to 1992–93", a copy of which is in the Library. The latest edition, published in June 1995 with minor revisions in October 1995, shows that, in 1992–93, 63 per cent. of the population had incomes below the national mean average, before housing costs and 62 per cent. had incomes below the mean, after housing costs. The proportion of the population below 50 per cent. of the mean was 20 per cent. before housing costs and 25 per cent. after housing costs.

Children (Poverty)

Mr. Steinberg: To ask the Secretary of State for Social Security how many children in the United Kingdom are classed as living in poverty. [27387]

Mr. Andrew Mitchell: There is no simple meaningful way to define or measure poverty. Statistics on patterns of household disposable income for the United Kingdom are provided in "Households Below Average Income 1979 to 1992–93", published in June 1995 with minor revisions in October 1995, a copy of which is in the Library. However, income is not always an accurate guide to living standards, especially among households in the lowest income deciles.

Child Support Agency

Ms Lynne: To ask the Secretary of State for Social Security what tendering exercises he plans to initiate in the next three years in relation to the Child Support Agency computer system. [26818]

Mr. Andrew Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

Letter from Miss Ann Chant to Ms Liz Lynne, dated 1 May 1996:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about the Child Support Agency Computer System.

The Agency is currently reviewing the information systems it uses. This includes an assessment of the potential impacts of the Departmental Change Programme. Once the whole review process has been concluded and the findings assessed, the Agency will be in a position to make decisions with regard to tendering exercises.

I hope this is helpful.

Ms Lynne: To ask the Secretary of State for Social Security what changes are to be made to the Child Support Agency computer system in the next three years. [26856]

Mr. Mitchell: The administration of the Child Support Agency is a matter for the chief executive Miss Ann Chant. She will write to the hon. Member.

Letter from Miss Ann Chant to Ms Liz Lynne, dated 1 May 1996:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about the Child Support Agency Computer System.

Current plans anticipate significant releases to make changes to the Child Support Computer System.

The first will include the facility for automatic calculation of more of the maintenance assessment to speed up the assessment calculation process and assist in improving accuracy. Another will enable the maintenance assessment to be revised to reflect a Departure from the formula. In addition a planned enhancement to our accounting system will improve accuracy and provide our clients with more information about their maintenance accounts. These changes are scheduled to be introduced between now and April 1997.

Plans for changes beyond that are not yet complete.

I hope this is helpful.

Income Support

Ms Lynne: To ask the Secretary of State for Social Security if he will list for each month since 1994 the number of former income support recipients who no longer receive income support as a result of the maintenance assessment made by the Child Support Agency exceeding the amount of income support in payment. [26784]

Mr. Andrew Mitchell: The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to hon. Member.

Letter from Miss Ann Chant to Ms Liz Lynne, dated 1 May 1996:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency maintenance assessments.

The table attached shows the monthly breakdown since April 1994 of the volume of former Income Support recipients who no longer receive Income Support as a result of the maintenance assessment made by the Agency exceeding the amount of Income Support in payment.

I hope this is helpful.

Income Support Claims Ceasing as a Result of Maintenance Assessments

Period	*Number of Cessations*
1994	
April	288
May	111
June	666
July	533
August	347
September	423
October	263
November	823
December	406
1995	
January	458
February	539
March	360
April	248
May	196
June	161
July	194
August	172
September	171
October	195
November	204
December	126
1996	
January	163
February	140
March	116
Total	7,303

Benefit Fraud

Mr. Frank Field: To ask the Secretary of State for Social Security what has been the counter-fraud target for benefit savings each year since 1992; and what have been the outcome data for each of these years. [27659]

Mr. Heald: The information is in the table.

£ million

	Fraud savings target	*Fraud savings achieved*
1991–92	383	446.6
1992–93	460	558.1
1993–94	557	654
1994–95	632.5	717.6
1995–96[1]	1,000	1,048

[1] (to 29 February 1996)

The information provided in relation to fraud savings in 1991–92 corrects that given by my predecessor, my hon. Friend the Member for Wanstead and Woodford (Mr. Arbuthnot), in a written answer to the hon. Member for Stockton, North (Mr. Cook) on 18 May 1995, *Official Report*, column *329*.

AGRICULTURE, FISHERIES AND FOOD

Serco Ltd.

Mr. Redmond: To ask the Minister of Agriculture, Fisheries and Food what contracts his Department and his agencies have with Serco Ltd.; what is the current cost; when each contract ends; what are the penalties involved should he seek early termination of the contract; and if he will make a statement. [26647]

Mr. Boswell: Centrally held records show that neither the Ministry nor any of its agencies hold contracts with Serco Ltd. However, between March 1994 and March 1996 the Ministry spent £24,801 with Serco on the supply of miscellaneous industrial goods. Consequently, there are no contract end dates or potential penalty fees. Fees for early discharge of contractual arrangements are a matter for negotiation between the Ministry and its suppliers.

Bovine Spongiform Encephalopathy

Mr. Alfred Morris: To ask the Minister of Agriculture, Fisheries and Food what representations he has had in relation to BSE from the British Veterinary Association; what reply he is sending; what action he is taking; and if he will make a statement. [27141]

Mrs. Browning: Ministers and officials have had a number of contacts with the British Veterinary Association including a meeting chaired by my hon. Friend the Minister of State with the association and the Royal College of Veterinary Surgeons on 25 April. That was a useful meeting and we have taken into account the points made to him by the association.

Mr. McNamara: To ask the Minister of Agriculture, Fisheries and Food if he will now develop the Narang test for same-day testing of bovine spongiform encephalopathy in the urine of living cattle and make it compulsory. [23453]

Mrs. Browning *[holding answer 28 March 1996]:* I refer the hon. Member to the answer that I gave to the hon. Members for Wakefield (Mr. Hinchliffe) and for Pembroke (Mr. Ainger) on 26 April 1996, *Official Report*, column *325*.

Mr. Byers: To ask the Minister of Agriculture, Fisheries and Food if he will commission research into the possibility of detecting BSE in cattle before they are slaughtered. [25894]

Mrs. Browning *[holding answer 23 April 1996]:* A considerable amount of research into developing a test to detect BSE in cattle before they are slaughtered is already under way. A list of the research was provided in my answer to the hon. Members for Edinburgh, East (Mr. Strang) and for Angus, East (Mr. Welsh) on 1 May 1996.

Slaughterhouse Waste

Mrs. Helen Jackson: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his oral statement of 20 March, *Official Report*, columns 387–96, what research he *(a)* has commissioned and *(b)* plans to commission into the effects on the water supply of the disposal of (i) offal and (ii) other waste from slaughtered cattle on agricultural land. [23004]

Mrs. Browning *[holding answer 26 March 1996]:* I refer the hon. Lady to the answer given to her on 16 April, *Official Report*, column *466*.

Food Hygiene

Mr. David Nicholson: To ask the Minister of Agriculture, Fisheries and Food how many regulations involving food hygiene requirements and affecting *(a)* shops, *(b)* hotels and restaurants and *(c)* guest houses have been (i) repealed and (ii) simplified under the Government's deregulation initiative; and if he will make a statement on the efforts made to relax the regulatory regime on smaller-scale establishments. [26909]

Mr. Horam: I have been asked to reply.

Most shops, hotels and restaurants and guest houses whose commercial activities include the preparation and sale of food are covered by the Food Safety (General Food Hygiene) Regulations 1995 SI 1763 and the Food Safety (Temperature Control) Regulations 1995 SI 2200. These two sets of regulations, which came into force in Great Britain on 15 September 1995, simplified and replaced 12 sets of hygiene regulations. These measures form part of the Government's comprehensive food law deregulation plan aimed at reducing the regulatory burdens on businesses at the same time as maintaining safeguards for consumers. Copies of the plan are available in the Library.

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PARLIAMENTARY DEBATES

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